

Education Standards and Practices Board

2018

.... to provide the Education Standards and Practices Board and all authorized personnel with a basic understanding of their responsibilities to protect and safeguard confidential information...

Policy and Procedures for CHRI

Education Standards and Practices Board (ESPB)

Policy and Procedures for CHRI (Criminal History Record Information).

N.D.C.C. § 15.1-13-14. Criminal history record checks.

Provides for the ESPB to require criminal history record checks on new applicants and current licensees for the purpose of re-entry licensure.

N.D.C.C. § 15.1-13-20. Applicants licensed in other states.

Provides for the ESPB to require criminal history record checks on applicants who hold a regular teaching license or certificate from another state.

Purpose: This policy is intended to provide the Education Standards and Practices Board and all authorized personnel with a basic understanding of their responsibilities to protect and safeguard the confidential information to which they have access as a result of their board positions.

Access: Amy Folkestad, acting as the NAC (Noncriminal Agency Contact), the assistant attorney general assigned to this board, ESPB staff, and ten board members are authorized to receive, evaluate, and discuss in executive session any questionable CHRI results as relating to the application for teacher. Only those authorized have access to CHRI. Those authorized are on an Authorized Personnel List filed at the NDBCI (North Dakota Bureau of Criminal Investigation) *Appendix A* which will be kept current with any changes in authorized personnel.

Use: **12-60-24 Criminal history record checks** explains the purpose, in this case, to deem suitability or fitness to be granted a North Dakota teaching license.

Use is restricted to the specific purpose of licensing.

Handling: When the application for an initial teaching license or re-entry license is received in the ESPB office, the NAC ensures the application has been authenticated via the Fingerprint Verification Form. Two finger print cards marked with the N.D.C.C. authority and purpose in a sealed envelope from the Fingerprint Technician will be sent by the applicant to the ESPB office, along with the completed BCI Criminal History Record Check Request form and ESPB Fingerprint Verification Form, and appropriate fees as noted on the ESPB Fingerprinting Instructions. *Appendix B* When these documents are returned to the ESPB office, the NAC will ensure all information is filled out properly and the fee is attached. The NAC will then send the fingerprint cards and forms to NDBCI via USPS.

When the results of the criminal history check are received from NDBCI in the ESPB office, (**12-60-24(2)**) the NAC or ESPB staff will review for any information or concerns that should be addressed. If none, the results will be logged in the application as "clear" and placed in a file in a locked drawer. The ESPB office has a shredder to destroy documents after three years.

CHRI results of concern will be hand delivered to a designated board member, who can bring any questions or concerns to the assistant attorney general serving as general counsel to the ESPB.

If the designated board member and/or assistant attorney general deem necessary, the results will be discussed in an executive session at the next full board meeting. If either one requests a board discussion, an agenda item is set for an executive session. If the board members need copies, they will be mailed through the USPS, however, it should be determined if the designated board member or the assistant attorney general can lead a discussion without copies being distributed.

CHRI is not public record and will not be released to any unauthorized persons.

Once the concerns/issues have been resolved, the criminal history check results, as well as any other documentation generated through the review and final determination, will be placed in a locked drawer for disposal at a later time.

Prevention of Unauthorized Disclosure: The NAC will have all documents in the ESPB office locked in a drawer at all times. CHRI will never be left unattended when not in the locked drawer. Any documents that need to be sent to another authorized person will be sent via USPS or hand delivered in an envelope marked *Confidential*.

Any Authorized Personnel that leaves the board for any reason will be removed from the Authorized Personnel List immediately, and will be unable to receive or review documents or engage in any discussions in executive session that involve CHRI. Should an authorized person violate the terms of confidentiality and unauthorized disclosure, that person will be removed from the authorized list immediately and will no longer have access to CHRI information or discussions or decision making.

