

CRIMINAL BACKGROUND CHECKS

The Nixa Public Schools 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 as well as certain volunteers and others working on district property. 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 prior to the employees working 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 Nixa Public Schools.
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.
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.

If the district contracts for student transportation services, the contract will require the transportation company to conduct background checks on the company's employees who will have contact with district students. The contract will require the company to exclude persons who have exhibited behavior that is violent or harmful to children or adults.

Volunteers

The district will conduct a criminal background check for each volunteer who has regular and frequent contact with students; unsupervised or one-on-one contact with students; or serves in a supervisory role, and the superintendent may also require a search of the FBI's criminal history files. A criminal background check will be conducted on these volunteers regardless of their role, membership or affiliation with organizations who exist to support the district, such as the PTA. This also includes all volunteers who attend field trips with students. If the volunteer is a sponsor, advisor or coach of a district-sponsored activity, he or she must satisfactorily complete the criminal background check required of employees. Criminal background checks will be waived for volunteers who are not working directly with students, current district employees and employees who have retired from the district within one year of requesting to volunteer. Volunteers who will have continuous employee supervised contact with students do not need to complete a criminal background check. Volunteers subject to a criminal background check will be required to resubmit to a background check every other year; however, any volunteer may be asked to resubmit to a criminal background check at any time. The district shall bear the cost of the criminal background check fees. Results of criminal background check will be submitted to the superintendent or designee for review. No volunteer will be accepted if the superintendent determines that, based on the background check, the volunteer is not suitable to work with children. This shall include, but is not limited to, all individuals with a felony conviction, on probation for a felony charge or on the FCSR, CD central registry or any state or federal sex offender registry.

Payment

The district will pay the expenses associated with conducting and renewing criminal background checks for applicants, current contracted employees and volunteers.

Updating Information

The district reserves the right to require any employee or volunteer 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.

The district may update all criminal background checks required under this policy at least every five years if the person is still volunteering or working for the district or working on district property. The district may update the driving records for all drivers of district transportation every six months. Any employee refusing to submit to a background check may be disciplined or terminated. The district may decline to utilize the services of volunteers or 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 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, volunteer 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.

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Critical

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 check 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: 11/10/2005

Revised: 11/09/2006; 11/13/2008; 10/08/2009; 05/13/2010; 03/06/2012; 06/09/2016

Cross Refs: ICC, School Volunteers

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

Nixa Public Schools, Nixa, Missouri