

Book	Policy Manual
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Title	Updated Copy of PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING
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3121 - **PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING**

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 professional staff. Such an inquiry also shall be made for all substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as a professional staff member 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. an expanded child protection index check in other states
- D. a search of the national sex offender registry maintained by the United States Department of Justice
- E. beginning July 1, 2017, a search of the State child abuse registry
- F. telephone inquiry with former employer(s)
- G. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- H. 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
- I. a detailed background history including all prior employment **and volunteer positions**
- J. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Eligibility

Each applicant shall certify under penalty of perjury their eligibility to be employed by the Board as a United States citizen or a qualified alien.

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

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 the applicant's employment before or not later than thirty (30) days after the start of the applicant's employment by the Corporation.

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall evaluate all available types of criminal history checks to select and employ the expanded criminal history check that would best protect the Corporation's students.

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

The Board also shall deny employment to an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall terminate the employment of an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), 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 child abuse or neglect.

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item:

A. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.

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.

Any costs associated with obtaining the expanded criminal history check and the 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.~~

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 an offense requiring license revocation per I.C. 20-28-5-8(c) or has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b).

References

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.

Notwithstanding any confidentiality agreement entered into by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee committed an act resulting in a substantiated report of abuse or neglect.

Notwithstanding any confidentiality agreement entered into or amended after June 30, 2023, by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee was:

- A. arrested;
- B. charged with a criminal offense;

- C. convicted of a criminal offense;
- D. under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration);
- E. the subject of a protection order; or
- F. named as a defendant in a civil action if the civil action could affect the safety of students.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, 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 or any other mandatory State reporting requirements.

Mandatory Reporting

During the course of employment with the Corporation, each professional employee and substitute teacher shall be required to report the

- A. arrest or the filing of criminal charges against the employee;
- B. conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(e)(b);
- C. conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-26-5-11.2(b) or I.C. 20-26-5-11.2(c); and
- D. 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 employee who was convicted or the subject of a substantiated report of child abuse or neglect.

Revised 2/26/07
 Revised 8/14/07
 Revised 3/15/10
 Revised 3/19/13
 Revised 3/15/16
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 Revised 2/19/19
 Revised 12/20/22

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Legal	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
	I.C. 20-26-5-10.5
	I.C. 20-26-5-11
	I.C. 20-26-5-11.5
	I.C. 20-28-5-8