

GBCD - BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

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 - Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

Persons regularly in contact with students means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a 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.

PAYMENT OF FEES – The District shall pay all fees and costs associated with the fingerprinting process and/or submission or processing of the requests for the Criminal Records Checks for any person seeking employment for all positions except a substitute position.

SUBSTITUTES – Substitute teachers will be reimbursed for the fees and costs associated with the fingerprinting process and/or submission or processing of the requests for the Criminal Records Checks after successfully completing three (3) full days of substitute work. The substitute teacher will use the reimbursement form and the reimbursement process outlined by the District.

VOLUNTEERS – Persons volunteering may need to submit to a State and FBI Criminal Records Check. The District shall pay all fees and costs associated with the fingerprinting process and/or submission or processing of the requests for the Criminal Records Checks for any person volunteering in the District schools and/or programs.

Volunteers by the nature of their function, frequency of service, and access to supervision may be subject to a background investigation and criminal records check. This policy is not meant to hinder the volunteer effort in our schools or on school sponsored field trips or activities.

In cases where a person volunteers to be regularly in the schools for a specified purpose, e.g.

library aide, reading tutor, snack monitor, and such activities, this person shall be subject to a background investigation and criminal records check. Overnight school sponsored events shall also be subject to a background investigation and criminal records check. Regular volunteers will be subject to the same policy set forth for employees requiring the initiation of the background investigation and criminal records check prior to starting their volunteer assignment.

Persons that volunteer on a sporadic frequency, e.g. field trip monitor, book fair assistant, classroom guest, and such activities, shall not be subject to a background investigation and criminal records check as long as persons acting in such capacity are supervised by school staff at all times.

The Superintendent shall designate the Building Principal to notify the SAU Office of any person acting in the capacity of a volunteer that may require a background investigation and criminal records check based on the above stated criteria.

POST-SECONDARY STUDENT INTERNS - Persons serving as post-secondary student interns must submit to a State and FBI Criminal Records Check. The District shall pay all fees and costs associated with the fingerprinting process and/or submission or processing of the requests for the Criminal Records Checks for any person serving as a post-secondary student intern in the District schools and/or programs. This process shall include the completion of the District's employment application and fingerprinting application and associated documentation.

SPECIAL EDUCATION SCHOOLS – The Superintendent shall designate the Special Services Coordinator to place all students requiring out-of-district program in an approved public or nonpublic special education school/program. If student placement in a state approved public or nonpublic NH State School is not feasible, the Special Services Coordinator shall request permission from the Superintendent for such a placement contingent upon the receipt of a successful criminal records check per the guidelines of this policy or the written verification that the facility abides by the NH State Statutes regarding background investigation and criminal records checks per the guidelines of this policy. The cost shall be borne by the receiving special education school and not the sending district.

CONTRACTED SERVICES – Any self-employed person or employee or selected applicant for employment with private business and agencies which contract with the district, including but not limited to bus drivers, therapy providers, and cafeteria workers, must have a successful background investigation and criminal records check conducted in accordance with guidelines set forth in this policy. The cost of such investigation, including criminal history records checks shall be borne by the contractor or subcontractor.

The Superintendent shall designate the Special Services Coordinator to verify in writing that all special education contracted services providers have a successful criminal records check and have abided by the State Statutes regarding background investigations and criminal records checks and this policy.

The Superintendent shall designate the Business Manager to verify in writing that all regular and extracurricular transportation and other such contracted services providers have a successful criminal records check and have abided by the State Statutes regarding background investigations and criminal records checks and this policy.

The Superintendent shall require all Building Principals to request permission to contract

services that regularly come in contact with students, other than those specified above. Upon permission, it shall be the responsibility of the Superintendent or his/her designee to verify in writing that the contracted service has a successful criminal records check and have abided by the State Statutes regarding background investigations and criminal records checks and this policy.

CONDITIONAL EMPLOYMENT, CONTRACT HIRING, OR VOLUNTEER STATUS - 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. The same applies to contracted service providers and volunteers of whom their services are conditional upon 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, CONTRACT HIRING, OR VOLUNTEER STATUS - A person who has been extended a conditional offer of employment, provision of contracted services, or volunteering may be extended a final offer of employment, provision of contracted services, or volunteering upon the completion of a Criminal Records Check which is satisfactory to the Board.

No person with a conditional offer shall be extended a final offer of employment if such person has been convicted of the following offenses, as referenced in RSA 189:13-a, V.: (1) murder or manslaughter, or (2) child pornography or computer pornography, or (3) aggravated felonious sexual assault, felonious sexual assault, or sexual assault, or (4) incest, or (5) kidnapping, or (6) manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on school property, or (7) sexual misconduct within an education setting in this State, or (8) prostitution and related offenses, or (9) endangering welfare of child or incompetence, or (10) indecent exposure and lewdness, or (11) certain uses of computer services prohibited, or (12) obscene matter offenses in this state or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed above, 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:

1. Verify accuracy of such report with the NH State Police.
2. Check the employment application for disclosure of a felony conviction.
3. Shall initiate an immediate investigation.
4. Decide case-by-case whether an applicant's felony conviction warrants rejection of his/her employment application.
5. Dismiss said applicant within twenty-four (24) hours of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays if the felony conviction warrants rejection of the employment application.

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.

ADDITIONAL CRIMINAL RECORDS CHECKS - The Board may require a Criminal Records Check of any employee at any time.

STATUS OF CRIMINAL RECORDS DOCUMENTS – Confidentiality of all criminal history investigations and records shall be maintained. In the event of no record, the district shall destroy the information immediately following review of the information. If the applicant has a conviction listed in RSA 189:13-a, V or per policy, the district shall destroy any conviction notice within 30 days of receipt.

The District will maintain documentation as to the status of the criminal records check process and the successful completion of such criminal records check. This documentation shall become part of the employee's personnel file. As such, employees have a right to a copy. However, if the employee takes a copy and uses it for his/her own purposes, the District cannot be held liable.

Statutory/Regulatory/Policy/Handbook Cross References

RSA 189:13-a (School Employee and Volunteer Background Investigations)
Handbook (Referenced in Personnel Handbooks)

APPROVED/REVISED: July 20, 2006, June 3, 2010, May 19, 2011

PREVIOUS POLICY: September 25, 2000 – Background Investigation and Criminal Records Check