

POLICY 3035

Employee Criminal Background Checks and Personal Reporting of Arrests and Convictions

A. Definitions

1. A "licensed employee" is one who holds a valid Utah educator license.
2. A "non-licensed employee" is one who does not hold a current Utah educator license issued by the State Board of Education.
3. A "qualifying volunteer" is a volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment. For purposes of this policy, "qualified volunteer" does not include an officer or employee of a cooperating employer that has an internship safety agreement with the District.
4. A "contract employee" is an employee of a staffing service or other entity who works at a District school under a contract.
5. "Personal identifying information" means an individual's current name, former names, nicknames and aliases; date of birth, address; telephone number; driver license number or other government-issued identification number; Social Security number; and fingerprints.
6. "Criminal History Report" is a document generated by the Bureau of Criminal Identification after a search of the State of Utah's criminal history files and/or other state and federal databases designated by applicable law or by the District.
7. "Background Check" means information on an applicant or employee that may include, but is not limited to, Criminal History Reports and driving record reports.
8. "Alcohol related offense" means a violation of [Utah Code Title 41, Chapter 6a, Part 5](#), Driving Under the Influence and Reckless Driving (except for offenses not involving alcohol), [Utah Code § 76-9-110 \(Public Intoxication\)](#), [Utah Code § 32B-4-403 \(Unlawful sale, offer for sale, or furnishing to a minor\)](#) and any offense under the laws of another state that is substantially equivalent to these offenses.
9. "Drug related offense" means any criminal offense under [Utah Code Title 58, Chapter 37 \(Controlled Substances\)](#), [Chapter 37c \(Controlled Substance Precursors\)](#), and [Chapter 37e \(Drug Dealer Liability\)](#).

[Utah Code § 53G-11-401\(3\), \(6\), \(7\) \(2024\)](#)

[Utah Code § 53G-11-402\(1\)\(a\)\(iii\) \(2024\)](#)

[Utah Admin. Rules R277-316-2\(6\), \(10\), \(11\), \(13\) \(January 10, 2025\)](#)

[Utah Admin. Rules R277-210-2\(3\), \(15\) \(November 21, 2025\)](#)

[Utah Admin. Rules R277-316-2\(1\), \(8\) \(January 10, 2025\)](#)

B. Employment Screening

1. All persons seeking a licensed employee position with the District shall provide their educator licensing information with their application for employment.
2. Prior to employing an individual as a licensed employee, the District shall confirm the individual's license status and standing with the State Board of Education, including inquiring regarding any prior or pending disciplinary actions or complaints.
3. Upon employing an individual as a licensed employee, the District shall request that the State Board of Education provide notification to the District of any changes or updates received by the State Board through its ongoing monitoring of the individual's criminal history and background.
4. At the time a prospective employee makes application for employment with the District, such prospective employee shall fill out an employment application providing the following warning:
 - a. "All references stated in this application will be checked by the District and it is the policy of this District that false information will be grounds for rejecting your application with no further consideration for the position; or, if such false information is discovered after hire, you may be subject to immediate termination for cause. Any false information may also be the grounds for criminal prosecution."
5. All employees seeking employment with the District shall provide personal identifying information including: current name, former names, nicknames, and aliases, date of birth, address, telephone number, driver license number or other government issued identification number, social security number and fingerprints.
6. All employees, qualifying volunteers, and contract employees seeking employment with the District and who are 18 years old or older shall sign a written release, waiver and authorization which authorize the District to request information from the prospective employee's past three employers and supervisors. The release, waiver and authorization shall also authorize the District to contact former employers to obtain a reference check and to conduct a background search into the employee's

criminal record, if any, or any other background check as the District deems necessary to satisfy itself of the quality and competence of the prospective employee's credentials.

[Utah Code § 53G-11-402\(1\)\(a\) \(2024\)](#)

[Utah Code § 53-10-108\(13\)\(b\)\(ii\) \(2025\)](#)

7. The District shall consider only those convictions which are job-related. The prospective employee shall have opportunity to respond to any information received as a result of the background check.
8. If a current employee is dismissed from employment because of information obtained through a background check, the person shall receive written notice of the reasons for dismissal and shall have an opportunity to respond to the reasons for the dismissal.
9. Each current employee and prospective employee must agree to have his/her fingerprints taken and sign a document of acknowledgment and waiver permitting the District to request a background check of any state or federal criminal history file that the District might deem applicable as a condition of employment.
10. The District shall, for each non-licensed employee and volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment, collect personal identifying information including: current name, former names, nicknames and aliases, date of birth, address, telephone number, driver license number or other government issued identification number, social security number and fingerprints and submit that personal identifying information to the Bureau of Criminal Identification within the Department of Public Safety.