Training: Authorized Personnel will have accounts on CJIS (Criminal Justice Information Services) online for the purpose of training, including the local agency admin account for the NAC. Once authorized personnel have completed the training and received the certificate, copies of the certificate will be placed in the CHRI file, as well as an Excel spreadsheet generated by the local agency admin site, and a Noncriminal Justice Agency Training Documentation Form. **Appendix C** The authorized personnel will receive notices via email when the next training is due. When an authorized person leaves the board, that account on CJIS Online will be immediately deleted.

Training will consist of the online Security Awareness Training, as well as authorized personnel becoming familiar with the policies and procedures to prevent unauthorized disclosure. Authorized personnel will engage in a conversation regarding certain points in the online training, such as social engineering, and other situations that require awareness. Authorized personnel will be given a copy of the ESPB Policies and Procedures Manual, and an Acknowledgment Statement of Misuse. **Appendix D**

Abuse or Misuse of CHRI: Examples of suspected abuse include, but are not limited to, using CHRI for any purpose other than intended and authorized, sharing CHRI with unauthorized personnel, sending a fax to an unauthorized person or sending a fax without the proper ORI on both ends. In the event shredding and/or burning materials isn't feasible, failing to sanitize any media or failure to overwrite media can be suspected misuse and result in the loss of authorization and access to records. Failure to prevent unauthorized persons from entering a secure perimeter or failure to escort persons into secure perimeters may be grounds for investigating and reporting. Safeguards will be taken against shoulder surfing.

Although this Board will not be transmitting any CHRI via email and will not be storing any CHRI by electronic means at this time, this board will be aware of technical safeguards over digital or electronic storage, use of encryption or passwords, and social engineering concerns.

Suspected misuse will be investigated and reported, and could result in an authorized person being removed from the Authorized Personnel list and any access to CHRI. Suspected unauthorized use or misuse of CHRI could result in termination of employment or prosecution. This is recorded and reported on the Security Incidence Response Form. **Appendix D**

Communication: Communication may take place between the board member designated to initially view CHRI and the assigned assistant attorney general, if needed. Full board participation will take place at a board meeting under an executive session.

The board and authorized personnel will communicate with the applicant should any further information or explanations be requested during the executive session. The NAC will verify the identity of the applicant prior to communicating in any form. Each CHRI result that requires any action will have a secondary dissemination log **Appendix E** generated showing all communication and all forms of communication between authorized personnel and between authorized personnel and the applicant.

Authenticating recipients of the disseminated information would include a call or email with the expected date and method of delivery, and a follow up call or email to ensure the material reached the intended authorized person.

The ESPB will refer to the NDBCI Noncriminal Justice Agency Guide (<https://attorneygeneral.nd.gov/public-safety/criminal-history-records/noncriminal-justice-agency-guide>) and the FBI CJIS Security Policy (<https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center/view>) for additional information and forms.

Appendices

Appendix A

Authorized Personnel List

Appendix B

Fingerprint packet

- Instructions
- Example Fingerprint card
- Criminal History Records Check Request
- Fingerprint Verification Form

Appendix C

Noncriminal Justice Agency Training Documentation Form

Appendix D

Acknowledgment Statement of Misuse
Security Incident Reporting Form

Appendix E

Communication/Secondary Dissemination Log

Appendix A

November 9, 2018

ND Bureau of Criminal Investigation
Criminal Records Audit Unit
PO Box 1054
Bismarck, ND 58502

Dear Auditor:

The following is an updated authorized personnel list for the Education Standards and Practices Board.

<u>Authorized Individual</u>	<u>Title</u>	
Carly Retterath	Board Chair	
Andrea Fox	Board Member	
Benjamin Johnson	Board Member	
Brenda Tufte	Board Member	
Dinah Goldenberg	Board Member	
Jessica Rush	Board Member	
Kimberly Belgarde	Board Member	
Mike McNeff	Board Member	
Robert Toso	Board Member	
Kathy Lentz	Board Member	
Kirsten Baesler	Ex-Officio Board Member	
Dr. Becky Pitkin	Executive Director	(Employee)
Mari Riehl	Assistant Director	(Employee)
Amy Folkestad	Licensing Specialist/ Secretary	(Employee)
Lacey Hinsz	Accounting/Data Specialist	(Employee)
Virginia Beggs	Office Communication Specialist	(Employee)
Allyson M. Hicks	Assistant Attorney General	

If you have any questions, you can reach me at 701-328-9643.

