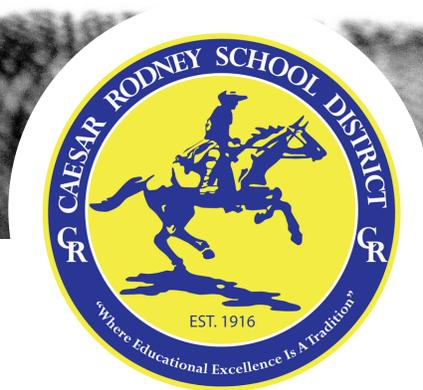




Criminal Background Check Performance Audit



Caesar Rodney School District

Kathleen K. McGuinness, RPh, CFE

Delaware State Auditor



**KATHLEEN
McGUINNESS
DELAWARE
STATE AUDITOR**

Caesar Rodney School District Criminal Background Checks

***Performance Audit
For 2014 thru 2019***

What Was Performed? A performance audit of the Caesar Rodney School District's compliance with conducting criminal background checks for covered employees, contractors, volunteers and student teachers for calendar years January 1, 2014, through December 31, 2019.

Why This Engagement? This engagement was conducted in accordance with 29 *Del. C.* § 2906 and evaluated the district's compliance with state laws and regulations regarding criminal background checks required for all district employees, contractors, volunteers and student teachers.

Our performance audit had two objectives:

- (1) Determine if the district complied with state laws and regulations for criminal background checks on all required employees, contractors, volunteers and student teachers, and
- (2) Assess the district's internal controls and determine if the controls have been properly employed to reduce the risk of harm to district students.

This report is intended to assist district management with recommendations to improve procedures, processes and internal controls as necessary.

What Was Found? We found the district could strengthen its internal controls in several ways, including by improving documentation to ensure the following:

- (1) employees, contractors, volunteers and student teachers are cleared, certified and suitable for their positions in accordance with state laws and regulations, and
- (2) employee, contractor, volunteer and student teacher files contain the requisite documentation to provide evidence of the district's compliance with relevant state laws, regulations and policies.

The report contains several recommendations for improvement, which we encourage district management to consider implementing. These recommendations were developed based on evaluation of audit evidence obtained for not only this school district but also all districts across the state, and they are designed to help keep schoolchildren safer by improving internal controls related to certifying the criminal background check processes.

The Caesar Rodney School District Criminal Background Checks Performance Audit for 2014 through 2019 can be found on our [website](#).

Please do not reply to this email. For any questions regarding the attached report, please contact State Auditor Kathleen K. McGuinness at Kathleen.Mcguinness@delaware.gov.



State of Delaware
Office of Auditor of Accounts
Kathleen K. McGuinness, RPh, CFE
State Auditor

To the Caesar Rodney School District:

The attached report provides the results of our performance audit on compliance with criminal background checks for the Caesar Rodney School District, including employees, volunteers, contractors, and student teachers, in accordance with the criteria set forth in the Delaware Code. The scope of this audit was January 1, 2014, through December 31, 2019.

My office is authorized under 29 Del. C., Ch. 29, §2906 to perform postaudits of all state agencies. The district's management is responsible for criminal background checks, internal controls, and compliance with applicable Delaware Code.

We conducted this performance audit in accordance with the standards applicable to performance audits contained in Government Auditing Standards issued by the Comptroller General of the United States. 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.

This report can be accessed online through the State Auditor's website at <http://auditor.delaware.gov>.

Sincerely,

A handwritten signature in blue ink that reads "Kathy McGuinness".

Kathleen K. McGuinness, RPh, CFE
State Auditor

October 13, 2021

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Abbreviations:

CBC	Criminal Background Check
DELJIS	Delaware Criminal Justice Information System
DHR	Department of Human Resources
DELDOT	Delaware Department of Transportation
DOE	Department of Education
DSCYF	Department of Services for Children, Youth and Their Families
FBI	Federal Bureau of Investigation
FSF	First State Financials
OAOA	Office of Auditor of Accounts
PHRST	Payroll Human Resources Statewide Technology
SBI	State Bureau of Identification
SD	School District

The mission of the Delaware Office of Auditor of Accounts

The Delaware State Auditor serves Delawareans by providing independent objective oversight of the state government’s use of taxpayer dollars with the goal of deterring fraud, waste, and abuse through unbiased assessments, including the use of various audits, special reports, and investigations of financial operations designed to ensure statutory compliance while enhancing governmental economy, efficiency, and effectiveness.

