



Information Sheet on Background Checks for Education Students

Criminal background checks will be conducted for all undergraduate and graduate students admitted to UW-Madison School of Education programs that require field placements (e.g., practicum, student teaching, or clinical field experience). These investigations are mandated by state statute for some programs and sites (see more information below) and have been requested by other sites. Initial criminal history checks will be requested through the Wisconsin Department of Justice Crime Information Bureau. Costs for these checks will be borne by the School of Education.

Applicants to specified undergraduate programs must complete and submit the documents below as part of the admission application process. Graduate students will be asked either at admission or prior to field experience placement to complete these forms. The documents include the following:

- (1) authorization and waiver form,
- (2) Wisconsin Department of Health and Family Services *Background Information Disclosure* (BID) form,
- (3) Wisconsin Department of Justice *Criminal History Record Check* form.

Individuals completing these forms must disclose, among other things, whether criminal charges are pending against them, whether they have been convicted of any crime and whether licensure, certification, or registration has ever been limited, denied, or revoked. Falsifying or omitting information relevant to these questions may constitute grounds for denying admission to the program or for terminating admission if the falsification or omission is discovered after admission.

If, at any time after submission of these documents, circumstances occur that would change any responses, undergraduates must inform the School and graduate students must inform their department of the changed responses. Failing to inform the School or department of changed responses may constitute grounds for postponing field placements, withholding certification or recommendation for licensure, or program dismissal.

An affirmative response to an item or the existence of a criminal record, license denial, or license revocation will not constitute an automatic bar to admission or field placement. Applicants must explain the circumstances leading to an affirmative response or record. The School may request further information from the student or other appropriate sources, as authorized by the student through the authorization and waiver form.

For those programs requiring checks at point of admission, the School will determine, based on the information obtained, whether to admit an applicant to the program, postpone admission, or place special conditions on admission. For programs requiring checks at point of field placement, the School will determine whether or where to place the student. Affirmative responses or records will be considered only as they substantially relate to the duties and responsibilities of the programs and eventual licensure. In its decision process, the School will consider the relation of the offense(s) to the program or placement, the characteristics of the offense(s), and the history and subsequent behavior of the applicant. Applicants denied admission to the program or denied a field placement based on disclosure or record information have the right to appeal that decision. Notice of the grievance procedure will be forwarded in the event of a denial; a copy of the grievance procedure is also available in all School departmental and program offices.

Admission to or completion of a program does not guarantee that the Wisconsin Department of Public Instruction (DPI) or other regulation and licensing boards will issue a license. DPI makes this determination based on information obtained

from a separate background investigation. Chapter 115 of the Wisconsin State Statutes permits the Superintendent of Public Instruction to revoke any license for “incompetency or immoral conduct on the part of the licensee.” “Immoral conduct” is defined as “conduct or behavior that is contrary to commonly accepted moral or ethical standards and that endangers the health, safety, welfare or education of any pupil.” With certain specific exceptions, the Superintendent is directed under this same chapter to revoke licenses of individuals convicted of any Class A, B, C, or D felony under Chapter 940 (“Crimes Against Life and Bodily Security”) and Chapter 948 (“Crimes Against Children”) of the Wisconsin State Statutes.

As of October 1, 1998, the State of Wisconsin expanded its requirements for background checks of persons responsible for the care, safety, and security of children, patients, and vulnerable adults under programs regulated by the Department of Health and Family Services (DHFS). The “Caregiver Background Check Law” prohibits hospitals, nursing homes, mental health service providers, day-care centers, and other “entities” regulated, licensed, certified by, or registered with the DHFS from employing or contracting with any individual expected to have access to the entity’s clients or patients, if that individual has been convicted of, or has pending charges for, certain crimes. These crimes fall into four categories: (1) those serving as a permanent bar from employment in the caregiving industry; (2) those permanently barring an individual from employment in the caregiving industry unless the individual demonstrates clear and convincing evidence of rehabilitation; (3) those which warrant lesser sanctions than a permanent bar; and (4) those which bar employment if DHFS or the employer determines that the crime is substantially related to the care of the clients served by the entity. A “Crimes Table” indicating specific crimes and their categories can be obtained from DHFS or found on its web site.

Students who are required to complete internships or clinical training at a covered entity are included under the law. Students are not eligible for placement if their *Background Investigation Disclosure* indicates (1) a conviction or pending charge involving a crime that permanently bars placement, (2) a crime or act that bars placement pending a rehabilitation review, or (3) a conviction of or a pending charge involving a crime the entity determines is substantially related to the care of its clients. Based on the results of the background check, the School will certify to an entity that its students have neither (1) nor (2) above. In addition, the School will advise the entity of any convictions that appear on the student’s criminal record report or the BID so that the entity may determine if any other convictions are substantially related to the duties of the job. Note that, regardless of the School’s program admission decision, an entity has the right to refuse a placement for a student if it believes that the student’s criminal background is substantially related to the care of its clients.

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