

## CRIMINAL HISTORY RECORDS CHECK

### Background Investigation

The Superintendent shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime, and whether there are any criminal charges pending against him/her at the time of application, including misdemeanor convictions. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done. For the purposes of this policy the term “applicant” shall include an applicant for employment by the District, an individual with whom the District may contract to provide services directly to students, any person identified by a contractor with the District whom the contractor proposes to assign to provide services directly to students, student teachers who are proposed to be placed in a District school, and designated volunteers. All applicants will be subject to a criminal records history check meeting the minimum requirements of law, however, the Superintendent’s protocol may specify additional background check steps for specific groups of employees, such as verifying the educational achievements and employment history of an applicant for a teaching position. The Superintendent’s protocol shall include a list of felonies and misdemeanors specified in RSA 189:13-a, V. (see appendix GBCD-R) convictions but not limited to, which shall be disqualifying. The protocol shall require that an analysis be conducted of any pending charges or convictions for crimes not on the statutory list of disqualifying offenses to determine whether the applicant should be disqualified. The protocol shall take into consideration the time which has passed since the conviction, the facts, and circumstances of the charge or conviction, evidence of successful rehabilitation and an extended period of lawful behavior. For charges pending disposition for offenses not on the statutory list of disqualifying offenses, which the applicant discloses or which come to light during the background check, the presumption of innocence shall apply, however, the Superintendent shall consider all reliable information in assessing the applicant’s suitability. The Superintendent shall assess whether in light of the totality of the circumstances, the pending charges or convictions raise reasonable cause to doubt the applicant’s suitability for the position.

District Criminal History Records are valid for up to one year after employment ends. Any applicant for re-hire after the one year grace period will be required to complete a new criminal background investigation and criminal records check.

Any person for whom the Board requires a Criminal Records Check shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Check, unless otherwise determined by the Board.

### **Criminal Records Check**

Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

“Persons regularly in contact with students” means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g. once or twice a week, with students, including , but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.

### **Volunteers**

Designated Volunteers are subject to a background investigation/criminal records check and the provisions of this policy. “Designated Volunteers” are defined and so designated pursuant to Policy IJOC. Volunteers not categorized as “Designated Volunteers” per Policy IJOC will not be subject to a background investigation or criminal records check.

### **Conditional Employment**

Persons who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the background check, the State and FBI criminal history records check, and a determination that there are no disqualifying pending charges or convictions.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal State and FBI Criminal Records Check process and has completed a background investigation.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District’s health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such

coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of the Policy.

### **Final Offer of Employment**

A person who has been extended a conditional offer of employment as approved by the Board may be extended a final offer of employment upon the successful completion of a Criminal Records Check which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has charges pending or has been convicted of the following offenses, as referenced in RSA 189:13-a, V: (1) murder, or (2) child pornography, or (3) aggravated felonious sexual assault, (4) felonious sexual assault, (5) kidnapping, (6) manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on school property, or (7) sexual misconduct within an educational setting in this state; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed above, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any felony or misdemeanor convictions. Such determination will be made by the Board, on a case by case basis.

The Superintendent, or designee, will transmit this policy to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the Superintendent only whether the record of said selected applicant or volunteer contains any felony or misdemeanor convictions.

When the Superintendent receives a notification of a felony or misdemeanor conviction from the State Police on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four (24) hours of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

### **Additional Criminal Records Checks**

The Board may require a criminal history records check of any employee, an individual with whom the District has contracted to provide services directly to students, any person identified by a contractor with the District who has been assigned to provide services directly to students, student teachers who are placed in a District school, and designated volunteers at any time

**Legal References:**

*RSA 189:13-a, School Employee and Volunteer Background Investigations*

*Appendix GBCD-R: Sample Background Check, Criminal History Records Check Protocol*

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