

Descriptor Term: CRIMINAL BACKGROUND CHECKS	Descriptor: GBAC	Issued: Draft 6-10-10
	Rescinds: GBAC	Issued: 10/24/2000

BOARD POLICY

The Board is committed to providing a safe environment in which students can learn. As part of this effort, the District will require criminal background checks and child abuse registry checks of employees as well as certain volunteers and others working on school grounds in accordance with this policy and applicable law. The Board directs the superintendent to develop procedures and practices consistent with this policy.

ADMINISTRATIVE PROCEDURE

1. Background Check.

1.1 Employees. In order to ensure that new hire applicants have no disqualifying criminal record, anywhere in the United States, and in compliance with federal law, all new employees, licensed and unlicensed, are required to have shall submit to a state child abuse registry check and a criminal records background check utilizing a fingerprinting card. The fingerprinting card will be forwarded to the Department of Public Safety who will in turn forward the card to the Federal Bureau of Investigation.

1.2. Substitutes. Any substitute or employee who was part of a substitute pool during the previous year and any new or previous independent contractor may be checked at the discretion of the District.

1.3. Volunteers. The District will conduct a criminal background check on all persons volunteering in positions where they will be left alone with a child. The superintendent or designee shall identify the volunteer positions in the District that require a criminal background check. The District must receive the results of criminal background checks, and the superintendent or designee must officially approve the person before the volunteer may begin service in the identified volunteer position.

1.4. Cost. The cost of the background check for employee applicants shall be paid by the District. However, should an employee leave an employment position with the District prior to the completion of a one year of service, a charge the fee of \$50.00 for the cost of a background check will be assessed to the final payroll check of the employee. Volunteer candidates shall pay for their background checks.

2. Disqualifying information.

Applicants will be ineligible for employment if a background check discloses a felony conviction, guilty plea conviction or plea of nolo contendere plea to a felony conviction of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, a sex offense as defined by state statute, child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault, which has not been reversed on appeal or for which a pardon has not been granted. If the District has employed an applicant contingent upon a background check and derogatory disqualifying information is obtained, the employment of that individual is voidable.

3. Confidentiality.

Information received by the District pursuant to a criminal background check is confidential and shall not be disseminated. The District will only use this information for the District's internal purposes in determining the suitability of an applicant, employee, volunteer or other worker on District property. The District will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the District. Any person submitting to a criminal background check may receive a copy of the background check information received by the District.

4. Appeal.

4.1. The Board may, at its discretion, allow any applicant aggrieved by the employment decision to appear before the Board or designee to show mitigating circumstances.

4.2. The Board may grant a waiver ~~waive a conviction and hire an applicant with a criminal record based upon~~ based upon such mitigating circumstances, including but not limited to ~~the following~~: age at the time of the commission of the crime; circumstances surrounding the crime; length of time and criminal history since the conviction; ~~crime~~; work history; ~~and~~ current employment and character references; other evidence demonstrating the ability of the individual to perform the job competently while not posing a threat to the health or safety of the ~~school~~ children at school.

4.3. Should an applicant desire to contest the findings of a background check, he/she may appeal ~~it will be necessary that an appeal of the information be directed to the Mississippi Department of Public Safety.~~

5. District Notification.

As a condition of continuing to work within the District, all employees and other persons required to submit to a criminal background check pursuant to this policy must notify the District if they are charged, convicted, plead guilty to or are otherwise found guilty of any misdemeanor or felony, regardless of the imposition of sentence. This notification must be made as soon as possible, but no later than five (5) business days after the event.

6. Updating Information

The District reserves the right to require any person to submit to additional criminal background checks at the District's expense or to rerun background checks at any time based on a reasonable suspicion. Any employee refusing to submit to a background check may be disciplined or terminated. The District may decline to utilize the services of volunteers or contractors who refuse to participate.

7. Submitting False Information. Should any person ~~applicant~~ submit a false answer to the application question asking "Have you ever been arrested, convicted of or plead guilty or nolo contendere to any crime?" the applicant, if employed, will ~~may?~~ be

terminated from employment and a volunteer will **may?** be prohibited from service. Any other material misrepresentation on the employment application may result in either cancellation of the application and revocation of any conditional offer of employment that may have been made, or separation from the ~~Tupelo Public School District's~~ employment.

EXHIBITS

GBAC 1.0710 Volunteers Required to Have Background Checks **NEED THIS**

REFERENCES

MCA §37-9-17

FORMS

Authorization for Criminal Background Check Form GBAC1.0710