

BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

Approved 6/14/18

Background Investigation

The Director, 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 MicroSociety Academy Charter School (MACS). This investigation shall be completed prior to making an offer of employment.

The Director 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.

Any person for whom the Board of Trustees requires a Criminal Records Check 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 of Trustees.

Criminal Records Check

Each person considered for employment by the school and certain volunteers whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check. "Regular contact with pupils" means a person 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 pupils, 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, (4) a designated volunteer as defined by the "Designated Volunteer Policy" or (5) any other persons whom the Director believes, by virtue of their duties and contact with pupils, should appropriately undergo a Criminal Records Check.

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

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 Director, 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 which is satisfactory to the School.

All persons employed under a conditional offer of employment may be covered under the School's health insurance program, at the sole discretion of the Director, and in accordance with any applicable Board policies. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Director 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 which is satisfactory to the Director.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has charged pending disposition for or has been convicted of any offenses referenced in RSA [189:13-a](#), V:1, including without limitation, Capital Murder (2) First Degree Murder (3) Second Degree Murder (4) Manslaughter (5) Aggravated Felonious Sexual Assault (6) Felonious Sexual Assault (7) Sexual Assault (8) Kidnapping (9) Incest (10) Endangering Welfare of Child or Incompetent (11) Indecent Exposure and Lewdness (12) Prostitution and Related Offenses (13) 3 Child Pornography (14) Possession of Child Sexual Abuse Images (15) Possession of Child Sexual Abuse Images (16) Computer Pornography and Child Exploitation Prevention (17) Certain Uses of Computer Services Prohibited (18) Obscene Matter Offenses State (19) Selling, Administering, Dispensing or Distributing Any Controlled Substance(s) on School Property, or (20) Sexual Misconduct Within an Education Setting in this State; 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 been convicted of ANY felony. If a person has been convicted of a misdemeanor, a determination will be made by the Director in his/her sole discretion, on a case by case basis.

Any person that has been convicted of a felony will not allowed to be a “designated volunteer.” If a person has been convicted of a misdemeanor, a determination will be made by the Director in his/her sole discretion, on a case by case basis.

Additionally, a person may be denied a final offer of employment, or “designated volunteer” status if the Director becomes aware of other conduct that 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.

The Director, or designee, will transmit this policy to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the Director whether the record of said selected applicant or volunteer contains any felony or misdemeanor convictions.

When the Director receives a notification of a felony or misdemeanor conviction from the state police on a particular person which it finds unsatisfactory, the Director 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 Board of Trustees may require a Criminal Records Check of any employee or volunteer at any time.

Disposing of Criminal Record Checks

The Director shall maintain the confidentiality of all background checks. The Director will immediately destroy a “does not have any convictions” notification received from the state police, immediately following review of the information. The Director will destroy a “does have a conviction” notification received from the state police. The Director will destroy any criminal history records notification within 60 days of receipt.

Legal Reference:

RSA [189:13-a](#), School Employee and Volunteer Background Investigations

Appendix GBCD-R: Technical Advisory, School Employee Background Investigation, Including a Criminal History Records Check, N.H. Department of Education,