

# ASD INTERNAL AUDIT REPORT

2020-01

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Criminal Background Checks

Anchorage School District

January 30, 2020

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# Municipality of Anchorage

Ethan Berkowitz, Mayor

Internal Audit Department

January 30, 2020

Anchorage School District Superintendent and Members of the School Board:

I am pleased to present for your review **ASD Internal Audit Report 2020-01; Criminal Background Checks; Anchorage School District**. A brief summary of the report is presented below.

We have completed an audit of Criminal Background Checks at the Anchorage School District. The objective of this audit was to determine the adequacy of internal controls over criminal background checks. To achieve our objective, we interviewed staff and reviewed current policies and procedures. In addition, we selected a stratified random sample of 1,601 current employees, which included temporary and substitute employees, to determine if adequate criminal background checks were performed by examining information found in the Anchorage School District's system of record (Business Plus), such as employee start date, Interested Persons Report date, as well as the Federal Bureau of Investigation fingerprinting result date. Furthermore, we searched CourtView, the State of Alaska's Court System public record database, for criminal activity in Alaska.

Based on our review, we found that criminal background checks can be improved. Specifically, the Anchorage School District does not require fingerprinting, and by extension a nationwide criminal records search, for all Anchorage School District employees when they are hired. In addition, the Anchorage School District does not require periodic criminal background checks of its employees throughout their employment with the Anchorage School District. Moreover, the Anchorage School District has no self-reporting policy requiring Anchorage School District employees to notify them of any arrests, charges, and/or convictions that occur after being hired. Finally, some coaches, assistant coaches, and associated volunteers were not sufficiently monitored to confirm that the Interested Persons Report was submitted to help ensure the safety of the children these employees and volunteers work with.

There were four findings in connection with this audit. Management was responsive to the findings and recommendations.

Michael Chadwick, CIA, CICA  
Director, Internal Audit





# Municipality of Anchorage

Ethan Berkowitz, Mayor

Internal Audit Department

January 30, 2020

## **ASD Internal Audit Report 2020-01 Criminal Background Checks Anchorage School District**

**Introduction.** The Anchorage School District (District) employs more than 8,950 full-time, part-time and substitute employees to educate and support over 46,000 students. Employee groups include certificated employees, those who require certification, such as teachers and principals, temporary employees, and classified employees, such as clerical staff, custodial staff, and teacher assistants. Anchorage School Board Policy 4119.21 states “The School Board expects district employees to maintain the highest ethical standards . . .” and that “Employee conduct should enhance the integrity of the district and the goals of the educational program.” In an effort to adhere to this policy and provide a safe learning environment for students, the District requires a statewide criminal background check for all employees and a nationwide criminal background check for some employees.

Before beginning work, all prospective employees obtain their criminal history report, known as an Interested Persons Report, from the State of Alaska, Department of Public Safety and submit it to the District’s Talent Management Department for review. This report shows criminal activity that occurred in Alaska. Other employees, such as clerical staff and food service workers, also have their fingerprints scanned and submitted to the Federal Bureau of Investigation (FBI) to obtain information regarding criminal activity nationwide. If there is prohibited criminal activity history, the employment offer may be rescinded, or employment may be terminated, if the results are returned after the employee starts working. Anchorage School District Memorandum #324, effective August 1, 1999, recommended “. . . that all newly hired employees be required to be fingerprinted and undergo a nationwide criminal records search with the exception of certain select positions.” The memo excludes some employees, such as teachers, principals and bus drivers, from fingerprinting since it is a requirement for their certification or licensing. Also excluded from fingerprinting are temporary and substitute positions, such

as noon duty attendants, sub-clerical employees, temporary migrant education tutors/recruiters, and crossing guards.

**Objective and Scope.** The objective of this audit was to determine the adequacy of internal controls over criminal background checks. To achieve our objective, we interviewed staff and reviewed current policies and procedures. In addition, we selected a stratified random sample of 1,601 current employees, which included temporary and substitute employees, to determine if adequate criminal background checks were performed. We also examined information found in the District's system of record (Business Plus), such as employee start date, Interested Persons Report date, as well as the FBI fingerprinting result date. Furthermore, we searched CourtView, the State of Alaska's Court System public record database, for criminal activity in Alaska.<sup>1</sup>

We conducted this performance audit in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The audit was performed during the period of May through August 2019. The audit was requested by the Anchorage School Board Finance Committee.

