



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: G - Personnel
POLICY TITLE: Employment Background Checks
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1. PURPOSE AND PHILOSOPHY

Nebo School District is committed to providing a safe and secure educational and working environment for students and employees. As part of this effort, the District requires criminal background checks of licensed and non-licensed employees pursuant to Utah laws, rules, and regulations, and in accordance with this policy.

2. DEFINITIONS

- 2.1 “Licensed Educators” or “Licensed Employees”** are individuals who hold a valid Utah educator license and have satisfied all requirements to be a Licensed Educator in the Utah public school system or is on a Letter of Authorization from the Utah State Office of Education (USOE) (i.e., school teachers, administrators, psychologists, counselors, specialists, licensed substitute teachers, etc.). Licensed Educators may or may not be employed in a position that requires an educator license. Licensed Educators also include individuals who are student teaching, interning, involved in the alternative routes to licensure program, and individuals who hold District specific licenses.
- 2.2 “Non-Licensed Employees”** are all other employees of the District, except “Licensed Employees.” Non-Licensed Employees include, but are not limited to, the “Classified Employees” in the District. Non-Licensed substitute teachers are included in this category.
- 2.3 “Criminal History Report”** is a document generated by the Bureau of Criminal Identification after a search of the State of Utah’s criminal history files and/or other state and federal databases designated by applicable law or by the District.
- 2.4 “Background Check”** means applicant or employee information that may include, but is not limited to, fingerprints, Criminal History Reports, and driving record reports.

3. EMPLOYMENT SCREENING

- 3.1** Utah law requires Background Checks on all successful applicants for employment in the District, including substitutes, coaches, and volunteers who have significant unsupervised access to students (herein referred to cumulatively as the “prospective employee”) (Utah Code Ann., §53A-3-410). Accordingly, the District requires each prospective employee to submit to a Background Check prior to employment or service in the District.

- 3.2 Each current employee and prospective employee must agree to have his/her fingerprints taken and sign a document of acknowledgment and waiver permitting the District to request a Background Check of any state or federal criminal history file that the District might deem applicable as a condition of employment or volunteering. Student employees under the age of eighteen (18) years are not required to be fingerprinted.
- 3.3 The Background Check is a condition of employment or volunteering. The prospective employee shall pay all costs of the Background Check.
- 3.4 The District shall consider for disciplinary action or employment termination only those convictions which are job-related.
- 3.5 The prospective employee shall have the opportunity to respond to any information received as a result of the Background Check. Upon receiving a request to respond to the information obtained from the Background Check, the prospective employee shall be given the opportunity to meet and discuss such matters with the Director of Human Resources. In accordance with current Bureau of Criminal Identification protocol, the prospective employee may not be shown or given a copy of the Criminal History Report.
- 3.6 If a current employee is disciplined or terminated from their employment because of information obtained through a Background Check, the employee shall receive written notice of the reasons for discipline or termination and have an opportunity to respond to the reasons for the discipline or termination in accordance with the procedures set forth in any applicable Utah law, rules, or regulations; Certified or Classified Employees Agreements; Memorandums of Understanding; and District policies.

4. LICENSED EMPLOYEES - BACKGROUND CHECKS

The District shall conduct Background Checks for all Licensed Employees between January 1 and June 30 in the year in which their license is to be renewed.

5. LICENSED EMPLOYEES - REPORTING OF ARRESTS AND CONVICTIONS

- 5.1 A Licensed Educator who is arrested for any of the following alleged offenses shall report the arrest within forty-eight (48) hours or as soon as possible to the Superintendent or his/her designee:
 - 5.1.1 any matters involving arrests for alleged sex offenses;
 - 5.1.2 any matters involving arrests for alleged drug-related offenses;
 - 5.1.3 any matters involving arrests for alleged alcohol-related offenses;
 - 5.1.4 any matters involving arrests for alleged offenses against a person as set forth in Utah law. The offenses include, but are not limited to, crimes where a person has assaulted, harassed, abused, neglected, exploited, endangered, kidnapped, murdered, trafficked, raped, sexually assaulted, etc. another person(s); and
 - 5.1.5 for employees who drive motor vehicles as an employment responsibility, any matters relating to arrests for violations of the vehicle code including, but not limited, to reckless driving, etc.
- 5.2 A Licensed Educator shall report convictions, including pleas in abeyance, and any kind of court probation, within forty-eight (48) hours or as soon as possible upon receipt of notice of the conviction or plea in abeyance.
- 5.3 A Licensed Educator may be immediately suspended from his/her duties and placed on either paid or unpaid administrative leave for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation.

