

Question: Which states require a background checks for charter school teachers and who pays for the background check?

Our Response: While we're not able to provide a 50-state snapshot of what states require in terms of background checks for charter school teachers, we are able to look at a number of data sources that will allow for the identification of trends on the issue. Each approach yielded information on some states that require background checks, but none of the approaches could be considered decisively all-inclusive.

[According to the Government Accountability Office](#) (GAO), nearly every state has a requirement for background checks for teachers to be completed either when the teacher applies for certification or at the time of employment. In most cases, when a background check is required for certification, the individual seeking certification pays, though this might not be the case universally. On the other hand, when the background check is required for employment, the local district or charter school usually pays the fee, though again, this might not be the case in every state, district or charter school.

My first approach to the question was to compare the list of states that require a background check for initial teacher certification, as [reported](#) by the U.S. Department of Education, to the list of states that require charter school teachers to be certified, as identified in our [50-state comparison of charter school policies](#). This comparison revealed that 19 states require all charter school teachers to be certified,¹ and of those, 15 require background checks for certification and four do not (**Massachusetts, Michigan, New Jersey and Rhode Island**). That's not to say that background checks never occur in those four states—districts or schools may require them at the time of employment—but it seems clear that in 15 states that require charter school teachers to be certified, all charter school teachers are subject to background checks, and in four states charter school teachers may or may not be required to undergo a background check.

Next I approached the question from the standpoint of state charter school laws. Again using our 50-state comparison of charter school policies, I searched our [data](#) on which policies may be waived for charter schools, looking for states whose charter school law specifically addresses background checks. I found that while most states' waiver laws do not directly address this issue, at least seven do—**Delaware, Idaho, Illinois, Indiana, Maine, North Carolina and Texas**—ensuring that background checks are run on all charter school teachers by specifically excluding background check requirements from the list of regulations that

Additional Resources

- ✓ [50-State Comparison: Charter School Policies](#)
- ✓ [State Legislation: Background Checks](#)
- ✓ [State Legislation: Charter Schools](#)

can be waived for charter schools. Again, this doesn't imply that schools in other states don't run background checks, it is merely an indication that some states chose to specifically require it.

My final approach was to search our [state policy database](#) for enacted policies related to background checks for charter school teachers. This turned up the following:

- **Connecticut** [S.B. 1096](#) (2015)—Mandates that various individuals who manage and work in charter schools undergo background checks.
- **Hawaii** [S.B. 831](#) (2015) and [S.B. 244](#) (2013)—Directs charter school authorizers (rather than the Public Charter School Commission) to require charter schools to obtain a criminal history of charter school employees and applicants.
- **Arkansas** [S.B. 457](#) (2012)—Requires staff from open enrollment charter schools to submit information for a background check.
- **Missouri** [S.B. 576](#) (2012)—Requires charter schools to conduct a background check on educational personnel.
- **Utah** [H.B. 81](#) (2010)—Directs districts and charter schools to require employees to periodically submit to a criminal background check in accordance with state board or local board/charter school policies. Provides that a district, charter school or private school may require an applicant or employee to pay for the costs of a periodic criminal background check. Allows the state board of education to require an educator to submit to a criminal background check where reasonable cause exists.
- **Illinois** [S.B. 1977](#) (2009)— Requires charter schools to run criminal history records checks and checks of the Statewide Child Murderer and Violent Offender Against Youth Database of applicants for employment.

¹ Alaska, California, Florida, Hawaii, Idaho, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, Ohio, Rhode Island, Tennessee, Utah, Wisconsin, Wyoming