

GBCD - BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

In accordance with RSA 189:13-a there will be a Background Investigation and Criminal History Records Check completed on every selected applicant for employment in any position in the school district or school administrative unit prior to a final offer of employment. A conditional offer of employment may be extended after completing a Background Investigation, with a final offer of employment subject to a successfully completed Criminal History Records Check. No selected applicant may be extended a conditional offer of employment unless a Criminal History Records Check has been initiated.

Background Investigation

The Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations, which have been done.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime, and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Criminal Records Check

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.

The Superintendent will maintain the confidentiality of all criminal history records information received from the New Hampshire State Police. If the criminal history records information indicates no criminal record, the information will be destroyed immediately following its review. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in RSA 189:13-a(V), the Superintendent or designee will review the information for a hiring decision. Any criminal history record information that indicates a criminal record will be destroyed within 30 days of receipt of such information.

Any person for whom the Board requires a Criminal Records Checks shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Checks, unless otherwise determined by the Board.

Substitute Teachers Applying to Multiple School Districts

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Because criminal history record information must be destroyed by the SAU, school district or charter school, there is no record information to share with another SAU, school district or charter school. The sole exception will apply to substitute teacher applicants. Substitute teachers concurrently applying to multiple SAU's, school districts, or charter schools will submit the proper release form, fingerprints and fees to only one of the districts. Upon request, in person or in writing to the state police, the substitute teacher applicant will receive a copy of their criminal history record notification. The substitute teacher applicant will show the state police notification to the other SAU's, school districts or charter schools, and this will satisfy the statutory requirements for the criminal history records check. This copy of the substitute's criminal history record notification will be valid for 14 days from the date of the notification. After this time period the criminal history records check process must be reinitiated.

Volunteers

Designated Volunteers are subject to a background investigation/criminal records check and the provisions of this policy. "Designated Volunteers" are defined and so designated pursuant to Policy IJOC.

Volunteers not categorized as "Designated Volunteers" in Policy IJOC will not be subject to a Background Investigation or Criminal Records Check.

Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal state and FBI Criminal Records Check process and has completed a background investigation.

Any person, who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check, which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.

Final Offer of Employment

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records Check, which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of any of the offenses referenced in RSA 189:13-a, V and related statutes. This determination is made by the State Police as a standard part of the Criminal Records

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Check.

In addition to the offenses designated by statute, a person may be denied a final offer of employment if he/she has been convicted of ANY felony. Such determination will be made by the Board, on a case-by-case basis.

The Superintendent, or designee, will transmit this policy to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the district whether the record of said selected applicant or volunteer contains any felony convictions.

When the District receives a notification of a felony conviction from the state police on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four hours (24) of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct, which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Contracted Service Providers

In accordance with RSA 189:13-a(VI), any employee, selected applicant for employment, or designated volunteer with private businesses and agencies, or volunteer organizations which contract to provide services to the School District or School Administrative Unit, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district shall undergo a Background Investigation and a Criminal History Records Check. The cost of the Background Investigations, including a Criminal History Records Checks, shall be borne by the contractor or subcontractor.

The contractor or subcontractor shall submit to the SAU or School District a written verification that a Background Investigation and a Criminal History Records Check has been done for each employee of the contractor or subcontractor who is regularly in contact with pupils.

In the event that services performed by the SAU or School District are now provided by a contractor, an employee Background Investigation shall not be required for a school employee who becomes an employee of the contractor.

School Board Members

In accordance with RSA 273-A:1, IX and RSA 671:18, school board members are not and cannot be employees of the District. Therefore they are not required to undergo a Criminal Records Check as a Board Member. However, if Board Members choose to serve in the capacity of a designated volunteer, per this policy and policy IJOC they would be required to undergo a Criminal Records Check. An unsatisfactory Criminal Records Check would prohibit a school board member from serving as a designated volunteer but would not affect their standing as a school board member.

Additional Criminal Records Checks

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The Board may require a Criminal Records Check of any employee at any time.

Legal Reference:

RSA 189:13-a, School Employee and Volunteer Background Investigations

Adopted: January 10, 2008