



# Policy of the Board of Trustees

G Series

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## BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

### Background Investigation

NCCA requires a background check on all school employees and volunteers, as required by RSA 189:13-a. A conditional offer of employment may be extended to a selected applicant after completing a background investigation, with a final offer of employment subject to a successfully completed criminal history records check. No offer of employment can be extended until the background check has been initiated.

Criminal history records check will include not only convictions, but also arrests for any of the enumerated criminal offenses in RSA 189:13-1,V. These include but are not limited to: any violation or attempted violation where the act involves a child in material deemed obscene.

### Criminal Records Check

Each person considered for employment by the Principal 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 Principal believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

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

### Volunteers

Volunteers may be subject to a background investigation/criminal records check, as designated in Policy IJOC, Paragraph B.

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

*1st Reading: October 20, 2011*

*2nd Reading: December 15, 2011*

*Adoption: January 24, 2012*

*Proposed Reconsideration: January 2016*



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## 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 Principal, 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 District's health insurance program, at the sole discretion of the Board of Trustees, 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.

## 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 been convicted of the following offenses, as referenced in RSA 189:13-a, V.: (1) murder, or (2) child pornography, or (3) aggravated felonious sexual assault, (4) felonious sexual assault, (5) kidnapping, (6) manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on school property, or (7) sexual misconduct within an education setting in New Hampshire; 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. Such determination will be made by the Board, on a case-by-case basis.

*1st Reading: October 20, 2011*

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The Principal 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 district whether the record of said selected applicant or volunteer contains any felony convictions.

When the District receives a notification of a felony conviction from the state police on a particular person, which it finds unsatisfactory, the Principal shall dismiss said person within twenty-four hours (24) of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Principal 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.  
Additional Criminal Records Checks

The Board may require a Criminal Records Check of any employee at any time.

LEGAL REF: RSA 189:13-a

Technical Advisory, School Employee Background Investigation, Including A Criminal History Records Check, N.H. Department of Education, Adopted July 28, 1997;

Update to Technical Assistance Advisory, Dated September 18, 2010

*1st Reading: October 20, 2011*

*2nd Reading: December 15, 2011*

*Adoption: January 24, 2012*

*Proposed Reconsideration: January 2016*