

Category: 7000 PERSONNEL	Policy Number: 7510 (Page 1 of 2)
Policy Title: Criminal History Checks for Employees, Volunteers and Contractors	Effective Date: February 20, 2019
<p>DEFINITIONS</p> <p>For the purposes of this policy, the following definitions apply:</p> <p>“Contractor” means an agency, company/business, or individual that has signed a contract or agreement to provide services for the district.</p> <p>“Employee” means those individuals hired by the district and paid a salary or wages from which federal and state income taxes are withheld.</p> <p>“Substitute Teachers” any individual who temporarily replaces a certificated classroom educator and is paid a substituted teacher wage for one (1) day or more during a school year.</p> <p>“Unsupervised contact” means direct contact or interaction with students not under the direct supervision of a district employee. This includes contact or interaction with students in scheduled school activities that occur outside of the school or outside of normal school hours.</p> <p>EMPLOYEES</p> <p>All certificated and non-certificated employees, including substitute staff and individuals involved in student training such as practicums and internships, hired after July 1, 2008, shall undergo a criminal history check as required by Idaho Code § 33-130.</p> <p>Employees are required to submit a completed ten (10) finger fingerprint card or scan to the Idaho State Department of Education no later than five (5) days after the employees’ first day of employment with the school district or unsupervised contact with students in a K-12 setting, whichever is sooner.</p> <p>The employee or individual involved in student teaching or internships will be responsible for the cost of the criminal history check.</p> <p>A record of all background checks will be maintained by the Idaho State Department of Education in a data bank for all employees of this district, with a copy going to the district, when requested at the time of the application or within six (6) months following the performance of the criminal history check. A copy will also be provided to the employee if so requested. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in Idaho Code §33-1208, the superintendent or designee will review such results to determine whether the employee shall be terminated, dismissed or subject to other personnel action of the district. The superintendent or designee retains the right to evaluate whether an individual convicted of one of the crimes so enumerated, and having been incarcerated for that crime, shall be hired.</p> <p>The district will not hire individuals, and will terminate or dismiss employees who plead guilty to or have been convicted of any of the following felony offenses (whether under federal, Idaho, or other state law) against a child, notwithstanding the form of the judgment or withheld judgment:</p> <ol style="list-style-type: none"> 1. The aggravated assault of a child, or the assault with intent to commit a serious felony against a child; 2. The aggravated battery of a child, or the battery with intent to commit a serious felony against a child; 3. The injury or death of a child; 4. The sexual abuse of a child under sixteen (16) years of age; 5. The ritualized abuse of a child under eighteen (18) years of age; 6. The sexual exploitation of a child; 7. Lewd conduct with a child under the age of sixteen (16); 8. Sexual battery of a minor child sixteen (16) or seventeen (17) years of age; 9. The sale or barter of a child for adoption or other purposes; 10. The murder of a child, or the voluntary manslaughter of a child; 11. The kidnapping of a child; 12. The importation or exportation of a juvenile for immoral purposes; 13. The abduction of a person under eighteen (18) years of age for prostitution; 14. The rape of a child. 	

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SUBSTITUTE TEACHERS

A substitute teacher employed by this district will not be required to undergo additional criminal history checks if he or she has obtained a criminal history check within the previous five (5) years, related to employment for another school district. If this district elects to require another criminal history check within the five (5) year period, it will pay the cost or reimburse the teacher for such cost.

VOLUNTEERS AND CONTRACTORS

Volunteers will be required to submit proof of identification, alias names, and other necessary identifying information, when applying to act as a volunteer. All contractors will be required to provide a list of all employees of the contractor, and proof of identification of those individuals, who are reasonably anticipated to be on the school premises for the purpose of carrying out the terms of the contract. Contractors and subcontractors, and their employees, will be required to submit proof of identification, alias names, and other necessary identifying information.

Unsupervised Contact with Students. All individuals who have unsupervised contact with students, including parent and community volunteers, contractors and subcontractors as well as their employees, will be required to undergo a criminal history background check. The individual is required to submit a completed ten (10) finger fingerprint card or scan to the Idaho State Department of Education no later than (5) days after the individual’s first unsupervised contact with students in a K-12 setting. The district will pay for criminal history checks of volunteers; contractors and subcontractors will be required to pay for their criminal history checks.

Irregular Contact with Students. The superintendent or designee will cross-check the names of all other individuals who have irregular contact with students, including volunteers, contractors, and subcontractors, with the State of Idaho sex offender registry no later than five (5) days following the first day that the individual is present in a K-12 setting for purposes of volunteering or fulfilling a contract. The individual will be required to provide proof of identification, alias names, and any other identifying information deemed necessary to complete the cross-check. If determined necessary by the superintendent or designee to ensure a safe environment for all students, any such individual may be required to undergo a criminal history check. The district will pay for criminal history checks of volunteers; contractors and subcontractors will be required to pay for their criminal history checks.