- 5.4 A Licensed Educator may be immediately suspended from transporting students or driving a public education vehicle for alleged offenses involving alcohol or drugs during the period of investigation, and where reasonable cause exists, an existing employee must submit to a Background Check.
- 5.5 The District will provide adequate due process for the accused employee consistent with the procedures set forth in any applicable Utah law, rules, or regulations; Certified Employees Agreements; Memorandums of Understanding; and District policies.
- 5.6 The Superintendent or his/her designee shall report conviction, arrest, or offense information received from a Licensed Educator to the USOE within forty-eight (48) hours of receipt of the information from Licensed Educators.
- 5.7 The Licensed Educator shall report for work directly to the Superintendent or his/her designee following the arrest or conviction unless directed not to report for work by the District.
- 5.8 The Director of Human Resources and the applicable Department Director shall review arrest and conviction information and make employment decisions that protect both the safety of students and/or employees and the confidentiality and due process rights of employees. Only job related convictions shall be considered in employment decisions.
- 5.9 Records of arrests and convictions shall be placed in the employee's Personnel File upon receipt by the District and will:
 - 5.9.1 include final administrative determinations and actions following investigation; and
 - 5.9.2 be maintained only as necessary to protect the safety of students and/or employees and with strict requirements for the protection of confidential employment information.

6. NON-LICENSED EMPLOYEES - BACKGROUND CHECKS

The District shall conduct Background Checks for all Non-Licensed Employees every six (6) years.

7. NON-LICENSED EMPLOYEES - REPORTING OF ARRESTS AND CONVICTIONS

- 7.1 A Non-Licensed Employee who is arrested for any of the following alleged offenses shall report the arrest within forty-eight (48) hours or as soon as possible to the Superintendent or his/her designee:
 - 7.1.1 any matters involving arrests for alleged sex offenses;
 - 7.1.2 any matters involving arrests for alleged drug-related offenses;
 - 7.1.3 any matters involving arrests for alleged alcohol-related offenses;
 - 7.1.4 any matters involving arrests for alleged offenses against a person as set forth in Utah law. The offenses include, but are not limited to, crimes where a person has assaulted, harassed, abused, neglected, exploited, endangered, kidnapped, murdered, trafficked, raped, sexually assaulted, etc. another person(s); and
 - 7.1.5 any matters relating to arrests for violations of the vehicle code including, but not limited to, reckless driving, etc. for employees who drive motor vehicles as an employment responsibility.
- 7.2 A Non-Licensed Educator shall report convictions, including pleas in abeyance, and any kind of court probation, within forty-eight (48) hours or as soon as possible upon receipt of notice of the conviction or plea in abeyance.
- 7.3 A Non-Licensed Employee may be immediately suspended and placed on either paid or unpaid administrative leave for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation.

- 7.4 A Non-Licensed Employee may be immediately suspended from transporting students or driving a public education vehicle for alleged offenses involving alcohol or drugs during the period of investigation, and where reasonable cause exists, an existing employee must submit to a Background Check.
- 7.5 The District will provide adequate due process for the accused employee consistent with the procedures set forth in any applicable Utah law, rules, or regulations; Classified Employees Agreements; Memorandums of Understanding; and District policies.
- 7.6 The Director of Human Resources and the applicable Department Director shall review arrest and conviction information and make employment decisions that protect both the safety of students and/or employees and the confidentiality and due process rights of employees. Only job related convictions shall be considered in employment decisions.
- 7.7 Records of arrests and convictions shall be placed in the employee's Personnel File upon receipt by the District and will:
 - 7.7.1 include final administrative determinations and actions following investigation; and
 - 7.7.2 be maintained only as necessary to protect the safety of students and/or employees and with strict requirements for the protection of confidential employment information.

8. DISTRICT RESPONSIBILITIES

- 8.1 When arrest/conviction information is received by the District regarding a Licensed Employee, the Superintendent or his/her designee shall review that information and assess the employment status consistent with Utah Code Ann., §53A-6-501, Utah Administrative Code, R277-515, and District policy. The District will also report the arrest to the USOE within forty-eight (48) hours.
- 8.2 When arrest/conviction information is received by the District regarding a Non-Licensed Employee, the Superintendent or his/her designee shall review that information and assess the employee's employment status while considering the Non-Licensed Employee's employment status consistent with applicable Utah law, rules, and regulations; District Policy; and any applicable Employment Agreements or Memorandums of Understanding.
- 8.3 The District shall provide appropriate training to Licensed and Non-Licensed Employees about the provisions of this policy for self-reporting and ethical behavior.
- 8.4 The District shall cooperate with the USOE in investigations of Licensed Educators.

EXHIBITS

None

REFERENCES

Utah Code Ann., §53A-3-410
Utah Code Ann., §53A-6-401, et seq.
Utah Code Ann., Title 76, Chapter 5, Offenses Against the Person
Utah Administrative Code, R277-501
Utah Administrative Code, R277-516
Nebo School District Negotiated Agreement for Certified Employees
Nebo School District Negotiated Agreement for Classified Employees
Nebo School District Memorandum of Understanding for Administrators

FORMS

None
