

It is the policy of Minidoka County Joint School District #331, Minidoka, Cassia, Jerome and Lincoln counties, that criminal history background checks, including fingerprinting, will be required for all District employees, substitutes, student teachers, and contractors having regular, unsupervised contact with students.

### **Employees**

All certificated and non-certificated employees, including substitute staff and individuals involved in student training such as practicums and internships shall undergo a criminal history check as required by Idaho Code Section 33-130. Students of the district who are employed as students are exempt from this requirement.

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) business 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 will be responsible for ½ of the cost of the criminal history check. Student teachers will be responsible for the full costs of the criminal history check and typically work through their respective university/college supervisors to meet this requirement.

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.~~ The district will obtain the results of each employee's background check from the Department and will review such results to determine if, based on the results, the employee should be terminated, dismissed, or subject to other personnel action.

If it is determined that an employee has been convicted of a felony crime set forth below, it will be grounds for immediate termination, dismissal or other personnel action by this district. This district will have the right to evaluate and determine whether an individual convicted of one of the crimes listed below, and having been incarcerated for that crime, will be hired.

The felony crimes include, but are not limited to:

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. Possession of photographic representations of sexual conduct involving a child;
8. Lewd conduct with a child under the age of sixteen (16);

9. Sexual battery of a minor child sixteen (16) or seventeen (17) years of age;
10. The sale or barter of a child for adoption or other purposes;
11. The murder of a child, or the voluntary manslaughter of a child;
12. The kidnapping of a child;
13. The importation or exportation of a juvenile for immoral purposes;
14. The abduction of a person under eighteen (18) years of age for prostitution;
15. The rape of a child.

**Substitutes**

All substitutes shall undergo a criminal history check. 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~~six (6) months, related to employment for another school district.

**Volunteers and Contractors**

All volunteers will be required to submit proof of identification, alias names, and other necessary identifying information, when applying to act as a volunteer. All contractors will be required to provide a list of all employees of the contractor, and proof of identification of those individuals, who are reasonably anticipated to be on the school premises for the purpose of carrying out the terms of the contract. Contractors and subcontractors, and their employees, will be required to submit proof of identification, alias names, and other necessary identifying information. The District shall conduct a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips. No volunteer shall be utilized to supervise students, or deemed to have authority to supervise students, unless the volunteer has been designated to supervise students by the principal or designee and the volunteer has undergone the required records check.

If the background checks reveal evidence of convictions as identified in the paragraph below or other concerns regarding past behavior, the volunteer or contractor will not be utilized.

1. Convicted of any crime against persons.
2. Found to have sexually assaulted or exploited any minor or to have physically abused any minor.
3. Found by a court in a domestic relations proceeding to have sexually abused or exploited any minor or to have physically abused any minor or their spouse.
4. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor or their spouse.

If a criminal background check reveals a conviction or pending charge which substantially relates to the nature of the position and which the volunteer or contractor failed to disclose as required on the district application form, the volunteer or contractor will not be utilized.

**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. ~~The district will pay ½ of the costs for criminal history checks of v~~Volunteers; sStudent teachers, contractors and subcontractors will be required to pay for their criminal history checks.

**Irregular Contact with Students**

The building principal 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 principal 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 ½ of the costs for criminal history checks of v~~Volunteers; sStudent teachers, 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 REFERENCES: Idaho Code Sections:** 33-130:18-911:18-1511:33  
512(15);18-1501:18-4003:18-  
90518-1507:18-5610:33-202:18-  
150618-4006(1):18-90718-507A:  
18-6101:33-1204:18-1506A:  
18-4502:18-90918-1508:18-6108

**ADOPTED: May 19, 2003**

**AMENDED/REVISED: July 15, 2009**