For further information on this release please contact:

Kathleen K. McGuiness, RPh, CFE
kathleen.mcguiness@delaware.gov

Audit Authority

OAOA is authorized, under 29 Del. C., Ch. 29, §2906 to perform postaudits of all state agencies. Therefore, OAOA is authorized to conduct postaudits of the Department of Education and its school districts including financial expenses, internal controls, and compliance associated with obtaining and reviewing criminal background checks for employment purposes.

Background

Overview

Criminal Background Checks (CBCs) and reference checks are an employer's principal means of securing information about potential hires from sources other than applicants themselves. A CBC involves determining whether an applicant may be unqualified for a position due to a record of criminal conviction or other misrepresentation. The top reasons to conduct CBCs include mandates by law/regulations, to protect children from harm, to improve the quality of hires, and to protect the employer's reputation. Public schools must follow certain protocols in obtaining CBCs in the hiring process. The protocols incorporate legal issues and protections due to the State's commitment to nondiscriminatory employment practices.

Laws and Regulations

The State of Delaware and the Delaware Department of Education have addressed laws and regulations that require fingerprinted CBCs for prospective employees, contractors, volunteers, and student teachers during the employment (hiring) process to help ensure the safety of children.

Title 31 §309 of the Delaware Code governs the requirement for CBCs for child-serving entities such as public schools and employees of the Department of Education. Title 31 §309 also addresses criminal activity preventing employment in child-serving entities, including felony convictions involving physical or sexual assault crimes, other violent felonies, misdemeanor convictions against children, and the prohibition requirements.

Delaware Title 14 of the Delaware Administrative Code §745 Public School Related Employment and §746 Student Teacher Placement detail CBC regulations, including purpose, definitions, procedures, and length of a valid CBC, as well as exemptions for continuous employment, appeals, confidentiality, penalties, and subsequent criminal history. Delaware law prevents individuals who have been convicted of crimes related to children – including child abuse (sexual and otherwise), neglect, kidnapping, and other violent crimes – from working in a Delaware school district.

Caesar Rodney School District Board of Directors and Management

The main goal of public schools is to provide students with a challenging and safe learning environment. Meeting this goal requires the public school to hire qualified staff who ensure the safety and protection of the children. The Caesar Rodney School Board has a Board of Education that acts as the governing body of the school district, with oversight of educational affairs such as employment practices, compliance with laws and regulations, and approval of policies. The board consists of five elected officials who each serve five-year terms and meet monthly. The board approves the school district's full time hires and any reported time hires such as coaches. District management is responsible for establishing and maintaining an effective internal control structure.

Caesar Rodney School District Characteristics (Quick Facts)

Caesar Rodney School District, located in Kent County, operates K-12 schools with 7,966 students in 14 buildings/schools as of FY2021. Caesar Rodney School District employs 1,075 employees to educate and support their students as of FY2021. Other groups supporting the school district include student teachers, volunteers, and contractors. The employees responsible for the criminal background check process in the school district are the Director of Human Resources/Assistant Superintendent, Supervisor of Human Resources, and office administrative assistants. If an appeal occurs, the Superintendent is involved.

Caesar Rodney School District Criminal Background Check Practices

As part of the application for public-school-related employment, the contract for services, or the volunteer agreement, candidates sign a Release for Criminal Background Check Information form approved by the Department of Education. Before beginning work, all prospective employees, student teachers, volunteers, and contractors are required to obtain a fingerprinted CBC completed by the Delaware State Police State Bureau of Identification (SBI) and the Federal Bureau of Investigation (FBI). A public school may place a candidate in a position provisionally in accordance with Delaware Code; however, the candidate must comply with the provisions defined in the regulation. Final candidates for employment, or those who enter into a contract for services, may have a CBC from other states accepted if certain conditions defined in the regulation are met. The SBI CBC report shows any criminal activity that occurred in Delaware, and the FBI report shows any criminal activity nationwide. If there is prohibited criminal activity history, the employment offer may be rescinded prior to employment, or employment may be terminated.

