

Rolling Hills Public Charter School

PERSONNEL

5110

Criminal History / Background Checks

General

It is the policy of the Charter School 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 Charter School 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 Charter School, could provide valuable information to the Charter School.

Where a prior conviction is discovered, the Charter School 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. Any individual convicted of a felony offense listed in I.C. §33-1208(2) shall not be hired.

Initial Hires

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

- (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 be based on a completed ten (10) finger print 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) Statewide sex offender register.

Employees will be required to undergo a criminal history check within five (5) days of starting employment, or unsupervised contact with students whichever is sooner.

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 upon request.

Employee Arrest or Conviction

All employees shall have the continuing duty to notify the Charter School of any arrest or criminal conviction that occurs subsequent to being hired by the Charter School. 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 or Principal 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 Principal or designee upon receiving notification that an employee has been arrested or has a protection order served against him/her. The Charter School 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 Charter School 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

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 Charter School, the Charter School, may in its sole discretion, not require a substitute to undergo a criminal history check. If the Charter School 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 Charter School will pay the costs of such check.

Other employees

The Charter School may require that any employees subjected to criminal history checks. If required, the Charter School will pay the costs of such checks.

Volunteers

Any volunteer in the Charter School who has regular unsupervised access to students, as determined by the Principal or the Principal'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 Charter School.

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 Principal, who shall decide whether the volunteer is suitable to be in the presence of the students in the Charter School. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

Contractors

The Charter School maintains a safe environment for students by developing a system that cross-checks all contractors and other persons that have irregular contact with students against the statewide sex offender register.

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. §9-340(C) Records Exempt from Disclosure
Public Law 105-251, Volunteers for Children Act

Policy History:

Adopted on: 11/3/2011

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