[Utah Code § 53G-11-402 \(2023\)](#)

[Utah Admin. Rules R277-316-4 \(January 10, 2025\)](#)

C. Licensed Employees - Background Checks

1. The USBE will conduct background checks for all licensed employees in the year in which their license is to be renewed.

D. Non-Licensed Employees - Background Checks

1. All non-licensed employees, qualifying volunteers, and contract employees seeking employment with the District or service in a District school and who are subject to the background check requirement shall provide their personal identifying

information with their application. “Non-licensed employees” includes substitute teachers who are not licensed by the State Board of Education.

[Utah Code § 53G-11-402\(1\)\(b\) \(2024\)](#)

[Utah Code § 53E-6-901\(3\) \(2025\)](#)

[Utah Admin. Rules R277-316-3\(1\)\(a\) \(January 10, 2025\)](#)

2. The District shall obtain consent from each applicant who is subject to the background check requirement and who is seeking employment as a non-licensed employee or service as a qualifying volunteer or contract employee for
 - a. an initial fingerprint-based background check by the FBI and Bureau of Criminal Identification and
 - b. the retention of personal identifying information and ongoing monitoring by the Bureau of Criminal Identification.

[Utah Code § 53G-11-402\(1\)\(b\)\(iii\) \(2024\)](#)

3. Prior to employing a non-licensed employee or permitting a contract employee or qualifying volunteer to provide service in a District school, the District shall require the individual to undergo a background check. (This requirement does not apply if the individual is younger than 18 years old.) The District shall submit the individual's personal identifying information, including fingerprints, to the Bureau of Criminal Identification for this background check.

[Utah Code § 53G-11-402\(1\)\(a\), \(c\) \(2024\)](#)

[Utah Admin. Rules R277-316-3\(1\)\(a\) \(January 10, 2025\)](#)

4. Upon employing a non-licensed employee or permitting a contract employee or qualifying volunteer to provide service in a District school, the District shall request ongoing monitoring of the individual through the Bureau of Criminal Identification unless the individual is younger than 18 years old.

[Utah Code § 53G-11-402\(1\)\(c\)\(ii\) \(2024\)](#)

[Utah Admin. Rules R277-316-3\(1\)\(a\) \(January 10, 2025\)](#)

5. At the discretion of the Superintendent or the Superintendent's appointee, if the employment or service is to be temporary or for a very short term, the non-licensed employee, contract employee, or qualifying volunteer may be exempted from ongoing monitoring.

[Utah Code § 53G-11-402\(4\) \(2024\)](#)

6. With respect to applications submitted by prospective non-licensed employees, contract employees, or qualifying volunteers, the District will pay the cost of an applicant's background check.

[Utah Code § 53G-11-402\(2\) \(2024\)](#)

E. Check for State Board of Education Restrictions

1. Prior to employing an individual or allowing an individual to volunteer in a District school, the District shall ask the State Board of Education whether the individual
 - a. has been determined to be ineligible for an educator license,
 - b. is under suspension of license, or
 - c. has had an educator license revoked;
 - d. The District shall also ask whether the individual is under restriction because of any of these actions.
2. If the individual is under restriction, the individual may not be employed by the District (including as a substitute teacher) nor allowed to volunteer in a District school.
3. If the individual has been subject to license action by the State Board of Education but is not under restriction, then the District shall determine whether to employ the individual or allow the individual to volunteer considering the nature of the license action and the circumstances underlying the action.

[Utah Code § 53E-6-603\(3\)\(a\) \(2026\)](#)

[Utah Code § 53E-6-604\(5\)\(e\) \(2026\)](#)

[Utah Code § 53E-6-604.5 \(2026\)](#)

[Utah Code § 53E-6-901\(5\) \(2026\)](#)

F. Employees Duty to Personally Report Arrests and Convictions

1. An employee who is arrested, cited, or charged for any alleged offenses shall report the arrest, citation, or charge within forty-eight (48) hours or to the Superintendent or designee, including, but not limited to:
 - a. Any matters involving an alleged sex offense;

