

## **DEFINITIONS**

For the purposes of this policy, the following definitions apply:

“Employee” those individuals hired by the district and paid a salary or wages from which federal and state income taxes are withheld.

“Substitute Teachers” any individual who temporarily replaces a certificated classroom educator and is paid a substituted teacher wage for one (1) day or more during a school year.

## **EMPLOYEES**

All certificated and non-certificated employees, including substitute staff and individuals involved in student training such as practicums and internships, hired after July 1, 2008, shall undergo a criminal history check as required by Idaho Code § 33-130.

Employees are required to submit a completed ten (10) finger fingerprint card or scan to the Idaho State Department of Education no later than five (5) days after the employees’ first day of employment with the school district or unsupervised contact with students in a K-12 setting, whichever is sooner.

The employee or individual involved in student training will be responsible for the cost of the criminal history check.

A record of all background checks will be maintained by the Idaho State Department of Education in a data bank for all employees of this district, with a copy going to the employee if so requested. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in Idaho Code §33-1208, the district will review such results to determine whether the employee shall be terminated, dismissed or subject to other personnel action of the district. The district retains the right to evaluate whether an individual convicted of one of the crimes so enumerated, and having been incarcerated for that crime, shall be hired.

The district will not hire individuals, and will terminate or dismiss employees who have been convicted of any of the following felony offenses against a child:

1. The aggravated assault of a child, or the assault with intent to commit a serious felony against a child;
2. The aggravated battery of a child, or the battery with intent to commit a serious felony against a child;
3. The injury or death of a child;

4. The sexual abuse of a child under sixteen (16) years of age;
5. The ritualized abuse of a child under eighteen (18) years of age;
6. The sexual exploitation of a child;
7. Lewd conduct with a child under the age of sixteen (16);
8. Sexual battery of a minor child sixteen (16) or seventeen (17) years of age;
9. The sale or barter of a child for adoption or other purposes;
10. The murder of a child, or the voluntary manslaughter of a child;
11. The kidnapping of a child;
12. The importation or exportation of a juvenile for immoral purposes;
13. The abduction of a person under eighteen (18) years of age for prostitution;
14. The rape of a child.

### **SUBSTITUTE TEACHERS**

A substitute teacher employed by this district will not be required to undergo additional criminal history checks if he or she has obtained a criminal history check within the previous five (5) years, related to employment for another school district. If this district elects to require another criminal history check within the five (5) year period, it will pay the cost or reimburse the teacher for such cost.

### **VOLUNTEERS AND CONTRACTORS**

Unsupervised Contact with Students. All individuals who have unsupervised contact with students, including parent and community volunteers, contractors and subcontractors as well as their employees, will be required to undergo a criminal history background check. The individual is required to submit a completed ten (10) finger fingerprint card or scan to the Idaho State Department of Education no later than (5) days after the individual's first unsupervised contact with students in a K-12 setting.

Irregular Contact with Students. The superintendent or designee will cross-check the names of all other individuals who have irregular contact with students, including volunteers, contractors, and subcontractors, with the State of Idaho sex offender registry no later than five (5) days following the first day that the individual is present in a K-12 setting for purposes of volunteering or fulfilling a contract. The individual will be required to provide proof of

identification, alias names, and any other identifying information deemed necessary to complete the cross-check. If determined necessary by the superintendent or designee to ensure a safe environment for all students, any such individual may be required to undergo a criminal history check. The district will pay for criminal history checks of volunteers; contractors and subcontractors will be required to pay for their criminal history checks.

The State of Idaho sex offender registry will be reviewed at least annually thereafter for volunteers or contractors who continue to be present on the school premises. Those individuals who are on the sexual offender registry will not be allowed to volunteer and/or work as contractors, or employees of a contractor, for the district.



**LEGAL REFERENCE:**

Idaho Code Sections

33-130	18-911	18-4006(1)
33-512(15)	18-1501	18-4502
33-512(16)	18-1506	18-5601
33-1202	18-1506A	18-5610
33-1204	18-1507	18-6101
33-1208	18-1508	18-6108
18-905	18-1508A	18-8305
18-907	18-1511	18-8323
18-909	18-4003	18-8404

**ADOPTED: June 1, 2007**

**AMENDED: April 20, 2016**