

Criminal History/Background Checks Procedure

Initial Hires

In order to protect the health, safety, and welfare of the students of the District, Idaho law requires the following employees hired on or after July 1, 2008 to submit to criminal history checks. The list is to include, but is not limited to:

1. Certificated and non-certificated employees;
2. All applicants for certificates;
3. Substitute staff;
4. Individuals involved in other types of student training such as practicums and internships; and
5. All individuals who have unsupervised contact with students.

A criminal history check shall comply with State law, be based on a complete ten (10) finger fingerprint card or scan, and include, at a minimum, the following:

1. Idaho Bureau of Criminal Identification;
2. Federal Bureau of Investigation (FBI) criminal history check;
3. National Crime Information Center; and
4. Statewide Sex Offender Registry.

A list of sex offenders is maintained on the Idaho State website and district screening software. The building principal/ designee will be responsible for cross referencing the register of volunteers against the sex offender list or district screening software. Student teachers, interns, and others who have direct unsupervised contact with students shall also be checked against this list.

Employees will be required to return a completed ten (10) fingerprint card to the district office Human Resources Department within five (5) days of starting employment or unsupervised contact with students.

The fee charged to an employee shall be set by the State Department of Education. All criminal history check records will be kept on file at the State Department of Education. A copy of the records will be given to the employee upon request.

Substitute Teachers

The State Department of Education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list, the substitute teacher shall undergo a criminal

history check every five (5) years. If a substitute teacher has undergone a criminal history check within five (5) years as a result of employment with another District, the District, may in its sole discretion, not require a substitute to undergo a criminal history check. If the District does desire a substitute teacher who has undergone a criminal history check within the last five (5) years to undergo an additional criminal history check, the District will pay the costs of such check.

#### Other Employees

The District may require that any employee be subjected to criminal history checks. If required, the District will pay the costs of such checks.

#### Volunteers

Any volunteer in the District who has regular unsupervised access to students, shall submit to a fingerprint criminal background check.

Any requirement of a volunteer to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If a volunteer has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent/designee, who shall decide whether the volunteer is suitable to be in the presence of the students in the District. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

#### Contractors

The District maintains a safe environment for students by developing a system that cross-checks all contractors or other persons who have irregular contact with students against the statewide sex offender register or district screening software.

#### Confidentiality

Outstanding warrants, criminal charges, and/or protective orders may be confidential. An employee who is provided access to such information relating to another employee or volunteer shall ensure that the information remains confidential. Upon receipt of the criminal history check information, the same shall be reviewed by only authorized individuals of the Human Resource Department, the Superintendent/designee. If an employee discloses such information without authorization, the employee shall be subject to disciplinary action.

If any information received gives rise to concern by the Human Resource Department, Superintendent/designee, the employee shall be notified and given reasonable opportunity to respond to the information, including the sharing of said information with the affected employee. Such opportunity shall be in an informal setting with appropriate members of the Human Resource department, the Superintendent, and/or designee. In the event the Human Resource Department recommends not hiring an applicant or recommends terminating an existing

employee, such recommendation shall be made to the Superintendent. If the Superintendent or the Superintendent's designee elects to follow this recommendation, the Superintendent or his or her designee shall take appropriate action as otherwise provided by law or required by policy.

Procedure History:

Promulgated on: 11/2/15

Revised on: