

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBCD
Date of Adoption: January 3, 2007 Policy Committee Review: June 11, 2014 & June 8, 2016 Attorney review and revisions to Policy 9/14/16 School Board First Read: October 19, 2016 Back to Policy Committee: October 26, 2016 & 11/8/17 School Board: First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 Policy Committee Review: October 13, 2021 School Board First Read: October 20, 2021 School Board Second Read/Adoption: November 3, 2021	Page 1 of 3 Category: Priority

Background Investigation and Criminal History Records Check

Background Investigation

The Oyster River Cooperative School District 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 that has not been annulled by a court 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 that have not been annulled by a court or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Any person for whom the Board requires a Criminal Records Check, with the exception of substitutes, the District shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Check, unless otherwise determined by the Board.

Criminal Records Check

Each person considered for employment by the Board 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, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

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

Volunteers are subject to a background investigation/criminal records 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.

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

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continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which 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.

Contract Services

Any person performing contracted services and employees of the contractor whose duties require regular contact with students (e.g., bus drivers, service providers, cafeteria workers) or are designated by the Superintendent or School Board shall be subject to the State and FBI Criminal Records Check.

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 which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has charges pending or has been convicted of the following offenses, as referenced in RSA 189:13-a, V: murder; child pornography; aggravated felonious sexual assault; felonious sexual assault; sexual assault; kidnapping; manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on school property; or sexual misconduct within an education setting; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed above, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any crime. Such determination will be made by the Superintendent, on a case by case basis.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Considerations that will be taken into account for this determination are as follows:

- The nature of the arrest offense compared to the nature of the conviction;
- Age of conviction;
- Age of applicant at the time of the offense;
- Type of offense in consideration of the type of position applied for;
- Number of offenses;
- Any other consideration(s) the superintendent deems relevant to the position sought.

Hiring Contracted Service Providers/Accepting Volunteers

The School District will not hire contracted service providers or accept the services of volunteers who would be disqualified from employment under this Policy.

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Additional Criminal Records Checks

The Superintendent and/or the Board may require a Criminal Records Check of any employee at any time.

Legal Reference:

- RSA 189:13-a, School Employee and Designated Volunteer Criminal History Records Check
- RSA 189:13-b School Bus Driver and Transportation Monitor Criminal History Records Check
- RSA 651:5,X(f) Questioning an applicant for employment
- Code of Conduct for New Hampshire Educators

Cross Reference:

IJOC -R, R1 School Volunteers, Application Form, Confidential Form