Sincerely,

Amy Folkestad
Licensure Specialist



Education Standards and Practices Board

2718 Gateway Avenue, Suite 204
Bismarck, ND 58503-0585
(701) 328-9641
(701) 328-9647 fax
<http://www.nd.gov/espb>

Fingerprinting Instructions

(April 2018)

The fingerprinting process can be conducted at a sheriff's office, a police department, by campus police, or by an agency authorized to take fingerprints. **Two** cards must be completed with a ten-finger check and should not be folded, bent, or altered in any way. **Every space on the top section of the fingerprint cards marked with an asterisk (*) must be filled in** (see attached **Example**). The fingerprinting agency may request the **ORI**, which is **ND920110Z**, and **Reason Fingerprinted**, which is **Teacher Licensure in accordance with NDCC 15.1-13-14**.

If your fingerprinting is processed and transmitted electronically in North Dakota, you will only receive one fingerprint card and a Fingerprint Acknowledgement Form from the fingerprint agent. The card must not be folded, bent, or altered in any way. **Every space on the top section of the fingerprint card marked with an asterisk (*) must be filled in** (see attached **Example**). The fingerprinting agency may request the **ORI**, which is **ND920110Z**, and **Reason Fingerprinted**, which is **Teacher Licensure in accordance with NDCC 15.1-13-14**.

You are responsible for any fees charged by the fingerprinting agent and any mailing fees.

1. Complete, sign, and date **ESPB Fingerprint Verification Form** and **BCI Criminal History Record Check Form**.
2. Obtain a **money order** in the amount of \$44.50 **made payable to ESPB**. (\$40 for ND BCI and FBI, \$4.50 ESPB processing fee)
3. Mail the following items to ESPB at 2718 Gateway Avenue, Suite 204, Bismarck ND 58503-0585:
 - In a sealed envelope from the Fingerprint Technician include: 2 fingerprint cards **OR** 1 fingerprint card and Fingerprint Acknowledgement Form (if your fingerprints are transmitted electronically by a law enforcement center in North Dakota), and;
 - ESPB Fingerprint Verification and BCI Criminal History Record Check Forms
 - A money order for \$44.50 made payable to ESPB

You will receive an email from espbnndteach@nd.gov once your background check has been completed. **Please keep the confirmation email for your records since it will be the only confirmation you will receive regarding the results of your background check.**

The BCI and FBI check may take six weeks or more for processing. Please allow sufficient time for the fingerprint check and completion of the licensure process before beginning any teaching position. **North Dakota law requires a current North Dakota teaching license for employment.**

Never go into a classroom to teach without a current North Dakota license. There is a \$50 a day fine, which you are responsible to pay, if you are employed as an educator without a license.

Fingerprinting requirement in accordance with NDCC 15.1-13-14. ESPB does not advocate, permit nor practice discrimination on the basis of sex, race, color, national origin, religion, age, or disability as required by various state and federal laws.

APPLICANT <small>* See Privacy Act Notice on Back</small>		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK		FBI		LEAVE BLANK	
FD-250 (REV. 3-1-10) 1110-0045		LAST NAME NAM		FIRST NAME		MIDDLE NAME			
SIGNATURE OF PERSON FINGERPRINTED		ALIAS: AKA		DOB		DOB		DOB	
RESIDENCE OF PERSON FINGERPRINTED		CITIZENSHIP CTZ		SEX		RACE		HGT	
DATE		YOUR NO. OCA		WGT		EYES		HAIR	
EMPLOYER AND ADDRESS		FBI NO. FBI		ARMED FORCES NO. MNU		SOCIAL SECURITY NO. SOC		MISCELLANEOUS NO. MNU	
REASON FINGERPRINTED		Teacher Licensure in accordance with NDCC 15.1-13-14		CLASS		REF		LEAVE BLANK	
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE	
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			



