

Category: 7000 PERSONNEL	Policy Number: 7510
Policy Title: Background Checks/Fingerprinting	Effective Date: November 17, 2010

It is the policy of the District not to employ or continue the employment of classified, professional or administrative personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment, if an arrest or conviction relates to suitability of the individual to perform duties in a particular position, such person may be denied employment or in the case of current employees, may face disciplinary action, up to and including termination.

It is the policy of this District to perform criminal history checks as required by Idaho law and to perform other types of background checks on employees; volunteers and contractors, including, but not limited to: 1) Contacting prior employers for references; 2) Contacting personal references; and/or 3) Contacting other persons who, in the discretion of the District, could provide valuable information to the District. The names of all contractors or other persons who have irregular contact with students will, at a minimum, be checked against the statewide sex offender register. Volunteers and contractors who have well-supervised, in-classroom or in-building contact with students will be required to sign a roster at the school office.

Where a prior conviction is discovered, the District will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought, or the person is employed. Any individual convicted of a felony offense listed in Idaho Code § 33-1208(2) shall not be hired.

If an applicant or employee makes any misrepresentation or a willful omissions of fact regarding prior criminal history, such misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment. In order to protect the health, safety and welfare of the students of the District, Idaho law requires the following employees hired on or after July 1, 2008 to subject to criminal history checks. The list is to include, but is not limited to: 1) Certificated and noncertificated employees; 2) All applicants for certificates; 3) Substitute staff; 4) Individuals involved in other types of student training such as practicums and internships; and, 5) All individuals who have unsupervised contact with students.

A criminal history check shall be based on a complete ten (10) finger fingerprint card or scan and include, at a minimum, the following: 1) Idaho Bureau of Criminal Identification; 2) Federal Bureau of Investigation (FBI); and 3) Statewide sex offender register. Employees will be required to undergo a criminal history check within five (5) days of starting employment or unsupervised contact with students.

All employees shall have the continuing duty to notify the District of any arrest or criminal conviction that occurs subsequent to being hired. In the event that any employee, whether full-time or part-time, probationary or non-probationary, classified or certified, is arrested, charged or indicted for a criminal violation of any kind, whether misdemeanor or felony, with the exception of minor traffic infractions, he/she is required to report such arrest to the District Office within one (1) business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination. The District reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the incident.

Additionally, if an employee has a protection order served against him/her, the employee shall follow the same reporting requirements as outlined above.

It is the discretion of the District to terminate or take other action against any employee that has either been convicted of one (1) or more of the felony offenses set forth in Idaho Code § 33-1208 or made a material misrepresentation or omission on their job application.

Outstanding warrants, criminal charges and/or protective orders may be confidential. An employee who is provided access to such information relating to another employee shall ensure that the information remains confidential. If an employee discloses such information without authorization, the employee shall be subject to disciplinary action.

- Legal Reference: Idaho Code 33-130; 33-1208; 33-512(15)(16); and, 9-340C
Public Law 105-251 (Volunteers for Children Act)
- Reference: Procedure: #7510p, Fingerprint/Background Check
Policy #4850, "Volunteers"
Policy 4030, "Facility Improvements Involving Volunteers"

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Procedure Title: FINGERPRINT/BACKGROUND CHECK	Effective Date: November 17, 2010
<ol style="list-style-type: none"> 1. The Idaho Department of Education's Background Records Office will be notified immediately whenever a new employee (classified, certificated, substitute, coach, etc.) is hired by sending in their fingerprints within five (5) days. 2. All new employees or substitutes will submit a completed fingerprint card. This includes employees changing districts within the State. There is a \$40 processing fee to be sent to the State Department of Education. The district will pay one-half of this fee and the employee will be required to sign a payroll deduction form to pay the other \$20 from their first check. Employees can begin work before the background check is completed, provided the individual has started the process by submitting fingerprint cards to the District Office. If the fingerprints are rejected because of poor quality, the State will allow one reprinting at no cost. The Department will require districts or individuals to pay for and reprint an applicant after the fingerprints have been rejected twice. If the prints are rejected after a third and fourth attempt, a name-based check will be acceptable. 3. Volunteers or contractors who have regular, unsupervised contact with students (i.e. coaching after school activities or overnight travel, or unsupervised work assignments) will be required to submit a fingerprint card before beginning work with students. Volunteers who have well-supervised, in-classroom contact with students will be required to sign a roster and a Volunteer Guideline and Confidentiality Agreement form at the school office or district office first. The names of all contractors or other persons who have irregular contact with students will be checked, at a minimum, against the statewide sex offender register. 4. A criminal history check, including fingerprints, is required for all substitutes. The State Department of Education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list, the substitute teacher shall undergo a criminal history check every five (5) years. If a substitute is also working for another district, the district they were fingerprinted through must have sent in a form requesting they be put on the State's substitute teacher register, or be able to do so within three (3) months of the BIC open date. If a substitute teacher has undergone a criminal history check and is registered as cleared on the statewide Substitute Website, the District may at its discretion not require a substitute to undergo a criminal history check. 5. The Department of Education will use a current background investigation check (BIC) for individuals requesting a change of status only within three (3) months of the BIC. A completed and signed Multiple District Assignment/Substitute Teacher Form for School Personnel will be accepted if the change is requested within three (3) months of open date (the date the fingerprint card is received by the state and entered into the database as an electronic file) for the BIC. 6. All personnel background checks must be done using an Idaho State Department of Education coded card. The District CANNOT accept prints on out-of-state cards, cards from another state agency, or prints taken for concealed weapons permits, or military clearance cards, etc. The District CANNOT accept background reports obtained by other agencies, states, etc. A Fingerprint Verification Form must be filled out and signed by the fingerprint officer and returned to the State with the coded fingerprint card. 7. A qualified individual that meets requirements for certification may start employment before the results of the background check are received in the District office, providing all other materials in the application packet are complete. Student teachers are required to be fingerprinted prior to receiving their certification. Newly certified teachers will only remain on the Newly Certified List for three (3) months beyond the open date. Upon hiring a newly certified teacher, the district must notify the state to transfer them to their district 8. All criminal history check records will be kept on file at the State Department of Education. A copy of the records will be given to the employee upon request 9. If the District receives a criminal record report for a classified staff member, the District will make a determination as to the person's continued eligibility for employment. 10. If the State Department receives a criminal record report for a certificated person, Snake River District and the individual employee will be notified that there is a pending decision by the Professional Standards Commission. The Professional Standards Commission will make determination as to the person's continued eligibility for employment. If there is sufficient grounds, a formal complaint will be issued by the Professional Standards Commission, stating the reasons for seeking suspension or revocation of the individual's education credential. 	
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