SBI provides the state with a central repository for the collection and accurate organization of criminal arrest records, crime reports, and missing persons reports for Delawareans using the DELJIS system. The Delaware State Police front desk operations provide fingerprinting services for individuals requiring a criminal background history check for employment. The potential employee is required to provide photo identification, such as a valid driver's license or state ID (from any state), but is not required to provide a Social Security number or birth certificate. The Delaware SBI Criminal History Section is responsible for the research and the completion of the criminal history background checks, which are titled "State of Delaware Certification of Criminal Background Check." The Delaware SBI Criminal History Section also electronically submits a request for a federal CBC to the FBI, which provides the "FBI Criminal Background Check Civil Applicant Response."

SBI mails the CBCs directly to the designee that the school district has appointed to receive the hard copy of the CBC documentation. The SBI and FBI criminal background checks are submitted to the school district Human Resources department for review. The school district reviews the CBCs for any prohibitions (offenses) that may endanger its students and makes the required determination of suitability for employment based on the laws and regulations and any other criteria the public school may establish. The Director of Human Resources/Assistant Superintendent reviews the CBC documents, makes the determination of suitability, and completes the school district determination of suitability form. However, for student teachers, the school district places the responsibility with the higher education entity. If the CBC is "clean," it is placed in the employee's personnel file. In cases of denial, the candidate will receive a verbal or written notification. In more complex criminal history background check cases, the school district will contact its attorney and/or refer to the superintendent for decisions, and a letter may be attached to the criminal background check.

If the applicant is a student teacher, SBI mails the CBCs directly to the applicant's higher education institution, and the institution's Human Resources/Administrator of Educator Preparation Program makes

the initial determination for suitability for placement in the school district. After initial suitability is determined by the higher education institution, the district does not use copies of the CBC documents to make a final suitability determination. The school district relies on the higher education for determining suitability for placement.

The school district is responsible for confidentiality, proper security precautions (including locked, fireproof cabinets), and record retention of the CBCs as part of the Human Resources employee personnel files. The Caesar Rodney School District uses the CBC complete date field in the Payroll Human Resources Statewide Technology (PHRST) system. The Director of Human Resources/Assistant Superintendent maintains an Excel document to track receipt of the CBCs for employees but not for volunteers, contractors, or student teachers. All applicants return the CBC submission fee receipt to the school district, which is placed in the employee file with the CBC when it is received. Volunteers are tracked through the volunteer packets and principals approve all volunteers.

The CBC is valid for twelve (12) months; however, if the employee becomes continuously employed by a Delaware public school, the background check is required to be kept on file for a minimum of five (5) years by the Delaware public school. Each person who has been continuously employed in a Delaware public school is exempt from obtaining a new CBC. Higher education entities dispose of the student teacher CBC no earlier than six (6) months after students graduate from the entity.

The State of Delaware and Delaware Department of Education do not require that periodic CBC reports be obtained throughout an employee's employment with the school district. However, the DELJIS system has an automated process to notify the school district regarding employees who have new activity on their criminal record after they passed the CBC process. The automated process helps ensure that employees serving vulnerable populations, such as children in schools, remain fit to serve. However, the process only addresses employees in the PHRST system, therefore excluding volunteers and contractors.

Audit Objectives

In accordance with the provisions of the Delaware Code and Generally Accepted Government Auditing Standards, we have conducted a performance audit of certain aspects of the CBC process to confirm the district has effectively used resources to ensure the safety of district children. The audit focused on the functions of the Caesar Rodney School District, the SBI, and the FBI. The Caesar Rodney School District is the entity primarily responsible for management of the CBC process for its employees, student teachers, volunteers, and contractors. SBI serves as the state’s repository for CBC information. The FBI is the national repository for CBC information.

The objectives established for the performance audit include:

- Determine if the school district is compliant with performing CBCs on covered personnel (Employees, Volunteers, Contractors, Student Teachers) and updating the background checks with subsequent criminal history as required under Delaware Administrative Code [14 Del. Admin. C. §745 and §746]. This also includes the completion of the final determination of suitability for the Public School.

- Assess the school district’s internal control structure to determine if it is designed to provide reasonable assurance for CBC objectives and make recommendations, as considered necessary. For example, this includes determining if the Board Policy and school district procedures that implement laws and regulations are clear, complete, and actionable.

