

## **EMPLOYEE BACKGROUND CHECKS AND MANDATORY REPORTING**

### **Definitions**

For purposes of this policy, “association” is defined as an organization that conducts, organizes, sanctions or sponsors interscholastic high school athletic events as the organization’s primary purpose. I.C. § 20-26-14-1

“Coach” is defined as a coach of grades 9 through 12 in all association recognized sports, including nonteaching and volunteer coaches.

### **Employees**

An offer of employment on behalf of the Southwestern Consolidated School Corporation of Shelby County School Board shall be contingent upon a determination by the Superintendent or his/her designee that the applicant meets each qualification standard in the job description for the position offered. To determine if the applicant meets the qualification standards for the position applied for, the Superintendent or his/her designee shall conduct a comprehensive pre-employment background investigation on each applicant given a conditional offer of employment.

The School Corporation through the Superintendent or his/her designee shall take the following steps in accordance with Indiana law to conduct a pre-employment background investigation:

1. Conduct an expanded criminal history check for each applicant;
2. Conduct an expanded child protection index check for each applicant;
3. Seek explanations of any employment gaps to ensure the applicant has not omitted an employer where an offense occurred;
4. Verify the applicant’s eligibility to work using the E-verify database maintained by the Federal government; and
5. Contact the applicant’s employment references, and, if applicable, the most recent employer provided by the applicant before the applicant may be hired.
6. If the position involves driving, an Indiana Bureau of Motor Vehicles driver history.

Where the needs of the School Corporation require that the applicant begin work before the pre-employment background investigation can be completed, the expanded criminal history check for each applicant shall be completed no later than thirty (30) days after the first day of employment. Further, the School Corporation shall conduct an expanded child protection index check no later than sixty (60) days after the first day of employment. The applicant shall

continue to be considered as an applicant working pursuant to a conditional offer of employment until the pre-employment background investigation is complete.

Each applicant shall provide all identifying information necessary to conduct the pre-employment background investigation and shall read and agree to all necessary documentation to conduct the pre-employment background investigation as a condition of being considered for employment.

Failure of an applicant to fully or truthfully disclose all information requested in the application process may disqualify the applicant. Where the failure to make a truthful or complete disclosure is not detected until after the employee is employed, the employee may be terminated for insubordination. The School Corporation will not hire any applicant who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal. Consistent with Indiana law, the School Corporation shall consider whether information collected during the pre-employment background investigation constitutes grounds not to employ or contract with an individual.

The School Corporation will not contract with or continue to contract with any person who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal. Contractors providing services to the School Corporation which entail direct contact with students shall, as a material term of their contract, agree that they have or will screen each employee and applicant for employment using the same qualification standards applied by the Board to the same or similar positions. Contractors shall submit their policy or a written assurance of their compliance with this policy. Compliance with this policy shall be a material term of every contract for services entered into by the Board, and the Superintendent shall promulgate administrative guidelines to implement this policy. In the event that such a contractor obtains information that its employee who works at a particular school corporation or charter school has been convicted of an offense listed in I.C. § 20-26-5-11(b), the entity shall immediately notify the school corporation or charter school of the employee's conviction.

Each School Corporation employee is required to undergo an expanded criminal history check every five (5) years. The School Corporation will assume the costs of the expanded criminal history check for current employees. The School Corporation may conduct an expanded criminal history check more often than every five years if it believes an employee is the subject of a substantiated report of child abuse or has been charged with one of the offenses listed in I.C. § 20-26-5-11(b).

The School Corporation will not continue to employ any employee who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal. Consistent with Indiana law, the School Corporation shall consider whether information collected during the expanded criminal history check investigation constitutes grounds not to continue to employ the individual.

The School Corporation may establish procedures to verify the accuracy of information referenced in this policy.

## **Volunteers**

Each volunteer who is in direct contact with students will be required to submit a Limited Criminal History Record Check.

The procedures shall ensure that information and records obtained from criminal history inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.

The Superintendent or his/her designee is to inform each volunteer that s/he:

1. Shall agree to abide by all Board policies and Corporation guidelines while on duty as a volunteer;
2. Will be covered under the Corporation's liability policy but the Corporation shall not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the volunteer eligible for worker's compensation;
3. Will be asked to sign a form releasing the Corporation of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services;;
4. Will be required to report any arrests, the filing of criminal charges against him/her, or convictions for a crime while serving as a volunteer;
5. Will be required to report any substantiated report of child abuse or neglect of which s/he is the subject.

## **Coaches**

The Corporation shall, for each coach hired or allowed to coach an association recognized sport, whether as an employee or as a volunteer:

1. Ask the prospective coach:
  - a. Whether the individual is or has been accredited by the association;
  - b. If the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked;
2. Request references from the individual, and contact the references provided;
3. Contact the association to determine whether the individual's accreditation has ever been suspended or revoked.

Before allowing an individual to be a volunteer coach, the Corporation must conduct an Expanded Criminal History Check.

## **Mandatory Reporting of Arrest, Conviction, and Substantiated Reports of Child Abuse or Neglect**

During the course of his/her employment with the School Corporation, each employee is required to report his/her arrest or the filing of criminal charges against the employee; any substantiated report of child abuse or neglect, and conviction of criminal charges to the Superintendent or designee within two (2) business days of the occurrence. The Superintendent or designee shall review each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.

No Corporation employee, contractor, or agent shall assist a Corporation employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

I.C. 20-26-2-1.3

I.C. 20-26-2-1.5

I.C. 20-26-5-10

I.C. 20-26-5-11

I.C. 20-26-14-8

I.C. 20-26-14-9

I.C. 20-28-5-8

I.C. 20-28-5-9

20 U.S.C. § 7926(a)

Southwestern Consolidated School Corporation of Shelby County

Adopted: [date]

Revised: [date]