**CRIMINAL HISTORY RECORD CHECK REQUEST
PURSUANT TO NDCC 12-60-24**
OFFICE OF ATTORNEY GENERAL
BUREAU OF CRIMINAL INVESTIGATION
SFN 60688 (06-2017)

FOR BCI USE ONLY	
Check Number	
Amount	
Receipt Number	
Receipt Date	
SID	

INSTRUCTIONS

1. Please type or print legibly and ensure that all information is complete. **Incomplete or illegible requests will be returned.**
2. If requesting Federal Bureau of Investigation (FBI) check, attach two (2) completed fingerprint cards containing the fingerprints of the subject of the record check and remit appropriate fees.

TO BE COMPLETED BY AGENCY

Mail to Attention of Amy Folkestad	Telephone Number (701) 328-9641	
Agency Name Education Standards and Practices Board	Originating Agency Identifier (ORI) ND920110Z	
Address 2718 Gateway Avenue, Suite 204	Email Address espbinfo@nd.gov	
City Bismarck	State ND	ZIP Code 58503
Comments/Miscellaneous		

AGENCY USE ONLY

Please Check One and Remit Appropriate Fees

Record Checks for Employees/Others

- ☐ ND only, remit \$15.00
☐ FBI only, remit \$25.00
☒ ND and FBI, remit \$40.00

Record Checks for Volunteers

- ☐ ND only, remit \$15.00
☐ FBI only, remit \$23.75
☐ ND and FBI, remit \$38.75

Process Control Number (PCN)

TO BE COMPLETED BY SUBJECT OF RECORD CHECK

Last Name	First Name (no initials)	Middle Name
Last Name(s) (AKA/Maiden/Former)	First Name	Middle Name
Date of Birth	Social Security Number	
Current Address		
City	State	ZIP Code

Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to review or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28 CFR 16.34.

I hereby authorize the North Dakota Bureau of Criminal Investigation to release my state and FBI criminal history records to the requester listed above.

A photocopy of this signed release shall have the same force and effect as the original release.

Signature	Date
-----------	------

Your social security number is requested to permit the North Dakota Bureau of Criminal Investigation to conduct a criminal history record check under N.D.C.C. § 12-60-16.6. Disclosure of your social security number is voluntary, however, if you choose not to disclose it, you will be required to provide alternative information or documentation, which may delay the criminal history record check.



ESPB Fingerprint Verification Form

Part 1 – To be completed by applicant

Please Print Legibly

Last Name	First Name	Middle Name
Maiden/Former Last Names	Social Security Number	
Mailing Address	Email Address	
City	State	Zip Code
Home/Cell Phone Number	Work Phone Number	Date of Birth

Pursuant to NDCC 12-60-16.8, I hereby authorize the North Dakota Bureau of Criminal Investigation to release a copy of my criminal record to the North Dakota Education Standards and Practices Board (ESPB), and I give ESPB permission to check for my name on the North Dakota Child Abuse and Neglect Index, as a prerequisite for teacher licensure.

Fingerprints submitted will be used to check the criminal history records of the FBI and the North Dakota BCI.