The State of Idaho sex offender registry will be reviewed at least annually thereafter for volunteers or contractors who continue to be present on the school premises. Those individuals who are on the sexual offender registry will not be allowed to volunteer and/or work as contractors, or employees of a contractor, for the district.



LEGAL REFERENCE:

- Idaho Code Sections
- 33-130 (Criminal History Checks for School District Employees)
- 33-512, *et seq.* (Governance of Schools)
- 33-1201, *et seq.* (Teachers)
- 18-901, *et seq.* (Assault and Battery)
- 18-501, *et seq.* (Children and Vulnerable Adults)
- 18-4001, *et seq.* (Homicide)
- 18-4502 (First Degree Kidnapping)
- 18-5601, *et seq.* (Prostitution)
- 18-6101, *et seq.* (Rape)
- 18-8301, *et seq.* (Sexual Offender Registration Notification and Community Right-to-Know Act)
- 18-8401, *et seq.* (Juvenile Sex Offender Registration Notification and Community Right-to-Know Act)

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<ol style="list-style-type: none"> 1. The Idaho Department of Education's Background Records Office will be notified immediately whenever a new employee (classified, certificated, substitute, coach, etc.) is hired by sending in their fingerprints within five (5) days. 2. All new employees or substitutes will submit a completed fingerprint card. This includes employees changing districts within the State. There is a processing fee to be sent to the State Department of Education. The employee will be required to sign a payroll deduction form to pay \$15 from their first check. Employees can begin work before the background check is completed, provided the individual has started the process by submitting fingerprint cards to the District Office. If the fingerprints are rejected because of poor quality, the State will allow one reprinting at no cost. The Department will require districts or individuals to pay for and reprint an applicant after the fingerprints have been rejected twice. If the prints are rejected after a third and fourth attempt, a name-based check will be acceptable. 3. Volunteers or contractors who have regular, unsupervised contact with students (i.e. coaching after school activities or overnight travel, or unsupervised work assignments) will be required to submit a fingerprint card before beginning work with students. Volunteers who have well-supervised, in-classroom contact with students will be required to sign a roster and a Volunteer Guideline and Confidentiality Agreement form at the school office or district office first. The names of all contractors or other persons who have irregular contact with students will be checked, at a minimum, against the statewide sex offender register. 4. A criminal history check, including fingerprints, is required for all substitutes. The State Department of Education shall maintain a statewide list of substitute teachers. To remain on the statewide substitute teacher list, the substitute teacher shall undergo a criminal history check every five (5) years. If a substitute is also working for another district, the district they were fingerprinted through must have sent in a form requesting they be put on the State's substitute teacher register, or be able to do so within six (6) months of the BIC open date. If a substitute teacher has undergone a criminal history check and is registered as cleared on the statewide Substitute Website, the District may at its discretion not require a substitute to undergo a criminal history check. 5. The Department of Education will use a current background investigation check (BIC) for individuals requesting a change of status only within six (6) months of the BIC. A completed and signed Multiple District Assignment/ Substitute Teacher Form for School Personnel will be accepted if the change is requested within six (6) months of open date (the date the fingerprint card is received by the state and entered into the database as an electronic file) for the BIC. 6. All personnel background checks must be done using an Idaho State Department of Education coded card. The District CANNOT accept prints on out-of-state cards, cards from another state agency, or prints taken for concealed weapons permits, or military clearance cards, etc. The District CANNOT accept background reports obtained by other agencies, states, etc. A Fingerprint Verification Form must be filled out and signed by the fingerprint officer and returned to the State with the coded fingerprint card. Also, when fingerprinted, a person must sign an Idaho State Police Bureau of Criminal Identification Noncriminal Justice Applicant Privacy Statement. This must accompany the prints when submitted to the State. 7. A qualified individual that meets requirements for certification may start employment before the results of the background check are received in the District office, providing all other materials in the application packet are complete. Student teachers are required to be fingerprinted prior to receiving their certification. Newly certified teachers will only remain on the Newly Certified List for six (6) months beyond the open date. Upon hiring a newly certified teacher, the district must notify the state to transfer them to their district 8. All criminal history check records will be kept on file at the State Department of Education. A copy of the records will be given to the employee upon request. 	

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<p>9. If the District receives a criminal record report for a classified staff member, the District will make a determination as to the person's continued eligibility for employment.</p> <p>10. If the State Department receives a criminal record report for a certificated person, Snake River District and the individual employee will be notified that there is a pending decision by the Professional Standards Commission. The Professional Standards Commission will make determination as to the person's continued eligibility for employment. If there is sufficient grounds, a formal complaint will be issued by the Professional Standards Commission, stating the reasons for seeking suspension or revocation of the individual's education credential.</p>	