Audit Scope

The scope of the engagement covered personnel data during the period January 1, 2014, through December 31, 2019.

Audit Methodology

The audit relied on various sources and methods to obtain an understanding of and assess Delaware's CBC process for the Caesar Rodney School District. As such, we performed the following:

- A. reviewed the applicable sections of Delaware Code and the Delaware Administrative Code to learn about the legal requirements pertaining to CBCs;
- B. examined the adequacy of the 1) current regulatory requirements related to current covered personnel; 2) types of background checks; and 3) types of criminal convictions that preclude applicants from employment.
- C. conducted interviews and discussion with school district personnel to ascertain and document background check processes, practices, internal controls, limitation, and performance;
- D. reviewed the Caesar Rodney School District Board policy to determine the existence and adequacy of the policy on CBCs information and requirements.
- E. reviewed information recorded in PHRST for employees, including but not limited to information such as the hire/start date and history of employment.
- F. conducted testing of covered personnel including employees, volunteers, student teachers, and contractors to verify compliance, using sampling to support our audit work. Testing included the following:
 - a. examining and scrutinizing SBI and FBI CBCs for the following:
 - i. existence: obtaining CBC to confirm complete and compliant fingerprinted CBC from the Delaware SBI CBC and FBI CBC was received;
 - ii. fraud indicators: reviewing for any fraud indicators, including matching to actual sampled person and inquiry/verification of any name changes;
 - iii. timeliness: requesting CBC prior to hire to confirm the timeliness of receipt of CBC documentation by the school district;
 - iv. record retention: retaining CBC to confirm adequate record retention of the SBI and FBI CBC information; and
 - v. suitability determination: to determine that evidence of suitability form or other alternative documentation was completed to document the approval of the applicant for hire by the school district.
 - b. examining the SBI and FBI CBCs in detail when criminal activity was reported and comparing the criminal activity to what was prohibited under Delaware Code, to ensure disqualified candidates have not been hired by the school district.

Audit Results

The OAOA noted internal control and compliance deficiencies related to the following:

- The school district was not fully compliant with all requirements of the CBC State laws and regulations and did not have adequate processes and internal controls to address CBCs.
- The school district has incomplete policies and lacks written procedures on CBCs.

Refer to the Findings in the *Schedule of Findings, Recommendations and Responses* for details of the deficiencies identified and related recommendations.

Schedule of Findings, Recommendations, and Responses

Finding Number: 2019.01

Finding Name: Criminal Background Checks

Condition/Context

Although the school district had established processes and internal controls for CBCs, it was not fully compliant with all the requirements of the CBC State laws and regulations. Further, the district did not always have adequate processes and internal controls to address areas where the laws and regulations were vague or not fully defined.

- **Suitability Determination Key Control Evidence Documentation Recordkeeping:** From a random sampling of 89 persons (employees, student teachers, and volunteers) for which CBC records were received for testing during the audit fieldwork, 47 persons (including two employees, 40 volunteers and five student teachers) (53%) did not have documented evidence of the completion of the determination of suitability form used by the school district; indicating a key internal control weakness and only partial compliance with Delaware Code. The suitability determination includes: the name of the authorized person performing the review, the date of the suitability determination review, the decision, and when there is a denial, the documentation of the reason for the denial.

During interviews, the school district indicated that it relies upon the higher education institution to make the suitability determination for student teachers and to maintain their personnel files; however, Delaware Code requires each public school to "...make the final determination of suitability for placement of a candidate in a Student Teaching Placement in its school." and to forward the determination to the higher education facility.

Person Type	Number Sampled	Suitability Documentation or Other	Exceptions
Student Teachers	5	None	5 Inadequate Documentation
Employees	40	38 Adequate Documentation	2 Inadequate Documentation
Volunteers	40	None	40 Inadequate Documentation
Contractors	4	4 Adequate Documentation	None
Total	89	42	47

Explicitly:

- The requirement states "The Public School, in accordance with 31 Del. C. §309(e), shall make a determination of suitability as an Employee, Contractor or Volunteer on each person it requested to initiate the CBC process."
 - Delaware Code requires each public school to "...make the final determination of suitability for placement of a candidate in a Student Teaching Placement in its school."
- **CBC Existence/Record Retention:** One employee and three student teachers did not have documented evidence that a compliant CBC, consisting of the fingerprint DE SBI and FBI screenings, had been completed.

