

Background Check Guidance to Add a New Member to the Board of Trustees of an Existing Charter School Authorized by the Board of Regents

Pursuant to the charter agreement and current authorizer practice, the Department’s consent is required before a prospective candidate may serve on or be seated to a charter school’s board of trustees. Prior to a request to the Department for approval, all charter schools are required to comply with the new requirements posted at <http://www.p12.nysed.gov/psc/regentsoversightplan/policy/addbotmember.html>. *Additionally, charter schools must conduct and provide for the cost of a background check via fingerprint scan for any prospective candidate to its board of trustees.*

If, at any time, the information provided for a prospective candidate to a board of trustees contains material misstatements or material omissions of fact, this shall constitute misconduct. Providing false, misleading, and/or incomplete information may lead to a withdrawal of the Department’s approval of a prospective candidate, nullifying that candidate’s appointment to the board of trustees. Each member of the board of trustees must immediately disclose the discovery of any misstatements or material omissions of fact related to the prospective candidate.

Background Check via Fingerprint Scan

The preferred background search provider is the New York State Division of Criminal Justice Services (DCJS) Personal Criminal History Record Review Program. Pursuant to 9 New York Code of Rules and Regulations Part 6050.1, the New York State Division of Criminal Justice Services allows an individual or his/her attorney to obtain either a copy of all criminal history information maintained on file at DCJS pertaining to him or her, or a response indicating that there is no criminal history information on file. Effective Nov. 26, 2014, an individual may choose between of two types of Personal Record Review Responses—Unsuppressed or Suppressed as described in detail on the DCJS web page at <http://www.criminaljustice.ny.gov/ojis/recordreview.htm>:

Existing Boards of Trustees shall require that a prospective candidate request their own ***Personal Record Review – Unsuppressed Record***. The prospective candidate may share information from their personal record review as necessary for the Board of Trustees to prepare the required Confirmation of Background Check and Clearance to Serve to the Department.

To Request a Public Record Review While Living in New York State:

1. Contact MorphoTrust USA - a vendor under a state contract - by calling 1-877-472-6915 (toll free number) or by visiting their website at www.Identogo.com to schedule an appointment for fingerprinting.
2. In scheduling an appointment on-line or by calling MorphoTrust USA at the above toll free number, please note:
 - a. The Record Review ORI Number -NYDCJSPRY –must be listed.
 - b. You must request the record response type of “Personal Record Review – Unsuppressed”.
 - c. You may request that your response be sent to your attorney rather than yourself.
3. When you arrive for your fingerprinting appointment, you must:
 - a. Provide two forms of identification (information on acceptable forms are available on the MorphoTrust USA website or from the MorphoTrust USA Call Center); AND

- b. Pay the fee for fingerprinting services - \$59.95 using a personal or business check, certified check, bank check, money order, cash, or credit card made out to "MorphoTrust USA".
4. The prospective candidate or attorney upon completion of your MorphoTrust USA fingerprinting appointment may verify that his/her fingerprint transaction has been submitted to DCJS by calling MorphoTrust USA at 1-877-472-6915 (toll free number).
5. DCJS will mail your response to via U.S. mail seven to ten business days after receipt of the fingerprints. Responses cannot be picked up at DCJS. The response may include criminal, civil or no record information. A form explaining how to challenge any reported information will also be included with the response. This link provides you with guidelines to expedite your request to challenge your record.

To Request a Record Review While Living Outside New York State and/or to request a Record Review Fee Waiver, go to DCJS at <http://www.criminaljustice.ny.gov/ojis/recordreview.htm>.

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