Criminal Background Investigations

It is the policy of the Board that any finalist recommended for hire to a paid or volunteer position within the District involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration of the recommendation for employment or appointment by the Board. The results of the name-based check shall be presented to the Board concurrent with the recommendation for employment or appointment. Any subsequent offer of employment or appointment shall be contingent upon results of the fingerprint criminal background check, which must be acceptable to the Board in its sole discretion.

The following applicants *for employment*, as a condition for employment, shall be required as a condition of any offer of employment to authorize, in writing, a name-based and fingerprint criminal background investigation to determine if he or she has been convicted of certain criminal or drug offenses:

* a certified teacher seeking employment within the district;
* an educational support personnel employee seeking new employment within the district; as of the adoption date of this policy.
* an employee of a person or firm holding a contract with the school district if the employee is assigned to the District and who has regular unsupervised access to children;
* a volunteer assigned within the district; who has regular unsupervised access to children;
* a substitute teacher in the District newly employed as of the implementation date of this policy;
* A former employee with a lapse in employment of more than two years;
* A former employee with no previous name-based and fingerprint criminal background investigation;
* An employee with no previous name-based and fingerprint criminal background investigation who has a change in employment status (e.g. classified to certified, certified to administrative).

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who shall decide whether the applicant shall be declared eligible for appointment or employment. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

Legal Reference:	§ 44-5-301, MCA	Dissemination of public criminal justice information
	§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information

§ 44-5-303, MCA Dissemination of confidential criminal justice information
Public Law 105-251, Volunteers for Children Act

Policy History:
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