

## Raymond School District Policy - GBCD

### BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

#### **Background Investigation**

The Superintendent, or his/her designee, 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.

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 that have been done.

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. 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.

#### **Criminal Records Check**

Each person considered for employment by the Board whose duties require regular contact with students 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 students 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 students on a limited basis; or (4) any other persons who the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

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

#### **Volunteers**

~~Volunteers may be subject to a background investigation/criminal records check, as designated in Policy IJOC. The Board may require a Criminal Records Check of any Volunteer at any time.~~

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

**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 generally not be subject to a background investigation or criminal records check. However, the Board may require a Criminal Records Check of any Volunteer at any time.**

### **Contractors**

Any contractor and employees of the contractor whose duties require regular contact with students are subject to State and FBI Criminal Records Check in accordance with this policy.

### **Conditional Employment**

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

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 that 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 School 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 this Policy.

### **Final Offer of Employment**

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records Check that 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 been convicted of the following offenses, as referenced in RSA 189:13-a, V: (1) murder; (2) child pornography; (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 education 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 been convicted of ANY felony.~~ **In addition to the felonies listed in pertinent and applicable law, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any crime, either a misdemeanor or felony.** Such determination will be made by the School 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 District whether the record of said selected applicant or volunteer contains any felony convictions.

When the District receives a notification of a felony conviction from the State Police on a particular person that it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four hours (24) 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 that 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 Records Check of any employee at any time.

#### Statutory Reference:

*RSA 189:13-a*

#### Technical Assistance Advisory:

~~*N.H. Department of Education, School Employee Background Investigation, Including A Criminal History Records Check, Adopted July 28, 1997*~~

~~*Update to Technical Assistance Advisory, Dated November 19, 1999*~~

***See Appendixes: GBCD-R N.H. Department of Education, School Employee Background Investigation, Including A Criminal History Records Check and GBCD-R-1***

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