

Office of the State Superintendent of Education



Frequently Asked Questions

Background Checks and Drug and Alcohol Testing

1. Why are criminal background checks and drug/alcohol testing required?

The “Criminal Background Checks for the Protection of Children Act of 2004” and the “Child and Youth, Safety and Health Omnibus Amendment Act of 2004” were implemented to ensure that appointees, employees and volunteers that work directly with children and youth are suitable and do not pose a danger to children and youth.

2. When are criminal background checks required?

Criminal background checks should be conducted during the pre-employment process and conducted for all employees every two years. No background check should be older than two years and must be updated when someone changes jobs, even if it is less than two years and when an event occurs that changes the background check.

3. When is drug/ alcohol testing required?

Drug/ alcohol testing should be conducted during the pre-employment process, randomly, and whenever there is reasonable suspicion that someone might be using drugs or alcohol.

4. Who is required to have a criminal background record check?

All safety- sensitive positions. Safety- sensitive positions are employees who have direct contact with children or youth, employees entrusted with direct care and custody of children or youth, employees whose performance of his/ her duties in the normal course of employment may affect the health, welfare, or safety of children or youth, and volunteers who are not constantly supervised.

5. Who determines whether a job has direct contact with children?

Upon consulting with the agency head of a covered child or youth services provider, the appropriate personnel authority shall identify which positions in the agency shall be designated as providing direct services to children and youth and therefore subject to provisions covered under the Children and Youth Protection Act of 2004. If you have any questions regarding whether a job is subject to the provisions of the alcohol and drug testing requirements or criminal background checks, please contact Eva Laguerre, Testing & Compliance Manager at eva.laguerre@dc.gov or (202) 741-5942.

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6. Can I challenge the determination of whether my job requires me to have direct contact with children?

Yes. An employee may challenge their position designation as having direct contact with children by writing to his/her agency head. If you have any questions regarding challenging whether a job is required to have a background check or drug testing, please contact Eva Laguerre, Testing & Compliance Manager at eva.laguerre@dc.gov or (202) 741-5942.

7. How do I begin to establish a drug and alcohol testing program?

Contact the following association:

Drug and Alcohol Testing Industry Association (DATIA)

info@datia.org

Phone: 1-800-355-1257

1325 G Street, NW Suite 500 #5001

Washington, DC 20005

Fax: 202-315-3579

8. What if I have already submitted my application to receive or renew my license, but I do not currently have the appropriate background check and drug/ alcohol testing program in place?

Your application will still be received and reviewed. If your site has shown strides to be in compliance with the above regulations, your license will not be in jeopardy. However, you are required to establish a background check and drug/ alcohol testing program.

9. How do I receive more guidance/ support on CYSHA, background checks and establishing the appropriate programs?

10. If you have any questions regarding whether a job is subject to the provisions of the alcohol and drug testing requirements or criminal background checks, please contact Eva Laguerre, Testing & Compliance Manager at eva.laguerre@dc.gov or (202) 741-5942.