

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, including every substitute teacher, student teacher, student intern, and all contractors who provide services directly to students. 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, which 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 History Records Check

Every selected applicant with the District, including every substitute teacher, student teacher, student intern, all contractors who provide services directly to students and employees of such contractors, and every Designated Volunteer as defined under Policy IJOC, must submit to a State and FBI Criminal History Records Check.

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

Conditional Offer of Employment

Once the background check has been completed, a conditional offer of employment may be made, subject to successful completion of the Criminal History Records Check. No person shall receive a final offer of employment until the Criminal History Records Check has been completed and the results are determined to be 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 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 History Records Check, which is satisfactory to the District.

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

- murders

- child pornography
- aggravated felonious sexual assault
- felonious sexual assault
- kidnapping
- manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on School property.
- 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. The Superintendent, on a case-by-case basis, will make such determination.

Designated Volunteers

Designated volunteers may be allowed to begin providing services once the Criminal History Record Check process has been initiated. However, if the results indicate that a Designated Volunteer has been charged pending disposition or convicted of any of the felonies listed above, the Superintendent shall immediately, within 24 hours excluding weekends and holidays, terminate the services of the Designated Volunteer. In addition to the felonies listed above, a Designated Volunteer's services may be terminated if he/she has been convicted of ANY felony. The Superintendent, on a case-by-case basis, will make such determination.

Student Teachers and Interns

Student teachers and interns will be allowed to begin the assignment within the Jaffrey-Rindge Cooperative School District once the Criminal History Records Check process has been initiated. Continuation of the assignment is entirely conditioned upon the successful completion of the Criminal History Records Check. If the results indicate that a student teacher or intern has been charged pending disposition or convicted of any of the felonies listed above, the Superintendent shall immediately, within 24 hours excluding weekends and holidays, terminate the assignment of the student teacher or intern. In addition to the felonies listed above, a student teacher or intern's assignment may be terminated if he/she has been convicted of ANY felony. The Superintendent, on a case-by-case basis, will make such determination.

Contractors

Any contractor and employees of the contractor whose duties require contact with students, or are designated by the Superintendent or School Board are subject to the background investigation/criminal history records check in accordance with this policy.

Persons regularly in contact with students means a person or persons who, in the performance of his/her duties:

- comes in direct contact with pupils on a daily basis for any period of time,

- meets regularly, e.g., once or twice a week, with students,
- any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal History Record Check.

Organizations under contract to provide services to the school district will be required to coordinate the processing of Criminal History Record Check on all individuals working at any of the district's school properties. Written evidence of the successful completion of this process must be sent to the Superintendent's office prior to the commencement of the contracted services.

If the results indicate that a contractor or any employee of a contractor has been charged pending disposition or convicted of any of the felonies listed above, that individual may not provide services within the District. In addition to the felonies listed above, a contractor or employee of a contractor may be rejected if he/she has been convicted of ANY felony. The Superintendent, on a case-by-case basis, will make such determination.

Costs for Criminal History Record Check

Any employee or designated volunteer for whom the Board requires a Criminal History Record Check shall not be charged fees and costs associated with the submission of the Criminal History Record Check process, unless otherwise determined by the Board. Student teachers, student interns and contractors shall be responsible for the costs of the Criminal History Records Check for themselves and/or their employees, as applicable. Fees if any, directly assessed by approved fingerprinting agencies (i.e., police departments, towns, counties, etc.) shall be borne by the applicant and are not reimbursable.

Additional Criminal History Records Checks

The Board may require a Criminal History Records Check on any employee, volunteer, student teacher/intern, or contractor at any time.

Legal References:

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

NH Code of Administrative Rules, Section Ed. 303.01 (a), Substantive Duties of School Boards