

**PERSONNEL**

**5110**

Criminal History / Background Checks

General

It is the policy of the District not to employ or to continue the employment of classified, professional or administrative personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment, if an arrest or conviction relates to suitability of the individual to perform duties in a particular position, such person may be denied employment or in the case of current employees, may face disciplinary action, up to and including termination.

It is the policy of this District to perform criminal history checks as required by Idaho law and to perform other types of background checks on employees or volunteers including, but not limited to:

1. Contacting prior employers for references;
2. Contacting personal references; and/or
3. Contacting other persons who, in the discretion of the District, could provide valuable information to the District.

Where a prior conviction is discovered, the District will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought, or the person is employed.

If an applicant or employee makes any misrepresentation or willful omissions of fact regarding prior criminal history, such misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment.

Initial Hires/ Those employed less than 5 years

In order to protect the health, safety and welfare of the students of the District, Idaho law requires the following certificated and classified employees to subject to criminal history checks:

- (1) Those initially hired by a school district;
- (2) Those in the employ of the District for less than five (5) years

A criminal history check shall include the following:

- (1) Statewide criminal identification bureau;
- (2) Federal bureau of investigation (FBI) criminal history check;
- (3) National crime information center; and
- (4) Statewide sex offender register.

Employees will be required to undergo a criminal history check within three (3) months of starting employment, or within three (3) months from the date the employee is requested to submit to a criminal history check, whichever the case may be.

The fee charged to an employee shall be forty dollars (\$40.00). 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.

#### Employee Arrest or Conviction

All employees shall have the continuing duty to notify the District of any arrest or criminal conviction that occurs subsequent to being hired by the District. In the event that any employee, whether full-time or part-time, probationary or non-probationary, classified or certified, is arrested, charged or indicted for a criminal violation of any kind, whether misdemeanor or felony, with the exception of minor traffic infractions, he/she is required to report such arrest promptly to the employee's supervisor or department head within one (1) business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination.

Additionally, if an employee has a protection order served against him/her, the employee shall follow the same reporting requirements as outlined above.

Supervisors or department heads shall contact the Superintendent or designee upon receiving notification that an employee has been arrested or has a protection order served against him/her. The District reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the incident.

It is the discretion of the District to terminate or take other action against any employee that has either been convicted of one (1) or more of the felony offenses set forth in I.C. § 33-1208 or made a material misrepresentation or omission on their job application.

#### Substitute teachers

If a substitute teacher has undergone a criminal history check within three (3) 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 substitute teacher who has undergone a criminal history check within the last three (3) years to undergo an additional criminal history check, the District will pay the costs of such check.

#### Other employees

The District may require that employees in the employ of the District for greater than five (5) years 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, as determined by the Superintendent or the Superintendent's designee, shall submit to a fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration for volunteering in the schools of this District.

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, 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.

## 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 shall ensure that the information remains confidential. If an employee discloses such information without authorization, the employee shall be subject to disciplinary action.

Legal Reference: I.C. § 33-130      Criminal history checks for school district employees or applicants for certificates  
I.C. § 33-512      Governance of schools  
I.C. § 33-1208  
I.C. §9-340(C)      Records Exempt from Disclosure  
Public Law 105-251, Volunteers for Children Act

## Policy History:

Adopted on: August 10, 2009

Revised on: April 19, 2010