- For one employee, only the criminal background check submission fee receipt was provided.
- For one student teacher, no CBC was provided and for the other two student teachers, the FBI portion was not provided.

- **Real-Time Start and End Date Tracking:** OAOA was unable to determine the timeliness of the receipt of the CBCs it sampled and tested, including five (5) student teachers and the four (4) contractors due to the lack of any real-time tracking of their start and end dates. Volunteers are only tracked via volunteer packets and not thru excel or other information system. Without an established, documented tracking process there is no assurance that the school district has and maintains a complete list of its contractors, volunteers, and student teachers.

- **Contractor Oversight and Non-Compliance:** There is no written requirement at either the State or district level (either in the Delaware Code or as part of school district internal controls) for oversight of outside contractors.

Criteria

- Title 31 §309 of the Delaware Code
- Title 14 Delaware Administrative Code, Section 745 & 746
- Budget and Accounting Manual Chapter 2 – Internal Controls
- Standards for Internal Control in the Federal Government (Green Book), U.S. Government Accountability Office September 2014.

Causes

- Where the Delaware Code and Delaware Administrative Code are silent regarding certain aspects of the CBC requirements, standardized policies, procedures, and processes were not developed by the school district.
- The school district did not employ adequate information system software to track and manage CBCs for volunteers, student teachers, and contractors.
- The school district did not consistently follow processes to ensure that compliant CBCs were requested, received, reviewed, and filed, indicating a weakness in internal controls.
- Supervisory review failed to detect noncompliance with state laws and regulations regarding CBCs.
- The school districts function as independent entities, and DOE is not responsible for coordinated oversight. This may have caused or contributed to different approaches, used across school districts, for managing the CBC processes and inconsistency in the implementation of state laws and regulations across all school districts.

Effect

The school district was not in full compliance with state law and regulations for CBCs. The inability to verify all CBCs risks exposing children to potential harms from which they should be protected. Additional risks include the legal risk that results from potentially employing an unscreened individual in the school district (a negligent hiring claim), and reputation risk for the Caesar Rodney School District and the Department of Education as a whole.

Recommendation

We recommend the Human Resources Assistant/District Secretary take the following actions to help strengthen internal controls and compliance:

- Work with other school districts and the Department of Education to determine the feasibility of implementing one information system that school districts can use to fully track and manage background check data and employment/services status for all persons employed, as follows:
 - Explore the use of the PHRST system to track all persons (employees, contractors, volunteers, and student teachers) requiring CBCs as a cost-beneficial solution and;
 - determine if a person (other than a state employee) who requires a CBC, can be set up in PHRST as a non-payroll individual,
 - follow up with monthly automated reports from the PHRST system for the school district to track the status of CBCs;
 - determine if alternative systems exist which could be used for managing CBCs. For example, there are volunteer management systems which could assist with managing volunteers.
 - Consider migrating from the current spreadsheet approach, used as a tracking mechanism to an automated database solution, with reporting functionality for tracking employees, contractors, volunteers, and student teachers.

- Review and update the design of internal controls to achieve the compliance objectives, relating to CBCs. This should include the consideration of the use of information systems to help with tracking and monitoring CBCs and the documentation of internal controls over CBCs. Note: The general practice in reviewing and testing internal controls is that if it is not documented, it did not occur.
 - Develop a working risk and control matrix to document the school district's updated control process on CBCs. Use the matrix to review and monitor the design and operational effectiveness of controls on an ongoing basis and adjust the internal control design as needed as the environment changes.
 - Develop a monitoring process to ensure CBCs are being obtained and reviewed, and that suitability determinations are being documented, following proper record retention and security policies.
 - Communicate to DOE any areas of the regulations which should be updated, clarified, or changed. Where the Delaware Code or Delaware Administrative Code lack definitive guidance on a situational basis, the School District should request that DOE provide guidance by a written policy update that complies with the principles of the law to assist with the formation of district procedures.

