

CRIMINAL RECORDS CHECK

The Board of Education recognizes that it is not only important to employ highly qualified and competent personnel, but also individuals who are good, moral, and law-abiding citizens themselves.

Accordingly, the Superintendent, or his/her designees, shall cause all applicants for employment and volunteers to undergo criminal records checks conducted by the Bureau of Criminal Identification and Investigation (BCI) at the time of their initial employment or approval as volunteers and at the intervals required by law as set forth below.

The following shall apply:

- A. Each applicant or volunteer shall be provided with a separate written statement when the applicant first applies notifying him/her that he/she is required to provide a set of his/her fingerprint impressions and that, as a precondition to employment or appointment as a volunteer, a criminal records check is required to be conducted and satisfactorily completed.
- B. Each applicant or volunteer shall be notified, when he/she first applies, of the amount of the criminal records check fee and that, unless the fee is pre-paid to the Board he/she will not be considered for employment or a position as a volunteer with the Board. The fee will only be paid by the applicant or volunteer if he/she comes under final consideration for employment with or appointment by the Board.
- C. A criminal records check shall be requested from the Ohio Bureau of Criminal Identification and Investigation (BCI) for each applicant or volunteer under final consideration. The request shall include a request that the BCI obtain information from the Federal Bureau of Investigation (“FBI”) as a part of the criminal records check. The Board may accept a certified copy of any records issued by the BCI presented by an individual applying for employment or appointment with the Board in lieu of requesting such information itself. In such case, however, the Board shall only accept a certified copy of such records within one (1) year after the date of issuance by the BCI.
- D. Except as provided below, each applicant for a position with the Board or volunteer is responsible for completing the criminal records check by submitting fingerprints and information via the WebCheck® system maintained by BCI, unless the applicant or volunteer lives more than 75 miles from the nearest WebCheck® facility or the applicant’s fingerprints cannot be captured on a Webcheck® screen. If the applicant or volunteer fails to submit the necessary information for the criminal records check, he/she shall not be employed or appointed by the Board.

An applicant who, within a two-year period prior to the date of application, was the subject of a criminal records check prior to being hired by the District for short-term employment

shall not be required to undergo a criminal records check if the applicant meets the following conditions:

1. The applicant is applying to be an instructor of adult education; and
 2. The duties of the position for which the applicant is applying do not involve routine interaction with or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, the Superintendent or his/her designee has arranged for a District employee to be present in the same room or, if outdoors, within a thirty-yard radius of the child or have visual contact with the child.
- E. Each applicant for a position with the Board or volunteer may be employed or appointed conditionally, at the sole discretion of the Board, until the criminal records check is completed and the Board receives the results of the criminal records check. If the results of the criminal records check indicate that the applicant or volunteer has been convicted of or pleaded guilty to any crime listed in O.R.C. §3319.39(B)(1)(a) or an existing or former law of Ohio, another state, or the United States that is substantially equivalent to any of the offenses listed in O.R.C. §3319.39(B)(1)(a), or if the applicant has applied for a position as a teacher, any crime listed in O.R.C. §3319.31 in addition to those set forth in O.R.C. §3319.39(B)(1)(a), the applicant shall be immediately released from employment with the Board or if a volunteer, released as a volunteer from the Board.
- F. Subsequent criminal records checks of employees shall be requested from the BCI for every person hired by the Board, other than a person hired for a position that requires a license issued by the Ohio State Board of Education, according to the following schedule:
1. for a person in a position other than for the operation of a vehicle for pupil transportation by September 5, 2008, and every five years thereafter; and
 2. for a person hired to operate a vehicle used for pupil transportation, at time of initial application for certificate and every six years thereafter at time of renewal.
- If the employee presents proof that he or she has been a resident of Ohio for the five years immediately prior to the date of the subsequent criminal records check, the District shall request BCI to obtain only information from the FBI.
- G. Subsequent criminal records checks of volunteers shall be conducted as determined by the Board and/or Superintendent.
- H. Prior to taking an adverse action against an applicant or employee based in whole or in part on a criminal record check, the applicant or employee will be given a written pre-adverse action disclosure statement which will include a copy of the criminal record check and the

Federal Trade Commission's notice entitled "A Summary of Your Rights Under the Fair Credit Reporting Act."

- I. After taking an adverse action, the applicant or employee will be given a written adverse action notice which includes the name, address and telephone number of BCI, a statement that BCI did not make the decision to take the adverse action and cannot give specific reasons for it, the individual's right to dispute the accuracy or completeness of any information furnished by BCI and the individual's right to an additional free criminal record check from BCI upon request within 60 days.
- J. When permitted by law, the Board will take into consideration administrative rules adopted by the State Board of Education specifying the circumstances under which a person who has been convicted of a disqualifying offense may be employed; provided the person meets the rehabilitation standards set forth in the rules.
- K. The report of a criminal records check conducted by the BCI pursuant to paragraph C. of this policy is not a public record and shall not be made available to any person other than the applicant, a court, a hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.
- L. For any position that does not require a license issued by the State Board of Education and is not for the operation of a vehicle for pupil transportation, a private company that provides essential school services to the District shall submit a criminal records check for any employee of the private company who will work in the District in a position that involves routine interaction with or regular responsibility for the care, custody, or control of a child, unless the Superintendent or his/her designee has arranged for a District employee to be present.
- M. New record checks for those employees who serve as bus drivers shall be required with Driver Certification.
- N. The District shall consult the "educator profile" database maintained on the website of the Department of Education prior to making any hiring decision. After consulting the "educator profile" database, the District may further discern the employment, disciplinary, or criminal record of an applicant for employment in either or both of the following ways:
 1. Consulting the Office of Professional Conduct within the Department of Education to determine whether the individual has been the subject of either:
 - a. Any notice to the Department under O.R.C. §§3314.40, 3319.313, 3326.24, 3328.19, or 5126.253;
 - b. Any disciplinary actions conducted by the Department.

2. Consulting any prior education-related employers of the individual.

The District may require additional background checks other than the criminal records checks for any applicant for employment or potential volunteer. The District may conditionally employ an individual pending the receipt of information sought in accordance with this paragraph. Should that information indicate that the individual has engaged in conduct unbecoming to the teaching profession or has committed an offense that prevents, limits, or otherwise affects the applicant's employment with the District, the District may release the individual from employment.

- O. Except as provided in O.R.C. §3319.318(C), no school representative shall knowingly engage in any activity intended to assist another individual in obtaining employment with a school district or chartered nonpublic school, or in obtaining employment with a county board of developmental disabilities in a position responsible for providing educational services to children from six through 21 years of age, other than transmitting administrative and personnel files to the prospective employer if the school representative knows or has reasonable cause to believe that the individual has committed a sex offense listed in Chapter 2907. of the Revised Code, or a substantially comparable offense, involving a student.

LEGAL REFS: O.R.C. §§3319.318; 3319.39; 3319.391; 3319.392; 3319.393; 109.57; 109.572
Fair Credit Reporting Act; 15 U.S.C. 1681, *et seq.*

Adopted: October 18, 2021