

BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

All Criminal Records Checks are done through the cooperation of the Laconia Police Department and include information obtained from the State Police and the F.B.I. The criminal records checks are completed on any person who is a finalist for a position in the Laconia School District. The criminal records checks are done in compliance with RSA 189:13-a and the cost for these are paid for by the Laconia School District for those who are going to be employed.

A. Background Investigation. The Superintendent, or his/her designee, will conduct a thorough investigation into the past employment history, criminal history records, and other appropriate background of any applicant as defined in this policy. This investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, or approving the assignment of an employee of a contractor, a student teacher, or “designated volunteer” to work or serve within the District. *All decisions regarding employment and the pre-employment process shall conform to the District’s Anti-Discrimination and Equal Opportunity policy, AC.*

As part of the application process, each applicant 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 applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or notified that he or she will not be hired.

Record of background investigations (not all source documentation) shall be retained pursuant to the District’s Record Retention Schedule

B. False Information. The falsification or omission of any information on a job application, during the pendency of the 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, withdrawal of any offer of employment, or immediate discharge from employment.

C. “Covered Person” and “Applicant” Defined. Except as otherwise provided in this Policy, the term “Covered Person” shall mean employee, coaches, trainers, designated volunteer, whether direct or through a volunteer organization, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district. The term “applicant” as used in this policy shall include an applicant for employment or any person seeking to serve in any position falling with the term “covered person” as defined above.

□ Bus Drivers and Bus Monitors. Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records check for bus drivers and bus monitors shall be processed through the New Hampshire Department of Education.

D. Criminal History Records Check. As part of the District’s background check, each covered person/applicant must submit to a criminal history records check through the State of New Hampshire in full

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compliance with RSA 189:13-a. No covered person shall be employed, extended a conditional offer of employment (as described below), or begin service in the District, until the Superintendent, or his/her designee, has initiated the formal State and FBI criminal history records check process and a background investigation.

The applicant shall provide the District with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken according to that statute. The release form generally authorizes the State Police to conduct a criminal history records check through its state and records of the Federal Bureau of Investigation, and to release a report of any misdemeanors and/or felony convictions, as well as any charges pending disposition for any crimes listed in the then current paragraph V of RSA 189:13-a (“Section V Offenses”). Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the criminal history records check will result in immediate disqualification of the applicant and no further consideration for the position.

E. Results of Criminal History Records Check. The results of the criminal history records check shall be delivered to the Superintendent who shall be responsible for maintaining their confidentiality. If the results of the records check disclose no criminal record, the results and information shall be destroyed immediately following review by the Superintendent. If the results indicate criminal conviction or indicate any charge pending disposition of a Section V Offense, then the Superintendent shall review the information for a hiring decision, but shall destroy the records within 60 days of receiving the information.

F. Conditional Offer of Employment. “Covered” persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the local, State, and FBI Criminal Records Check. Any covered person, who is offered conditional employment, will have clearly stated in their contract or letter of employment that his/her contract and continuation of employment is entirely conditional upon the completion of a Criminal Records Check, which is satisfactory to the Laconia School District.

G. 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 Laconia School District.

H. Fees for Criminal History Records Check. Any applicant for whom the Board requires a criminal history records check, or, in the instance of third party contractors, the applicant’s employer, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the criminal history records check, unless otherwise determined by the Board.

I. Contractor and Vendor Provisions. The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete criminal history records checks as required under this policy, as well as training and information required under policy GBCE.

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J. Additional Criminal Records Checks. The Superintendent may require a state criminal history records check of any covered person at any time to the extent permitted by law.

K. Reports of Post-Employment/Service Section V Offenses. When the District receives a notification of a covered person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to and immediately discharged. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment contract or collective bargaining agreement to address the individual's ongoing relationship with the District. If the person charged/convicted of a Section V Offense is a credential holder as defined in the New Hampshire Code of Conduct for Educators, the Superintendent shall make report to the Department of Education pursuant to section 510.05 of the Code and Board policy GBEAB.

Adopted: January 21, 2003

Revised: May 6, 2014, April 20, 2021