

## **Policy Code: GBCD**

### **Background Investigation and Criminal Records Check**

#### Background Investigation

The Superintendent [or person carrying out the role of Superintendent] is responsible for conducting a thorough investigation into the past employment history and other applicable background, including social media, of all persons considered for employment with the School District, or as a student teacher or educational intern. This investigation shall be completed prior to finalizing an offer of employment or student teacher and educational intern placements. 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.

As part of the background investigation, each employment applicant, student teacher, or educational intern shall be asked whether he/she has any pending criminal charges or has ever been arrested for or convicted of any crime that has not been annulled by a court. The falsification or omission of any information on a job application or in a job interview shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

#### Criminal Records Check

Each person considered for employment by the School Board whose duties require regular contact with students must submit to State of New Hampshire and FBI Criminal Records Checks.

A person has “regular contact with students” when in the performance of his/her duties comes in direct contact with students on a daily basis for any period of time or meets regularly with students. This includes but is not limited to art, music, or physical education teachers, part-time teachers, substitute teachers who come in direct contact with students on a limited basis, support staff, or any other persons whom the Superintendent or the School Board determines, 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.

Any person for whom the School 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 School Board.

#### Volunteers

Designated Volunteers are subject to a background investigation/Criminal Records Check. A “designated volunteer” means any volunteer who:

1. Comes in direct contact with students on a daily basis;
2. Meets regularly with students;
3. Meets with students on a one-on-one basis;
4. Any other volunteer so designated by the School Board or Superintendent.

Volunteers not categorized as “Designated Volunteers” shall not be subject to a background investigation or Criminal Records Check.

### Conditional Employment

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

No applicant selected for employment shall be extended a conditional offer of employment until a background investigation has been completed and a Criminal Records Check has been initiated.

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 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 School Board policies and/or collective bargaining agreements. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the School Board does not tender the person a final offer of employment by reason of application of this policy.

When the Superintendent receives notification of a felony or misdemeanor conviction from the State Police regarding a particular person which the superintendent 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.

### 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 which is satisfactory to the School Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of any of the following offenses, as referenced in RSA 189:13-a, V:

1. Capital Murder
2. First Degree Murder
3. Second Degree Murder
4. Manslaughter
5. Aggravated Felonious Sexual Assault
6. Felonious Sexual Assault
7. Sexual Assault
8. Kidnapping
9. Incest
10. Endangering the Welfare of Child or Incompetent
11. Indecent Exposure and Lewdness

12. Prostitution and Related Offenses
13. Child Pornography
14. Possession of Child Sexual Abuse Images
15. Computer Pornography and Child Exploitation Prevention
16. Certain Uses of Computer Services Prohibited
17. Obscene Matter Offenses

Candidates will also be automatically disqualified if he or she has been convicted of any of the Section V violations, as identified above, as a misdemeanor level offense. Candidates will also be automatically disqualified for misdemeanor convictions of any of the following types of offenses: sex offenses, sexual assault, weapons violations, child abuse, domestic violence, or possession with intent to distribute.

Other misdemeanor convictions will be assessed on a case-by-case basis and considerations that will be taken into account include, but may not be limited to:

- The nature of the arrest compared to the nature of the conviction (i.e. was the conviction a result of a plea deal);
- Age of the conviction;
- Age of candidate at time of the offense;
- Number of offenses;
- The relationship the conviction has to the duties and responsibilities of the placement;
- Whether the candidate disclosed the conviction during the application or interview process;
- Any other consideration(s) deemed relevant to the purpose of this policy.

A person may be denied a final offer of employment if he/she has been convicted of ANY other felony or misdemeanor. Such determination will be made by the Superintendent, on a case-by-case basis.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which the Superintendent 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 School Board may require a Criminal Records Check of any employee at any time.

#### Legal Reference:

1. *RSA 189:13-a, School Employee and Designated Volunteer Background Criminal History Records Check Investigations*
2. *Technical Advisory, School Employee and Volunteer Criminal History Records Check Background Investigation, Including A Criminal History Records Check, N.H. Department of Education, July 28, 2016; September 27, 2016*

Board Approved: 04/07/18