

CRIMINAL RECORD CHECKS

Code **GBEBDA** Issued **8/10**

Purpose: To establish the basic structure for conducting criminal record checks on any individual hired by or volunteering in the district.

The district will require appropriate state criminal background checks as outlined in law on any individual recommended to be employed in a paid or volunteer position.

The cost of the background check will be paid by the district. The fee associated with the criminal record search on a teacher or a substitute teacher is waived for the district.

State Law Enforcement Division (SLED) background checks

The district will obtain a name-based criminal record check from SLED on all new employees prior to their initial employment. The district will consider the results of all criminal record history checks on an individual basis. In determining how the information obtained impacts the individual's ability to be an effective employee, the district will consider such things as severity of offense, age of the individual, direct impact of the offense on children, length of time since conviction or plea, restitution, conduct or remedial actions during probation, and participation in pre-trial intervention and/or expungement.

The district will not employ an individual who has been convicted of, or plead guilty to, a violent crime as outlined in the law. Also, when making employment decisions, the district will carefully consider information relative to felony convictions as well as information that could result in the revocation or suspension of a professional certificate "for cause" as outlined in law.

The results of the name-based check will be presented to the board concurrent with the recommendation for employment.

National Sex Offender Registry checks

The district will perform a National Sex Offender Registry check on all new employees, whether employed on a full-time, part-time, regular, interim or temporary basis, and all volunteers who work in a school on an interim or regular basis as mentors, coaches, chaperones, or any other capacity resulting in direct interaction or contact with students.

The district will not permit individuals whose names appear on the National Sex Offender Registry or individuals who have been required to register as sex offenders pursuant to state law to work or serve in the district in any capacity.

If an individual is denied employment in the district as a result of information appearing on the name-based background check, the person may be given an opportunity to respond to the reasons.

(Cf. GCF, GCFB, GDF, GCG, IJOA, IJOB/IJOC)

Adopted: 8/19/10

Legal references:

- A. S.C. Code of Laws, 1976, as amended:
1. Section 16-1-60 – Violent crimes defined.
 2. Section 23-3-115 – Fees for criminal record searches conducted for charitable organizations.
 3. Section 23-3-130 – Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.
 4. Section 23-3-430 – Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
 5. Section 59-19-117 – Background checks.
 6. Section 59-25-150 and 160 – Revocation or suspension of certificate; “just cause” defined.