

## CRIMINAL HISTORY

### 1. Applicant Reporting

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 assistant superintendent for human resources 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 assistant superintendent for human resources no later than the next business day following adjudication.

### 2. Criminal History Check

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. A criminal history check must also be conducted on all independent contractors or employees of an independent contractor if the independent contractor carries out duties customarily performed by school personnel who have significant access to students. 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 as specified in policy 5022, Registered Sex Offenders.

Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent.

### 3. Applicants with a Criminal History

Any offer of employment is conditional on a favorable review of the criminal history. If a final candidate for employment or hiring as an independent contractor is found to have a criminal history, other than for minor traffic offenses, the superintendent 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. Some factors that would weigh against hiring a certain applicant with a criminal history include: (1) the victim of the applicant's offense was a minor; (2) the offense involved drugs; (3) the offense was sexual in nature; (4) the offense involved a violent act or the threat of violence against a person; (5) the offense involved deception, dishonesty or fraud; and (6) the applicant lied, concealed the truth, or misrepresented or omitted information about his or her criminal history during the applicant process.

If the superintendent recommends a candidate with a criminal history to the board for employment, the board must be notified of the criminal history and the basis for the superintendent's determination. No individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

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