**Overall Evaluation.** Criminal background checks can be improved. Specifically, the District does not require fingerprinting, and by extension a nationwide criminal records search, for all District employees when they are hired. In addition, the District does not require periodic criminal background checks of its employees throughout their employment with the District. Moreover, the District has no self-reporting policy requiring District employees to notify them of any arrests, charges, and/or convictions that occur after being hired. Finally, some coaches, assistant coaches, and associated volunteers were not

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<sup>1</sup>This audit did not include parents, grandparents, or guardians who volunteer their time at schools attended by their children, grandchildren, or wards since the District excludes them from criminal background checks.



sufficiently monitored to confirm that the Interested Persons Report was submitted to help ensure the safety of the children these employees and volunteers work with.

## FINDINGS AND RECOMMENDATIONS

### 1. Not All Employees Fingerprinted When Hired.

- a. **Finding.** The District does not require fingerprinting, and by extension a nationwide criminal records search, for all District employees when they are hired. Specifically, Anchorage School District Memorandum #324 states that, effective August 1, 1999, employees hired in various temporary and sub-clerical positions are not required to be fingerprinted. These positions include temporary school attendants, noon duty attendants, crossing guards, temporary community school coordinator assistants, temporary migrant education tutors/recruiters, temporary child in transition tutors, substitute clerical employees, and on-call temporary laborers. However, some of these employee groups, such as noon duty attendants, may work as closely with students as employees who are required to submit fingerprints. Alaska Statutes require fingerprint-based criminal background checks for some certified/licensed positions, such as teachers, school bus drivers, and social service workers, but not for the positions mentioned in this finding. We found that other school districts require all employees to submit fingerprints. For example:

- *Matanuska-Susitna Borough School District (MSBSD), Alaska* – Administrative Regulation 4012, *Criminal Background Check – All Personnel*, states that “All individuals hired by the district will undergo a fingerprint investigation.” If fingerprinting is performed by MSBSD, then the fee is \$70. Other vendors also provide fingerprinting services for a higher fee. The applicant seeking employment pays the fee.

- *Portland Public Schools (PPS), Oregon* – An Administrative Directive from PPS to all employees and contractors not requiring licensure or registration states that “All employees shall be required to undergo fingerprint-based criminal history verification at the time of employment.” According to PPS Security Services Staff, “Employees are responsible for the \$94.50 fee, however, there are occasions when the district picks up this cost. There is no policy or formula that dictates when this occurs.” In Oregon, all school district “. . . employees and contractors are subject by law to fingerprinting and criminal record checks.”
  - *Orange County Public Schools (OCPS), Florida* – The Employment Services Hiring Statement specifies that “All candidates for employment with OCPS will be fingerprinted and a criminal history check completed. In Florida, the entire arrest record is revealed to school districts, including sealed and/or expunged records and military court proceedings. Applicants must disclose this information even if told differently by a lawyer, judge, or other law enforcement individual.” According to an OCPS Human Resources representative, employees are responsible for the \$57.25 fee. However, the Food and Nutrition Services Department and the Transportation Services Department have chosen to include this expense in their budgets.
- b. **Recommendation.** The District Superintendent should consider revising District Memorandum #324 to require fingerprinting for all employees prior to beginning employment with the District, to allow for a nationwide criminal records search.
- c. **Management Comments.** Management concurred and stated, “As noted in this report, all District employees, whether permanent or temporary, are subjected to a criminal background check through the State of Alaska’s Department of Public Safety. All employees are also required to disclose any criminal charges or convictions in their job application, and failure to accurately report criminal history will likely result in an applicant being ineligible for employment with the District. All regular fulltime



employees and substitute teachers are required to submit their fingerprints to the FBI for a nationwide criminal background check as a part of their application for employment. Only a small percentage of the people working for the District on any given day are not required to submit fingerprints, limited to temporary and some substitute workers, all of whom are closely supervised by fulltime District employees. These workers are also the District's lowest paid workers, work the least amount of hours, and only for short periods of time. As a result, the District is often unable to fill these types of positions that, although temporary by definition, are important nonetheless. District officials are reviewing this recommendation to assess its impact on the District's ability to meet its staffing needs. Because of the relative expense of a \$75 fingerprint card to the District's lowest wage workers, the District may be required to pay those costs to successfully recruit for these types of temporary positions."

- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

2. **Periodic Criminal Background Checks Not Required.**

- a. **Finding.** The District does not require periodic criminal background checks of its employees throughout their employment with the District. Our review of 1,601 currently active employees revealed that some employees had prohibited criminal offenses after being hired. These offenses included assault (custodial employee), vehicle theft (noon duty employee), domestic violence (clerical substitute employee), soliciting prostitution (maintenance employee) and possession of child pornography (substitute teacher employee).<sup>2</sup> As a result, students may have been unknowingly placed in vulnerable circumstances.

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<sup>2</sup>In July 2019, the Office of Internal Audit provided District management a memorandum with examples of employees with questionable criminal activities.

It appears that the District partially relied on criminal background checks performed by the State of Alaska when renewing certifications for positions, such as teachers and principals. However, these certifications can be renewed without having criminal background checks performed by showing that they are current District employees. In addition, District staff indicated that, based on a Memorandum of Agreement for the School Resource Officer program, they rely on Anchorage Police Department (APD) to notify the District of staff arrests and charges. However, there appeared to be some misunderstanding in interpreting the agreement. Specifically, the agreement only states that if a School Resource Officer arrests a District employee on school grounds or related to their employment, the District will be notified. Anchorage Police Department staff confirmed that it was not their current practice to notify the District of all staff arrests and charges that occur outside of the school grounds or not related to their employment. Only in instances where information is needed for a case or if there is potential risk, such as additional victims, would APD contact the District.

We found that periodic criminal background checks are not uncommon in other jurisdictions. For example, the State of Alaska Division of Motor Vehicles performs criminal background checks on school bus drivers when renewing their commercial driver's license. Moreover, in 2018, Chicago Public Schools redid criminal background checks for school employees and announced “. . . that 266 employees will not be returning on the first day of school because something in their background was flagged in a new round of districtwide checks.” In addition, when the Colorado Bureau of Investigation receives additional information on someone who had a fingerprint check, school districts must cross-check its employee list with the update and take action, if necessary.

We understand that there may be a financial cost to the District or District employees for periodic criminal background checks. However, these costs help ensure a safe learning environment for children and may help the District avoid potential negative



consequences resulting from the continued employment of District employees with criminal histories.

- b. **Recommendation.** The Chief Human Resources Officer should consider performing periodic criminal background checks after employees are hired to help ensure student safety.
- c. **Management Comments.** Management concurred and stated, “At the urging of the Superintendent, this year the District began reviewing available resources to implement a program for periodic criminal background checks. Although the District has learned through its research that current Alaska law prevents the District from utilizing the FBI’s “Rap Back” service, the only known service that performs periodic criminal background checks using fingerprints to gather nationwide data, it is committed to developing an effective program for performing periodic criminal background checks for all personnel. The District is exploring its options on how to effect the needed changes in Alaska law to allow Alaska’s school districts to utilize these types of resources for conducting periodic criminal background checks.”
- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

3. **Lack of Self-Reporting Policy.**

- a. **Finding.** The District has no self-reporting policy requiring District employees to notify them of any arrests, charges, and/or convictions that occur after being hired. As mentioned in Finding 2, we found some employees had been charged and/or convicted of serious crimes such as assault, theft, and possession of child pornography, yet the District remained unaware of these potential risk exposures. As a result, students may have been put in harm’s way.