- b. Any matters involving an alleged drug-related offense;
 - c. Any matters involving an alleged alcohol-related offense;
 - d. Any matter involving an alleged offense against the individual under [Utah Code Ann. Title 76, Chapter 5, Offenses Against the Individual](#);
 - e. Any matters involving an alleged felony offense under [Utah Code Title 76, Chapter 6, Offenses Against Property](#).
 - f. Any matters involving an alleged crime of domestic violence under [Utah Code Title 77, Chapter 36, Cohabitant Abuse Procedures Act](#); and
 - g. Any matters involving an alleged crime under federal law or another state's law comparable to any of the alleged crimes listed above.
- 2. An employee shall report any felony or misdemeanor convictions, including pleas in abeyance within 48 hours or as soon as possible upon receipt of notice of the conviction or plea in abeyance.
 - 3. After receiving arrest information about the employee, the Superintendent or designee shall review the arrest information and assess the employment status considering the employee's assignment. The employment status of licensed educators shall be evaluated in light of the Utah Educator Standards, [Utah Code § 53E-6-604](#), and District policy. An employee shall be immediately suspended from student supervision responsibilities for alleged sex offenses and other alleged offenses that may endanger students during the period of investigation. An employee shall be immediately suspended from any duties that require the employee to transport students or operate or maintain a District vehicle for alleged offenses involving drugs or alcohol during the period of investigation.
 - 4. The employee shall report for work following the arrest unless directed not to report for work by the District, consistent with District policy.
 - 5. Failure to report any arrest or conviction pursuant to this policy may result in disciplinary action, up to, and including, termination.
 - 6. Documents and records related to an employee's arrest and/or conviction or plea in abeyance, as well as final administrative determinations and actions following investigation, shall be maintained for a minimum of two (2) years following termination of employment with the District and require protection of confidential employment information.

7. Any District volunteer who has or may be given significant unsupervised access to children in connection with the volunteer's assignment for the District shall be considered an "employee" for purposes of the requirements of this policy.

[Utah Admin. Rules R277-217-4 \(November 21, 2025\)](#)

[Utah Admin. Rules R277-316-3 \(January 10, 2025\)](#)

[Utah Admin. Rules R277-316-6 \(January 10, 2025\)](#)

[Utah Code § 53E-6-604 \(2026\)](#)

[Utah Code § 53G-11-406\(1\) \(2019\)](#)

8. The District will provide adequate due process for the accused employee consistent with [Utah Admin. Rules R277-316](#) and applicable administrative procedures established by the District.
9. The Human Resource Executive Director over Personnel shall review arrest information and make employment decisions that protect both the safety of students and/or employees and the confidentiality and due process rights of employees.
 - a. In making decisions in reliance on criminal history information, the District shall consider rules established by the State Board of Education and
 - 1) any convictions, including pleas in abeyance;
 - 2) any matters involving a felony; and
 - 3) any matters involving an alleged:
 - a) sexual offense;
 - b) class A misdemeanor drug offense;
 - c) offense against the person under [Title 76, Chapter 5, Offenses Against the Individual](#);
 - d) class A misdemeanor property offense that is alleged to have occurred within the previous three years; and
 - e) any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

[Utah Code § 53G-11-405\(3\) \(2022\)](#)

[Utah Code § 53G-11-402\(3\) \(2024\)](#)

10. Records of arrests and convictions shall be placed in the employee's personnel file upon receipt by the District and will:

- a. Include final administrative determinations and actions following investigation; and
- b. Be maintained only as necessary to protect the safety of students and/or employees and with strict requirements for the protection of confidential employment information.

G. District Reports to State Board of Education

1. The Superintendent or designee shall report the conviction, arrest or offense information received from licensed educators to the State Board of Education within forty-eight (48) hours of receipt of information from licensed educators. If possible, this report shall be made using the form provided by the State Superintendent on the State Board of Education website.
2. "Licensed educator" means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system.

[Utah Admin. Rules R277-217-4\(3\), \(4\) \(November 21, 2025\)](#)

[Utah Admin. Rules R277-316-2\(10\) \(January 10, 2025\)](#)

[Utah Code § 53G-11-406\(2\) \(2019\)](#)

H. Where reasonable cause exists, a current employee may be required to submit to fingerprinting and a criminal background check at the Board's expense prior to the intervallic background check.

I. If the District disqualifies an applicant as a result of criminal history obtained from a background check, the District shall give the individual written notice of the disqualification and of the individual's right to request a review of the disqualification.

[Utah Code § 53G-11-405\(1\)\(c\) \(2022\)](#)

1. An individual disqualified by the District as a result of a background check may request a review of the information received by the District through the background check and of the reasons for the disqualification and may respond to the information and the reasons for disqualification. The District shall, consistent with the requirements of [Utah Code § 53-10-108](#), allow the individual to review the criminal history information received by the District.

Utah Code § 53G-11-405(1)(a), (b) (2022)

J. The District shall cooperate with the USBE in investigations of Licensed Educators.

References:

Utah Code § 53E-6-401

Utah Code § 76-5, Offenses Against the Individual

Utah Admin. Rules R277-316