

Book	Policy Manual
Section	POLICIES FOR THE BOARD, NOVEMBER 2022
Title	Copy of Copy of PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE AND ARRESTS
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#### **1521 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE AND ARRESTS**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the School Corporation's administrative staff.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as an administrator which shall include the following:

- A. an expanded criminal history check as defined by I.C. 20-26-2-1.5
- B. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3
- C. a search of the national sex offender registry maintained by the United States Department of Justice
- D. beginning July 1, 2017, a search of the State child abuse registry
- E. telephone inquiry with former employer(s)
- F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- G. verification of the applicant's eligibility to work using the E-Verify database maintained by the federal government as required by I.C. 12-32-1
- H. a detailed background history including all prior employment and volunteer positions
- I. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of ~~his/her~~ the applicant's employment before or not later than thirty (30) days after the start of the applicant's employment by the Corporation.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of ~~his/her~~ the applicant's employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation.

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

The Board shall deny employment to a person who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c), unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall terminate the employment of a person who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may deny employment to an applicant who is the subject of a substantiated report of abuse or neglect.

Each applicant shall certify under penalty of perjury **his/her the applicant's** eligibility to be employed by the Board as a United States citizen or a qualified alien.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute or employ the applicant as a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee.

Any costs associated with obtaining the expanded criminal history check and the Indiana expanded child protection index check are to be borne by the applicant.

The Board requires that an expanded criminal history check be conducted for each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment every five (5) years.

In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed 5 (maximum is 5) years by annually conducting updated expanded criminal history checks for at least 1/5 (minimum is 1/5) of employees who are employed by the Corporation on July 1, 2017.

The Corporation shall pay the costs associated with conducting the expanded criminal history check for all employees, provided the exclusive representatives of the Corporation's employees do not object.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

A. is the subject of a substantiated report of child abuse or neglect or

B. has been charged with or convicted of one (1) of the following crimes:

1. Murder (I.C. 35-42-1-1).
2. Causing suicide (I.C. 35-42-1-2).
3. Assisting suicide (I.C. 35-42-1-2.5).
4. Voluntary manslaughter (I.C. 35-42-1-3).
5. Reckless homicide (I.C. 35-42-1-5).
6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
7. Aggravated battery (I.C. 35-42-2-1.5).
8. Kidnapping (I.C. 35-42-3-2).
9. Criminal confinement (I.C. 35-42-3-3).
10. A sex offense under I.C. 35-42-4 **(including criminal deviate conduct, I.C. 35-42-4-2, before its repeal)**.
11. Carjacking (I.C. 35-42-5-2) (before its repeal).
12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
13. Incest (I.C. 35-46-1-3).
14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
15. Child selling (I.C. 35-46-1-4(d)).

16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.
22. **Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.**
23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

During the course of **his/her** employment with the Corporation, each administrator shall be required to report the

- A. arrest or the filing of criminal charges against the employee
- B. conviction of the employee for a crime; and
- C. substantiated report of child abuse or neglect of which the employee is the subject

to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the administrator who was convicted or the subject of a substantiated report of child abuse or neglect.

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I.C. 5-2-22 I.C. 10-13-3

I.C. 20-26-2-1.3 I.C. 20-26-2-1.5

I.C. 20-26-5-10, -10.5, -11 and -11.5

I.C. 20-28-5-8