As a public school entrusted with caring for and educating the children in our community, it is crucial that the District provide a safe and secure learning environment. Our review of other school districts across the country revealed that many of them have adopted self-reporting policies. For example, Atlanta Public Schools, which has comparable student enrollment to the District, requires employees to notify their supervisor and Human Resources of any arrest within 24 hours or the next business day, whichever is greater. Failure to do so will lead to disciplinary action, up to and including termination of employment. In addition, OCPS also has a self-reporting policy. However, a self-reporting system reliant only on District employees informing the District when incidents occur is unlikely to succeed if the District fails to also implement a notification system pertaining to arrests/charges and/or periodic criminal background checks as recommended above.

- b. **Recommendation.** The Chief Human Resources Officer should consider implementing a policy requiring District staff to self-report arrests, charges, and convictions.
- c. **Management Comments.** Management concurred and stated, “This recommendation has been submitted to the appropriate District officials for consideration and development of an effective policy. The District plans to submit a policy proposal to the School Board for consideration during the 19/20 school year.”
- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

4. **Some Coaches, Assistants, and Associated Volunteers Not Sufficiently Monitored.**

- a. **Finding.** Some coaches, assistant coaches, and associated volunteers were not sufficiently monitored to confirm that the Interested Persons Report was submitted to help ensure the safety of the children these employees and volunteers work with. Although many coaches are District employees who have completed criminal



background checks, there are also many paid and volunteer coaches and assistants from the community, who may not have completed criminal background checks. According to District staff, each school is responsible for hiring head and assistant coaches, who in turn may recruit volunteers for school activities.

Assistant Principals at each school are responsible to collect employment paperwork from the paid coaches and assistants, such as W-4 (Employee Withholding Allowance) and I-9 (Employment Eligibility Verification) forms and an Interested Persons Report, before work begins with students. Volunteers working with sport teams are also required to submit the Interested Persons Report prior to working with students. However, this does not always happen as the coaches and volunteers may be at school after hours or at an alternate site, out of school staff sight. As a result, there is no assurance that schools have a complete list of coaches, assistants, and associated volunteers to ensure that criminal background checks are complete. The National Alliance for Youth Sports strongly encourages all youth sports organizations to perform criminal background checks on their coaches as part of the screening process and states that it is each organization's "... responsibility to identify and exclude volunteers who pose risks to young athletes."

- b. **Recommendation.** The Director of Secondary Education should remind school administrators that it is their responsibility to ensure that coaches, assistant coaches, and associated volunteers complete the necessary criminal background paperwork prior to beginning their coaching or volunteer duties. To provide consistent reviews, these criminal background checks should be approved by the District's Talent Management Department. Finally, the Director of Secondary Education should conduct periodic surprise assessments at schools to ensure that the paperwork is completed.
- c. **Management Comments.** Management stated, "The District concurs with the findings and recommendations outlined in Section 4 of the Internal Audit Report. The Director

of Secondary Education has taken the following steps in response to the report's recommendations:

- “1. Section 4 of this report was shared with Secondary principals during the Activity Assistant Principal meeting November 21, 2019, the High School Principal meeting December 3, 2019, and the Middle School Principal meeting December 3, 2019. Principals were reminded of their obligation to monitor background checks annually.
- “2. Secondary Education and Talent Management are developing a routing form outlining the step-by-step process for collecting and reviewing Interested Persons Reports (IPR) for coaches. The form requires a building administrator to sign and date when they have reviewed the IPR, directs schools to forward the IPR--with an explanatory paragraph from the individual--to Talent Management for further review anytime the IPR includes an infraction, and includes guidance for what paperwork must be retained on file at the school building. The District anticipates training school personnel on the form in the spring of 2020.
- “3. Secondary Education will conduct periodic building-level audits to ensure schools are maintaining complete coach rosters for each sport/activity along with a written record of an Interested Persons Report for all out-of-district coaches. The audit will also review whether or not the District's process was followed in reviewing the IPR and whether the appropriate documentation was retained at the school site.
- “4. The District is assessing software-based options for a centralized *volunteer management system*. Many vendors have the capacity to run volunteer names against a variety of criminal databases. In the future, a software-based system may replace the District's current process of collecting and reviewing Interested



Persons Reports. These conversations are in early stages and remain funding dependent.”

- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

**Discussion With Responsible Officials.** The results of this audit were discussed with appropriate District officials on October 31, 2019.

Audit Staff:  
Dawn Brown