

## **Criminal History and Background Check Policy - Bethel Hill Charter School**

### **BHCS Board Approved 5-15-2014**

Applicants must notify the principal immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or nolo contendere) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the principal no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the principal no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the principal. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The principal shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the principal shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time

that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the principal may exclude a final candidate based on his or her past criminal convictions, the principal must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. If the principal recommends to the board a candidate for employment or for hiring as an independent contractor and the candidate has been convicted of a criminal offense, other than a minor traffic violation, the board must be notified of the criminal history and the basis for the principal's determination.

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender will be hired for any position with the school.

In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries.