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EXPLANATION: CRIMINAL BACKGROUND CHECKS

MSBA has revised this policy to recognize that the Federal Bureau of Investigation's (FBI) criminal history files and the Missouri State Highway Patrol's (MSHP) criminal history database and sexual offender registry are now accessed by school districts electronically and that many districts may not keep physical copies of background check results.

Finally, MSBA has modified the "Consequences" section to clarify that an employee can be terminated and an applicant can be excluded for not only a background that is violent or harmful, but also for a background that is considered unsuitable as defined by the superintendent or designee.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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CRIMINAL BACKGROUND CHECKS

The Camdenton R-III School District is committed to providing a safe environment for students to learn. As part of this effort, in accordance with this policy, the district will require criminal background checks of employees. The Board directs the superintendent or designee to develop procedures and practices consistent with this policy.

Definitions

Criminal Background Check – A search of the Federal Bureau of Investigation's (FBI) criminal history files; the Missouri State Highway Patrol's (MSHP) criminal history database and sexual offender registry; the Family Care Safety Registry (FCSR) or the central registry of child abuse and neglect of the Children's Division (CD) of the Department of Social Services; Missouri Case.net; and other databases required by law or by the district.

Driving Records – Traffic-related offenses contained in the Missouri Department of Revenue's databases.

Employees

Generally, the district will conduct criminal background checks in accordance with law on all new employees authorized to have contact with students; however, the district may forgo a criminal background check when:

1. A teacher is employed to work on a part-time or substitute basis within one year of having retired from the Camdenton R-III School District.
2. An employee or potential employee has had a background check conducted by another Missouri public school within the past year and the district receives a copy of the background check directly from the other district or obtains electronic access to the previous background check. ~~If the district requires a new background check, it will be at the district's expense.~~
3. An employee or potential employee has successfully completed a criminal background check, including a check of the FCSR, as part of the professional license application process within one year prior to employment.

Any offer of employment is contingent upon the satisfactory outcome of the criminal background check, when required by the district. The district has the sole and absolute discretion to determine whether the outcome is satisfactory.

Drivers

The district will conduct a criminal background check on all bus drivers the district employs. The district may allow bus drivers to operate district transportation pending the results of the criminal background check.

Payment

In general, the district will pay the cost of this background check for all new employees. However, when an applicant has had a background check conducted by another Missouri public school within the past year and the district receives a copy of the background check directly from the other district or obtains electronic access to the previous background check, the district will not require an additional background check as a condition of employment unless the district pays the cost, in accordance with law.

Substitute teachers will be required to pay the cost of the criminal background check. The district will reimburse substitute teachers for this cost after they have substituted for Camdenton R-III School District ten full days. It will be the responsibility of the substitute teacher to request the reimbursement. In cases where the district requires independent contractors to conduct criminal background checks, payment for the background checks will be determined by the contract.

Updating Information

The district reserves the right to require any employee to submit to additional criminal background checks at the district's expense or to rerun background checks at any time. The district will provide the Department of Elementary and Secondary Education (DESE) the relevant personnel information necessary to conduct postemployment background checks as allowed by law.

Any employee refusing to submit to a background check may be disciplined or terminated. The district may decline to utilize the services of contractors who refuse to participate.

District Notification

As a condition of continuing to work within the district, all employees and other persons required to submit to a criminal background check pursuant to this policy must notify the district if they are charged, convicted, plead guilty to or are otherwise found guilty of any misdemeanor or felony, regardless of the imposition of sentence. This notification must be made as soon as possible, but no later than five business days after the event.

Reporting Requirements

The district will report to DESE when information is obtained that a certificated person has pled guilty or no contest to or been found guilty of a crime or offense, regardless of whether a sentence

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has been imposed, in this state, another state or another country that may put the person's certificate in jeopardy pursuant to Missouri law.

Confidentiality

Information received by the district pursuant to a criminal background check is confidential. Except as allowed by law, the district will only use this information 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. Any person submitting to a criminal background check may receive a copy of the background check information received by the district.

Pursuant to state law and upon the written request of an employee or former employee, the district may transfer a criminal background check to another school district within one year of receiving the background check.

Consequences

The superintendent or designee is directed to exclude from employment or to take action to terminate individuals whose criminal background checks reveal that they have exhibited behavior that is violent or harmful to children or adults and may terminate any employee or exclude any applicant if the background check reveals behavior that would make him or her unsuitable for the position in the discretion of the superintendent or designee. A person whose background check reveals behavior that would make the person unsuitable to volunteer in the district will not be allowed to volunteer. Employees who fail to keep background checks results confidential as required by law or this policy or who violate any portion of this policy or district procedure will be subject to disciplinary action up to and including termination.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 12/12/2005

Revised: 01/08/2007; 01/10/2011; 06/28/2012;

Cross Refs: IICC, School Volunteers

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Legal Refs: §§ 43.540, .543, 168.133, 576.050, RSMo.

Camdenton R-III School District, Camdenton, Missouri

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