



Background Check Policy

Purpose: The purpose of this Policy is to assure compliance with all applicable laws regarding background checks, as well as, to help ensure the safety of Technology Leadership High School ("School") students and staff.

Definitions:

1. "Background Check" or "Background Investigation" means the process, in compliance with all applicable laws, by which a person is reviewed for eligibility for unsupervised access to students.
2. "Ethical Misconduct" means unacceptable behavior or conduct engaged in by a school employee, school volunteer, contractor or contractor's employee and includes unlawful discriminatory practice, sexual harassment, sexual assault or sexual abuse involving an adult or child, regardless of a child's enrollment status, and behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.
3. "School Employee" or "Employee" means any licensed or non-licensed employee of the School. For the purposes of this Policy only, the terms also refer to a person who has been offered employment, as well as a contractor or a contractor's employee who may have unsupervised access to students at the School
4. "School Volunteer" or "Volunteer" means any person who has completed the required process to provide uncompensated services to the School and who will have unsupervised access to students at the School.

Policies and Procedures:

1. The School will conduct background checks of all persons who may have unsupervised access to students, such as licensed and non-licensed staff, volunteers, and contractors as required by law.
2. An applicant for initial licensure shall be fingerprinted and shall provide two fingerprint cards or the equivalent electronic fingerprints to the department or superintendent to obtain the applicant's federal bureau of investigation record. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act. Other information contained in the federal bureau of investigation record, if supported by independent evidence, may form the basis for the denial, suspension or revocation of a license for just cause. Records and related information shall be privileged and shall not be disclosed to a person not directly involved in the licensure or employment decisions affecting the specific applicant. The applicant for initial licensure shall pay for the cost of obtaining the federal bureau of investigation record.
3. An applicant who has been offered employment or a school volunteer, contractor or contractor's employee shall provide two fingerprint cards or the equivalent electronic fingerprints to the superintendent to obtain the applicant's, school volunteer's, contractor's or contractor's employee's federal bureau of investigation record. The public school shall pay for an applicant's background check. A school volunteer, contractor or contractor's employee may be required to pay for the cost of obtaining a background check.
4. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act; provided that other information contained in the federal bureau of investigation record, if supported by independent evidence, may form the basis for the employment decisions for just cause. Records and related information shall be privileged and shall not be disclosed to a person not directly involved in the employment, volunteering or contracting decision affecting the

specific applicant, volunteer, contractor or contractor's employee who has been offered employment, a volunteer position or a contract and will have unsupervised access to students on school premises.

5. For employees not licensed by the Public Education Department, the background check may consist of:
 - Professional or personal reference checks;
 - Confirmation of education or certificates (if applicable);
 - A criminal background check;
 - Driving record history; and/or
 - Any other information or data, as allowed by law, deemed required by the School.
6. Employees are authorized to have unsupervised access to students based on satisfactory background check results. All offers of employment are contingent upon a satisfactory background check.
7. Convictions of felonies or misdemeanors contained in the records provided by the Department shall be used in accordance with the Criminal Offender Employment Act (New Mexico Statutes Annotated 1978, Chapter 28, Article 2) and except as provided in this policy, any such convictions shall not serve as an automatic bar to employment unless required by law.
8. A finding in a background check related to child abuse or neglect or a finding related to criminal sexual penetration or contact shall unconditionally preclude a person from becoming or remaining an employee at the School.
9. Background checks are kept on file for twenty-four months following separation from the School.
10. Once employed or contracting with the School, all employees must self-report to the Head Administrator any arrest, charge and/or conviction of a criminal offense other than a minor traffic infraction.
11. School officials, who in the course of their background checks of employment applicants, discover that a licensed applicant or applicant pending a license has a conviction of a felony or misdemeanor of moral turpitude that results in any kind of action against that individual, shall share that information with the professional licensure and educator ethics bureaus of the PED. 6.60.8.9(D) NMAC (2006).

Investigations of Ethical Misconduct:

The Head Administrator or designee(s) shall investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated, or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing the Head Administrator or designee(s) shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the Public Education Department and to the licensed school employee within thirty (30) days following the separation from employment. Copies of that form shall not be maintained in the School's records. No agreement between a departing licensed school employee and the School shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, and any such agreement to the contrary is void.

Criminal History Record Information (CHRI):

All record storage of CHRI shall be printed directly from the CHRI website by a Human Resources Representative who has first completed the CHRI training. The background check reports shall be kept in a locking cabinet in the Human Resource Representative's office. Only the Human Resource Representative and the Executive Director can have access and view these reports.

If intentional misuse of the CHRI by an employee is discovered by the School the School shall take personnel action against the employee misusing CHRI. The misuse of CHRI may result in loss of access to CHRI, loss of employment, and criminal prosecution. Misuse will be reported to the proper authorities.