- Address the compliance findings in this report as follows:
 - Take action to maintain a complete and accurate list or report of all persons who require a SBI/FBI fingerprinted CBC going forward.
 - Review and address the compliance exceptions noted by OAOA and take actions as deemed appropriate to meet the requirements in the state laws and regulations. This should include, at a minimum, addressing any missing CBC records and reviewing the requirements for managing student teachers' CBC records and suitability determinations.
 - Consider whether other persons not sampled by OAOA should be reviewed for complete and compliant criminal background records.
 - Evaluate whether the school district should audit its contractors' compliance with the SBI/FBI fingerprinted CBC requirements for all their employees who work in the school district or if alternative vendor oversight of these contractors should occur.

Finding Number: 2019.02

Finding Name: Policies and Procedures

Condition/Context

The school district has incomplete policies and no written procedures on CBCs. The district board policy lacks details and contains limited policy elements. The policy fails to detail essential processes covered under elements of Delaware law, including the requirement for FBI background checks under Delaware Title 14 of the Delaware Administrative Code §746 Student Teacher Placement, or any coverage for student teachers.

The district also did not have written supporting procedures, which resulted in the misunderstanding of certain aspects of the CBC process. For example, the school district policy makes no mention of the FBI background check requirement on volunteers and contractors. The policy does not cover Section 746 requirements for student teachers.

The board policy covering CBCs (adopted 2000) reads as follows:

General Personnel Policies

“Additional information which is required for employment includes:

- A criminal background check through the Delaware State Police.”

Professional Staff Hiring

“It is the policy of the Board that all employees hired to work in the District complete a Criminal Background Check with the Delaware State Police per Delaware law. This includes full- and part-time employees, substitutes, and extra-curricular activity coaches. The Office of Human Resources is charged with the responsibility for carrying out the intent of this section of the policy and maintaining confidential files of the criminal background check results.”

Professional Staff Certification and Credentialing Requirements

“All professional staff of the Caesar Rodney School District should have the following information on file in the Office of Human Resources:

- Criminal Background Check (those hired after 1994)”

Substitute Teachers

“A list of substitute teachers is prepared by the Office of Human Resources, which maintains a complete file on all substitute teachers. This file includes transcripts, credentials, recommendations, the Criminal Background Check, medical releases, and other pertinent information.”

Arrangements for Substitute Staff

“The approved list of substitutes is established by the Office of Human Resources which maintains a complete file on all substitute teachers. This file includes:

- Criminal Background Check.”

Classified Support Staff Hiring

“It is the policy of the Board that all employees hired to work in the District complete a Criminal Background Check with the Delaware State Police per Delaware law. This includes full- and parttime employees, substitutes, and extra-curricular activity coaches. The Office of Human Resources is charged with the responsibility for carrying out the intent of this section of the policy and maintaining confidential files of the criminal background check results.”

Classified Support Staff Qualifications and Requirements

“All classified support staff of the Caesar Rodney School District should have the following information on file in the Office of Human Resources:

- Criminal Background Check (those hired after 1994)”

Qualification of Classified Support Staff Substitutes

“Information required in the files of substitutes include the following:

- Criminal Background Check (those hired after 1994)”

Criteria

- **Control Environment - A Vital Part of Internal Controls:** The oversight body should oversee the entity’s internal controls system, including the design, implementation, and operation of an internal controls system.
- **Internal Controls Guidance:** Internal controls – actions taken by the board to mitigate oncoming and anticipated risks – must be commensurate with risks mitigated. Management objectives include the effectiveness and efficiency of operations; reliability of reporting for external or internal use; and compliance with applicable laws and regulations. Specifically, control activities are the policies and procedures that mitigate risks that hinder the completion of objectives. Control activities are an integral part of an entity’s planning, implementation and achievement of effective results, as well as its stewardship of government resources.
- **Internal Controls Documentation:** Documentation is required for the effective design, implementation, and operational effectiveness of an entity’s internal control system.

Causes

- The school district is responsible for establishing strong internal controls over the CBC process, using guidance such as the “Standards for Internal Control in the Federal Government” (Green Book / COSO) as defined in the State of Delaware’s Budget and Accounting Manual (BAM). However, the school district has not designed internal controls to include comprehensive written policies and procedures addressing the CBCs, nor has it conducted a review of the current internal controls design and operational effectiveness.
- There is a lack of detailed direction within the Delaware Code on how the CBC process should be conducted. This lack of direction makes it difficult to fully develop comprehensive policy and procedures. DOE has not provided specific guidance to school boards with respect to governance and internal controls. Guidance from the DOE could be helpful in providing detailed direction where the Delaware Code is silent or insufficient.

