

**POLICY—400.4—CRIMINAL BACKGROUND CHECKS**

	<i>DISTRICT CODE:</i> 400.4	<i>ADOPTED:</i> 11.15.2016
	<i>RESCINDS:</i> GBAC	<i>ADOPTED:</i> 5.17.11

**BOARD POLICY**

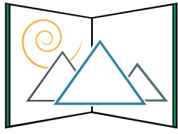
1. The Board of Education is committed to providing a safe and secure environment in which students can learn. The Board recognizes the need to ensure students are instructed and served by employees who have not violated laws that would endanger students. As part of this effort, Canyons School District will require FBI criminal background checks of employees and arrest reporting of designated offenses by employees in accordance with this policy and applicable law.
2. The Board of Education authorizes the Office of the Superintendent and District Administration to establish administrative regulations consistent with this policy.

	<i>ADMIN-REG:</i> 400.4-1	<i>APPROVED:</i> 11.15.16
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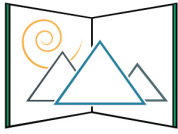
**ADMINISTRATIVE REGULATION—400.4-1:**

**1. Background Check**

- 1.1. **Employees.** In order to ensure that prospective employees do not have a disqualifying criminal background all prospective employees (i.e., the individual who is selected as the “successful applicant” for a particular job position in the District), licensed and non-licensed, substitutes, and coaches must submit to a FBI criminal background check prior to employment or service in the District.
- 1.2. **Cost.** All prospective employees pay the cost of a FBI criminal background check, except as otherwise determined by the District Administration. The FBI criminal background check is a condition of employment if the prospective employee is selected as the “successful applicant” for the particular job.
- 1.3. **Confidentiality.** Information received by the District pursuant to a FBI criminal background check is confidential and shall not be disseminated. The District will use this information only for the District’s internal purposes in determining the suitability of an applicant, employee, or other worker on District property. The District will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the District.
- 1.4. **Disqualifying Information.** The District shall consider those arrests, convictions, diversion agreements and plea and abeyances as outlined in R277-516. The prospective employee shall have an opportunity to respond to any information received as a result of the FBI criminal background check.
- 1.5. **Reference Check Requirements for Prospective Employees and Potential Volunteers with Significant Unsupervised Access to Students.**
  - 1.5.1. All prospective employees are required to sign a release authorizing their previous qualifying position employers to disclose information regarding any employment action taken or discipline imposed for the physical or sexual abuse of a child or student by the prospective employee.
  - 1.5.2. The District will request information regarding any employment action or discipline imposed for physical abuse or sexual abuse of a child from the prospective employee’s most recent employer.



- 1.5.3. The District will request information regarding any employment action or discipline imposed for physical abuse or sexual abuse of a child from the potential volunteer's most recent qualifying position employer prior to beginning an unsupervised volunteer assignment.
  - 1.6. **Fingerprints.** Each current employee and prospective employee must agree to have his/her fingerprints taken and sign a document of acknowledgement and waiver permitting the District to request a FBI criminal background check of any state or federal criminal history file that the District might deem applicable as a condition of employment. Student employees under the age of eighteen (18) years are not required to be fingerprinted.
2. **FBI criminal background checks**
  - 2.1. The District shall verify that an FBI criminal background check has been completed for all licensed employees upon hire.
  - 2.2. The District shall conduct an FBI criminal background check for all non-licensed employees upon hire or rehire.
3. **District Notification – Reporting of Arrests and Convictions**
  - 3.1. A licensed educator or non-licensed employee who is arrested for any of the following alleged offenses shall report within forty-eight (48) hours or soon as possible to the Superintendent or his/her designee:
    - 3.1.1. any matters involving arrests for alleged sex offenses;
    - 3.1.2. any matters involving arrests for alleged drug-related offenses;
    - 3.1.3. any matters involving arrests for alleged alcohol-related offenses;
    - 3.1.4. any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;
    - 3.1.5. any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and
    - 3.1.6. any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in 3.1.1-3.1.6.
    - 3.1.7. any matters involving arrests for alleged offenses against the person, including but not limited to, crimes where a person has assaulted, harassed, abused, neglected, exploited, endangered, kidnapped, murdered, trafficked, raped, sexually assaulted, etc. another person (s); and
    - 3.1.8. any matters relating to arrests for violations of vehicle code for employees who drive motor vehicles as an employment responsibility.
  - 3.2. A licensed educator shall report convictions, including pleas in abeyance and diversion agreements, within forty-eights (48) hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance, or diversion agreement.
4. **Procedures Pending Investigation**
  - 4.1. A licensed educator or non-licensed employee will be immediately suspended from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation.
  - 4.2. A licensed or non-licensed employee will be immediately suspended from transporting students or driving a public education vehicle for alleged offenses involving alcohol or drugs during the period of investigation, and where reasonable cause exists, an existing employee must submit to a FBI criminal background check.



- 4.3. The District will provide adequate due process for an accused employee consistent with applicable law and administrative procedures established by the District.

**5. District Responsibilities**

5.1. Reference Check Requirements

5.1.1. The District will use its best efforts respond to Reference Check Requirements Requests as outlined in state law (within 20 business days) for applicants or potential volunteers seeking employment or volunteer assignments outside the District.

5.1.2. The District is immune from civil and criminal liability for Reference Check Requirement Disclosures.

5.2. Arrest and Conviction Information

5.2.1. When arrest/conviction information is received by the District regarding a licensed educator, the Superintendent or his/her designee shall review that information and assess the employment status consistent with applicable law, rules, District policy and regulations. The District will report the arrest to the USBE within forty-eight (48) hours.

5.2.2. When arrest/conviction information is received by the District regarding a non-licensed employee, the Superintendent or his/her designee shall review that information and assess the employee's employment status while considering the non-licensed employee's employment status consistent with applicable law, rules, District policy, and regulations and any applicable employment agreements.

5.2.3. The Superintendent or his/her designee shall review arrest information and make employment decisions that protect both the safety of students and/or employees and the confidentiality and due process rights of employees.

5.2.4. Records of arrests and convictions shall be placed in the employee's personnel file upon receipt by the District and will include final administrative determinations and actions; and be maintained only as necessary to protect the safety of students and/or employees and with strict requirements for the production of confidential employment information.

5.2.5. The District shall provide appropriate training to licensed and non-licensed employees about the provisions of this policy for self-reporting and ethical behavior.

5.2.6. The District shall cooperate with the USBE in investigations of licensed educators.

**EXHIBITS**

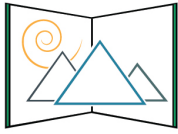
None

**REFERENCES**

Utah Code Annotated: §53G-11-410. Reference check requirements for LEA applicant and volunteers.

Utah Admin. Code R277-516. Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members.

Definitions:



1. "Potential volunteer": means an individual who: (i) has volunteered for but not yet fulfilled an unsupervised volunteer assignment; and (ii) during the last three years, has worked in a qualifying position.
2. "Qualifying position": means paid employment that requires the employee to directly care for, supervise, control, or have custody of a child.
3. "Unsupervised volunteer assignment": means a volunteer assignment in the District that allows the volunteer significant unsupervised access to a student.

**FORMS**

None

*CANYONS BOARD OF EDUCATION*

This online presentation is an electronic representation of the Canyons School District's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.