



**State of New Mexico**  
**OFFICE OF THE STATE AUDITOR**

For Immediate Release  
November 17, 2015

Contact: Justine Freeman  
505-476-3819

State Auditor Issues Risk Advisory on Education Background Checks & Licensure  
*Alerts Schools to Risks of Non-Compliance with School Personnel Act  
in wake of multiple violations around New Mexico*

SANTA FE, NM – Today, the Office of the State Auditor (OSA) issued a statewide Risk Advisory to alert schools and school districts to the risks of non-compliance with the School Personnel Act. The Act covers two key safeguards related to the professionals who educate the children of New Mexico: licensure and background checks. The Risk Advisory provides notice to management and administrators to review internal controls to ensure proper policies are implemented.

“Our state has seen problems with background checks and licenses in school districts in Albuquerque, Mora and Espanola,” said State Auditor Tim Keller. “Schools need to come into compliance to ensure the safety of children and educators, as well as to safeguard public funds.”

Under the School Personnel Act, every education professional must hold a valid professional license or certificate. In addition, the professional must be fingerprinted and undergo a background check in accordance with agency policies.

Risks arising from failures in licensure and background check processes include:

- Potential danger to students and fellow school personnel;
- Increased risk of public funds being misused and/or other acts of fraud; and
- Increased risk of litigation based on alleged negligent hiring or supervision.

A good system of background checks and licensure requires strong internal controls. The OSA’s Risk Advisory poses a number of questions for agencies to consider when developing their internal controls. The considerations include:

- Are multiple administrators confirming that background checks are occurring?
- Are administrators vetting applicants with the goal of ensuring the safety and wellbeing of students and staff, in addition to ensuring public funds are safeguarded?
- Are licensure records subject to periodic, random internal review, in which the reviewer confirms the supporting documentation in addition to the licensure itself?
- Are there clear policies and procedures for reporting allegations of ethical misconduct and relevant criminal convictions to the Public Education Department’s licensure bureau?

OSA recommends that all public education stakeholders review the Risk Advisory, available here: [http://www.saonm.org/media/uploads/Risk\\_Advisory\\_-\\_School\\_Personnel\\_Act.pdf](http://www.saonm.org/media/uploads/Risk_Advisory_-_School_Personnel_Act.pdf)