

1 **Browning Public Schools**

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3 **Policy #5122**

4 Policy Name: *Fingerprints and Criminal Background Investigations*

5 Regulation: -----

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7 It is the policy of the Board that any finalist recommended for hire to a paid or volunteer position
8 with the District, involving regular unsupervised access to students in schools, as determined by the
9 Superintendent, shall submit to a name-based and fingerprint criminal background investigation
10 conducted by the appropriate law enforcement agency prior to consideration of the recommendation
11 for employment or appointment by the Board. The results of the name-based check shall be
12 presented to the Board concurrent with the recommendation for employment or appointment. Any
13 subsequent offer of employment or appointment shall be contingent upon results of the fingerprint
14 criminal background check, which must be acceptable to the Board, in its sole discretion.

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16 All applicants for employment, as a condition for employment, and volunteers assigned within the
17 District who has REGULAR unsupervised access to students shall be required as a condition of any
18 offer of employment, or engagement, to authorize in writing a fingerprint criminal background
19 investigation to determine if he or she has been convicted of certain criminal or drug offenses.

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21 Any requirement of an applicant to submit to a fingerprint background check shall be in compliance
22 with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has
23 any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an
24 offense other than a minor traffic violation, the facts must be reviewed by the Superintendent who
25 shall decide whether the applicant shall be declared eligible for appointment or employment. Arrests
26 resolved without conviction shall not be considered in the hiring process unless the charges are
27 pending.

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31 **Cross Reference:** Policy #5121 Scope of Personnel Policies

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33 **Legal Reference:** § 44-5-301 MCA Dissemination of Public Criminal Justice Information
34 § 44-5-302 MCA Dissemination of Criminal History Record Information that is
35 not Public Criminal Justice Information
36 § 44-5-303 MCA Dissemination of Confidential Criminal Justice Information
37 Public Law 105-251 Volunteers for Children Act

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39 **Policy History:**

40 Adopted on: 4/13/04

41 Amended on: 7/27/04, 5/30/07, 3/26/14