

CRIMINAL BACKGROUND SEARCH REQUIRED

A criminal background search shall be conducted on all final candidates who will be recommended for employment to the Transylvania County Board of Education (the "Board") and on independent contractors under consideration for roles that may require them to work directly with students. Criminal background searches shall be conducted in accordance with applicable state law, policies of the North Carolina State Board of Education (the "State Board"), and any local procedures established by the Superintendent. Criminal background searches required by this policy shall be conducted at the school system's expense. Any candidate who refuses to consent to a criminal background search, including an independent contractor, shall not be considered for employment or awarded a contract for services.

EMPLOYMENT DECISIONS

All offers of employment are conditional until the Superintendent designee receives the results of the applicant's criminal background search. If a final candidate for employment or appointment as an independent contractor is found to have a criminal history other than for minor traffic offenses, then the Superintendent shall determine whether the individual is qualified for employment or appointment despite the criminal history by considering, among other factors, whether the individual poses a threat to the safety or well-being of students or personnel, or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. If the Superintendent recommends such a candidate for employment by the Board, then the Board must be notified of the candidate's criminal history and the basis for the Superintendent's determination.

No applicant shall be denied employment based solely upon the results of a criminal background search without confirmation of the criminal history by certified copy of the conviction or other means permitted by State Board rules.

No individual who is a registered sex offender subject to the provisions of policy ACAC ("Registered Sex Offenders") shall be employed in any position by the Board. Additionally, each contract executed by the Board with an independent contractor or for the services of independent contractors shall require the contractor to check sex offender registries as specified in policy ACAC ("Registered Sex Offenders") for all of its employees who will have direct interaction with students as part of their job or service.

Providing false or misleading information regarding criminal history on an application for employment shall constitute grounds for an individual's denial of, or dismissal from, employment by the Board. Providing false or misleading information regarding criminal history by an independent contractor shall constitute grounds for the Board's denial or termination of the contract.

MAINTENANCE OF RECORDS

~~Records received in conjunction with criminal background searches shall be maintained in a locked, secure place, separate from the individual's application or personnel file. These records shall be accessible only to the Superintendent/designee and other authorized personnel who have appropriately secured permission prior to accessing the records.~~

NOTIFICATION REQUIRED

~~Applicants for employment and current employees of the Board must immediately notify the Superintendent/designee if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (including speeding, parking, or lesser violations). Notice must be made in writing, must include all relevant facts, and must be delivered to the Superintendent/designee no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within twenty-four hours of his or her release. Upon judicial action in the matter, the applicant or current employee must report the disposition and relevant facts in writing to the Superintendent/designee no later than the next business day following adjudication.~~

CERTAIN REPORTING REQUIRED

~~The Superintendent shall forward to the Superintendent of Public Instruction, in accordance with applicable state law and State Board policy, the criminal history of any applicant or employee who is licensed, certificated, or certified by the State Board.~~

~~Legal References: N.C.G.S. § 114-19.2, § 115C-36, § 115C-47, § 115C-332, § 115C-332.1, § 14-208.18; 16 N.C.A.C 6C.0312, 16 N.C.A.C 6C.0313; *Fair Credit Reporting Act*, 15 U.S.C. 1681 et seq.~~

~~Cross References: Policy ACAC ("Registered Sex Offenders")~~

~~APPROVED BY BOARD
AND EFFECTIVE 5/6/96
REVISED 5/3/10~~