Effect

The school district has not designed internal controls based on Green Book guidance to fully meet the objectives of CBC state law and regulation. Because the regulations are vague and open to interpretation, we were unable to verify if the district’s background check process satisfies Delaware law and the Delaware Department of Education’s regulations as intended. This increases the risk of abuse to the children who are students of the district.

Recommendation

We recommend the Caesar Rodney School District Board of Directors take the following actions to improve governance:

- Update and expand the board policy to add elements specific to the CBCs and internal control responsibilities.
- Schedule an annual review of board policies.

We recommend the Caesar Rodney School District Director of Human Resources and Assistant Superintendent take the following actions to improve internal controls and consider collaborating with other school districts with similar issues as part of a taskforce to leverage resources within the 19 school districts to address these issues:

- Develop and document clear, consistent, and detailed procedures for the CBC process for employees, student teachers, volunteers and contractors. Policies and procedures should be reviewed and updated periodically or as needed.

Management Response

**CAESAR RODNEY
SCHOOL DISTRICT***District Office*

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7 Front Street, Wyoming, Delaware 19934

OFFICE OF HUMAN RESOURCES
Amy J. Bonner
Director of Human Resources
Email: amy.bonner@cr.k12.de.us

November 9, 2021

Kathleen K. McGuiness, State Auditor
Auditor of Accounts
401 Federal Street – 3rd Floor
Dover, DE 19901

Re: Criminal Background Check Audit Report

State Auditor McGuiness:

Please accept this as the Caesar Rodney School District's response to the performance audit on compliance with criminal background checks. As the OAOA may know, the Caesar Rodney School District's ("the District") previous Director of Human Resources/Assistant Superintendent, Dr. Michael Noel, retired in August 2021. As the new Director of Human Resources, I received copy of this report upon my appointment in October 2021.

In the report, OAOA recommends researching the feasibility of utilizing PHRST for tracking and reporting, including tracking of non-District employees. While the District, along with other Districts, may ask the Office of Management and Budget (OMB) about the feasibility of this option, there would likely be a significant cost to customizing the payroll system for this purpose. The District's Office of Human Resources will review and evaluate its processes to determine potential tracking methods for Determination of Suitability forms, including automated software options. Additionally, the Office of Human Resources accepts the recommendation that the District should conduct regular reviews of the Board's policies, including the development of procedures for the CBC process.

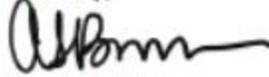
I appreciate the OAOA's flexibility with the District's response to this audit given our recent transition. As I continue to familiarize myself with the District processes, I will be able to provide actionable items regarding the CBC process.

WHERE EDUCATIONAL EXCELLENCE IS A TRADITION

The Caesar Rodney School District is an Equal Opportunity Employer and does not discriminate in employment or educational programs, services or activities based on race, color, religion, national origin, gender, age, veteran or marital status, disability, sexual orientation, gender identification or genetic information or any other category protected by State or Federal laws. Inquiries about compliance should be made to the Title IX, District 504 and ADA Compliance Officers: Paul L. Dunbar Administrative Building, 7 Front Street, Wyoming DE, 19934. Phone (302) 698-4800

In the meantime, please let me know if you have any questions or require further discussion.

Sincerely,



Amy J. Bonner

Director of Human Resources

cc: Dr. Kevin Fitzgerald, Superintendent
Andrea Bayline, Chief Administrative Auditor

WHERE EDUCATIONAL EXCELLENCE IS A TRADITION

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Conclusion

CBCs are a critical control mechanism to prevent abuse or misconduct involving children within schools. Based on the results of the audit procedures performed, Caesar Rodney School District has established internal controls over the CBC process, including the use of a CBC determination of suitability form. However, we found weaknesses in the control design and in the operating effectiveness of the controls, as documented in this report. This report makes recommendations that are intended to strengthen the internal controls and accountability for the criminal background check compliance process to ultimately help protect the district and the children it educates from being victims of bad actors.