

BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

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. 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 RECORDS CHECK

Each person considered for employment by the District-whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

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 for any period of time.

Legal References: RSA 189:13-a, School Employee and Volunteer Background Investigations **Technical Advisory**, School Employee Background Investigation, Including A Criminal History Records Check, N.H. Department of Education, Adopted July 28, 1997; Appendix: GBCD-R, Update to Technical Assistance Advisory, Dated November 19, 1999; Appendix: GBCD-R-1, Update to Technical Assistance Advisory, Dated August 21, 1998

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

VOLUNTEERS

Designated volunteers are subject to a background investigation/criminal background check and the provisions of this policy.

CONDITIONAL EMPLOYMENT

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check. A person may be dismissed if the State and FBI Criminal Records Check is deemed unsatisfactory to the District.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal state and FBI Criminal Records Check process and has completed a background investigation.

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 that is 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 Records Check that is satisfactory to the Board.

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No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of the following offenses, as referenced in RSA 189:13-a, V.: RSA 630:1 (capital murder), RSA 630:1-a (first degree murder), RSA 630:1-b (second degree murder), RSA 630:2 (manslaughter), RSA 632-A:2 (aggravated felonious sexual assault), RSA 632-A:3 (felonious sexual assault), RSA 632-A:4 (sexual assault), RSA 633:1 (kidnapping), RSA 639:2 (incest), RSA 639:3 (endangering the welfare of a child or incompetent), RSA 645:1 (indecent exposure or lewdness), RSA 645:2 (prostitution and related offenses), RSA 649-A:3 (possession of child sexual abuse images), RSA 649-A:3-a (distribution of child sexual abuse images), 649-A:3-b (manufacture of child sexual abuse images), RSA 649-B:3 (computer pornography-RSA 649-B:4 (certain uses of computer services), RSA 650:2 (obscenity offenses where the act involves a child in material deemed obscene); in this State, or under any statute prohibiting similar conduct in another state, territory, or possession of the United States.

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. Such determination will be made by the Board, on a case-by-case basis.

The Superintendent, or designee, will transmit the necessary information to the State Police. When the District receives a notification of a felony conviction from the state police on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four hours (24) of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

ADDITIONAL CRIMINAL RECORDS CHECKS

The Superintendent may request a Criminal Records Check of any employee at any time. The Board may request the Superintendent conduct a criminal Records Check of any employee at any time.

Please refer to GBCD-R (when written)

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