

# ASPEN ACADEMY

*Adopted:* 5-20-08

*Revised:* May 18, 2010

## **404 EMPLOYMENT BACKGROUND CHECKS**

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment in the school in order to promote the physical, social, and psychological well-being of its students. To that end, the school will seek a criminal history background check for applicants who receive an offer of employment with the school or such other background checks as provided by this policy. The school may also elect to do background checks of volunteers, independent contractors, board members, and student employees in the school.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school shall require that applicants for school positions who receive an offer of employment submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by the school that an applicant's criminal history does not preclude the applicant from employment with the school.
- B. It is a condition of employment for all employees to consent to background checks during employment in accordance with this policy, and policies adopted to implement it.
- C. Adherence to this policy by the school shall in no way limit the school's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, independent contractors and student employees.

### **III. PROCEDURES**

- A. Normally an applicant will not commence employment until the school receives the results of the criminal history background check. The school may conditionally hire an applicant pending completion of the background check, but shall notify the applicant in writing that the applicant's employment may be terminated based on the result of the background check. Background checks will be performed by a qualified agency.

- B. An applicant who is offered employment will be given a Background Check Consent Form along with a Summary of Rights document as defined from time to time by the Federal Trade Commission. The applicant must sign a criminal history consent form, which provides permission for the school to conduct a criminal history background check, and provide a money order or check payable to the school, at the election of the school. If the applicant fails to provide the school with a signed Background Check Consent Form and fee within a reasonable time after the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment.
- C. The school, in its discretion, may elect not to request a criminal history background check on an applicant who holds an initial entrance license issued by the state board of teaching or the state board of education within the 12 months preceding an offer of employment.
- D. The school may use the results of a criminal background check conducted at the request of another school hiring authority if:
1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
  2. the other school hiring authority conducted a criminal background check within the previous 12 months;
  3. the applicant executes a written consent form giving the school access to the results of the check; and
  4. there is no reason to believe that the applicant has committed an act subsequent to the check that would disqualify the applicant for employment.
- E. For all nonstate residents who are offered employment with the school, the school shall request a criminal history background check on such applicants from those applicable jurisdictions.
- F. When required, applicants must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the applicant are unusable, the applicant will be required to submit another set of prints.
- G. Copies of this policy shall be available in the school's office and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment in the job posting and job advertisements.
- H. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.

1. Applicants or employees that are found to have a criminal history that may include, but is not limited to: conviction of a felony, teaching without a license, immoral character or conduct unbecoming of a teacher, any form of child abuse, any form of criminal sexual conduct, or any form of child pornography; or other conviction involving activity determined by the Director or school board to be inconsistent with the purpose of this policy as stated above, are required to be dismissed by the school board.

- I. If the criminal history background check appears to preclude employment with the school, the applicant or employee will be so advised and provided with a reasonable period of time to explain or dispute the information at issue and another copy of the Summary of Rights. If despite the explanation, employment with the school is still precluded in the reasonable judgment of the Director or school board, the applicant or employee will be so advised, along with 1) The name, address, and phone number of the vendor who provided the report, 2) a statement that the vendor supplying the report did not make the decision to take adverse action and cannot give specific reasons for it, and 3) a notice of the individual's right to dispute the accuracy or completeness of any information the vendor furnished, and right to request an additional free consumer report from the vendor upon request within 60 days.
- J. Written or electronic copies of the background check report are maintained in separate and secured files. They should be retained for three years if the individual is not hired, or for three years after the individual's last day of employment if the applicant is hired.
- K. Following the retention period, written copies of the report must be securely shredded and electronic copies must be properly deleted so as to be inaccessible to ensure that the private personal data contained therein is not inappropriately disclosed.
- L. The school may apply these procedures to volunteers, independent contractors, board members, or student employees as though they were applicants for employment.

#### **IV. BACKGROUND CHECK CONSENT FORM**

Forms to obtain consent for a criminal history background check are included with this policy. Similar forms provided by the agency conducting the background check may also be used.