Date

Signature of Applicant

Part 2 – To be completed by fingerprint technician

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints. If the individual is being printed via livescan, please do NOT fill out card prior to being fingerprinted.
2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.
3. Fill out the information in the boxes below. Please print clearly.
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant. *Do not give the applicant the card without first sealing it inside the envelope.*

Date:	Name of Applicant:
Name of Fingerprint Technician (print):	
Fingerprint Technician's Agency/Company Name:	
Type of Photo ID Provided (check one): <input type="checkbox"/> Driver's License <input type="checkbox"/> Passport <input type="checkbox"/> Other (please specify)	

For ESPB Use Only

ND BCI Report Received _____ Clear / Hit

FBI Report Received _____ Clear / Hit

NONCRIMINAL JUSTICE AGENCY TRAINING DOCUMENTATION FORM

AGENCY NAME: _____

AGENCY ORI: _____

The following training is REQUIRED:Standard Security & Awareness Training (CJIS Online)

This training must be completed within six (6) months of hire or appointment to position with access to criminal history record information (CHRI). It must be repeated every two (2) years for as long as the individual is on the agency Authorized Personnel List and granted access to CHRI.

Agency Internal Privacy and Security Training.

Any personnel placed on the agency authorized Personnel List should receive internal agency training on the agency's security and handling processes prior to being allowed access to CHRI. Refresher training shall be completed every two (2) years.

Name:	First Time (F) or Refresher Training (R)?	Date of Standard Security & Awareness Training (CJIS online)	Date of Agency Privacy & Security Training	Acknowledgement Statement Signed? (Y/N)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

The persons named above have received the required training in accordance with applicable rules and regulations.

NAC Printed Name: _____ NAC Signature: _____ Date: _____
Please print legibly

Keep training logs on file. Training logs will be reviewed during audits. The NDBC will also periodically request the agency submit the training logs as part of quality assurance and compliance review. Please do not send training logs to NDBC unless requested.

Acknowledgment Statement of Misuse

All authorized personnel are made aware of the guidelines, consequences and liabilities that could occur from unauthorized use of criminal justice information (CJI) and criminal history record information (CHRI). Employees are advised of the following:

- Do not give CHRI to someone who is not authorized to receive it.
- Do not allow unauthorized access to CHRI.
- Do not use CHRI for any other purpose other than stated in the North Dakota statute.
- Access to criminal justice information (CJI) and CHRI via submitted fingerprints could be suspended or cancelled for violation of security and/or violation of the terms and conditions in the User Agreement.
- Misuse of the CHRI is a misdemeanor or felony depending on the circumstances of the release.

Penalties for misuse of CHRI

- N.D.C.C. § 12.1-13-01
- N.D.C.C. § 12-60-16.10
- Title 28, USC § 534
- Pub. L. 92-544
- Title 28, CFR, 20.33(b)

I acknowledge that I have been advised of the consequences of misuse of criminal justice and criminal history record information.

Employee Name (print)

Employee Signature

Date

**Security Incident Response Form
FBI CJIS DIVISION
INFORMATION SECURITY OFFICER (ISO)
SECURITY INCIDENT REPORTING FORM**

NAME OF PERSON REPORTING THE INCIDENT: _____

DATE OF REPORT: _____ (mm/dd/yyyy)

DATE OF INCIDENT: _____ (mm/dd/yyyy)

POINT(S) OF CONTACT: _____

PHONE/EXT: _____ E-MAIL: _____

LOCATION(S) OF INCIDENT: _____

INCIDENT DESCRIPTION: _____

SYSTEM(S) AFFECTED: _____

AFFECTED SYSTEM(S) DESCRIPTION (e.g. CAD, RMS, file server, etc.): _____

METHOD OF DETECTION: _____

ACTIONS TAKEN/RESOLUTION: _____

The Following is for BCI Use Only

Copies To:

George White
(FBI CJIS Division ISO)
1000 Custer Hollow Road
Clarksburg, WV 26306-0102
(304) 625-5849
iso@ic.fbi.gov

John C. Weatherly
(FBI CJIS CSIRC POC)
1000 Custer Hollow Road/Module D-2
Clarksburg, WV 26306-0102
(304) 625-3660
iso@ic.fbi.gov

Criminal History Secondary Dissemination Log

Agency Name: _____ Agency ORI _____ Page _____

Date	Subject's Name	Subject Identification	Agency Personnel that shared CHRI	Purpose for which information is being requested

The Secondary Dissemination Log must be kept for a minimum of three (3) years.