

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**District of Columbia Public Schools (DCPS)**



Public Hearing

On

**Bill 24-989, “Educator Background Check Streamlining Amendment Act of 2022”**

Testimony of

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Before the

Committee of the Whole

Council of the District of Columbia

The Honorable Phil Mendelson, Chairman

November 2, 2022

12:00 PM

Via Zoom Teleconference

Good afternoon, Chairman Mendelson, members of the Council, and staff. I am Sharon Gaskins, Resource Strategy Officer at DC Public Schools (DCPS), and I am honored to testify before you on the topic of educator background checks for DC Public Schools.

DCPS appreciates and supports the intent of B24-989, which we believe will greatly enhance our efforts to hire talented staff across the system while continuing to implement important safeguards that keep our students safe.

We also would like to take this opportunity to suggest further refinement of the bill and address implementation challenges related to the addition of the Child Protection Register (CPR) check in the School Safety Omnibus Amendment Act of 2018 (SSOAA) (D.C. Law 22-294, D.C. Code §§ 38-951.01 *et seq.*).

### **Pre-Existing DCPS Background Check Procedures**

Prior to the SSOAA, DCPS had already implemented a comprehensive background check process required by statute (in the Criminal Background Checks for Protection of Children Act of 2004, or CBC) that captures any criminal act, including instances of abuse or neglect for which there was an arrest or conviction.

Further, the CBC Act has a seven-step process required for the evaluation of background checks that DCPS follows, except for cases of sexual offenses involving a minor and sexual felony offenses, for which applicants are immediately deemed unfit for service in our schools. For all other acts, DCPS considers seven factors to determine whether an individual poses a present danger to children or youth and therefore may not serve as an employee or unsupervised volunteer. The factors that are considered include:

- The duties/responsibilities of the job position;
- Whether the criminal offense for which the individual was convicted will affect their fitness/ability to perform their job duties;
- How much time has elapsed since the criminal offense occurred;
- The age of the individual when the criminal offense occurred;
- How frequent/serious the criminal offense was;
- Information about the individual's rehabilitation/conduct since the criminal offense occurred; and
- The benefits for ex-offenders to obtain employment.

Our investigations unit conducts these reviews with an evaluation rubric aligned with the Act in consultation with our Office of General Counsel. This required process ensures the integrity of our hiring practices in accordance with DC Code and ensures that individuals are not cleared for employment with DCPS if they may pose a present danger to children.

### **Current DCPS Background Check Procedures**

Our current background check process includes several elements, each with its own turnaround timeline. These timelines are dependent on the actions of the individual applicants, in terms of completing steps and correcting errors as needed in a timely manner

These steps include:

- Criminal Background Check (Fingerprints) – 2 days (no criminal record) to 60 days (criminal record)
- National Sex Offender Registry (SOR) – 2 days to 5 days
- DC Child Protection Register (CPR) – 14 days
- TB Screening – variable, dependent upon candidate self-reported results
- Mandatory Drug and Alcohol Testing (MDAT) – 5 days (negative specimen) to 14 days (positive specimen)

When executed quickly and smoothly, the process has traditionally taken a candidate approximately three weeks to complete. To further expedite the process, DCPS has made data system improvements and assessed its suitability matrix to allow for tiering of applicants based on their role in the school. However, we have experienced delays due to the volume of checks needing to be processed by CFSA and the time-intensive nature of conducting the CPR check.

### **Challenges with Implementation of CPR Checks**

After the SSOAA was enacted, DCPS reviewed guidance provided by the Office of the State Superintendent of Education (OSSE) and worked diligently to partner with CFSA to implement the CPR requirements of the Act. However, implementing these requirements has caused challenges which we anticipated when the Act was first proposed.

While the addition of the CPR check for employment suitability purposes in a school setting was well-intended, its utility is limited to determine fitness for duty. We know that the majority of substantiated CPR reports — i.e., those that do not involve an MPD investigation — are for reasons of neglect such as inadequate supervision or educational neglect. These reports do not rise to the level of a criminal charge. Further, any information that would be relevant to determine fitness for duty is received through previously established background check processes as established by the CBC Act that I referenced earlier.

To implement CPR checks, CFSA conducts checks of the District of Columbia's local database. It is important to note that each CPR check requires a manual search through CFSA's investigation history. While CFSA has created a unit dedicated to processing DCPS applications and has been a very strong partner in this work, the volume of checks required is overwhelming.

To help strengthen the capacity of CFSA, DCPS provided funding to the agency so it could add staff during the height of the hiring season. We also made several system improvements, including eliminating a third-party vendor to streamline the process, launching a QuickBase application to make the process more user-friendly for applicants and automated for staff, and connecting the QuickBase database between DCPS and CFSA to facilitate information transfer. However, the complexity and individualized nature of the checks limits efficiencies which can be achieved through automation and standardization. Thus, implementation remains a challenge to continuity of operations for DCPS. In essence, we are hamstrung by a processing requirement that does not increase student safety.

### **Conclusion**

In conclusion, DCPS is proud of the process improvements it has made and is grateful to the Council for introducing a bill that will remove some of the legislative hurdles to further streamlining the clearance process without compromising student safety. To strengthen the bill, and the process, DCPS recommends removing the CPR check. This will ensure that the CPR check is used for its intended purpose and not employment suitability for staff, contractors, and volunteers in school settings, and will reduce redundancies with the criminal background check, which will capture any report of abuse or neglect for which there is an arrest or conviction. The removal of the CPR check will also have the beneficial result of greatly expediting the clearance check process.

Thank you for the opportunity to speak before you today. I am happy to answer any questions you may have at this time.