

Background Investigation and Criminal Records CheckBackground Investigation

The Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history, and other applicable background of any person considered for employment with the Ashland School District. All individuals covered by this Policy must authorize the District, in writing, to conduct a background investigation and consent to the release by third parties (such as former employers) of the information requested during the School District's investigation. This investigation shall be completed prior to making a final offer of employment. The Superintendent, or his/her designee, shall develop a background investigation protocol, for use in completing a background investigation and shall keep a written record of all background investigations. The background investigation may include, but is not limited to: entire employment history; fitness for duty at all prior employment; education history; criminal record and military record, if any; obtaining opinions and references regarding moral character and reputation; and soliciting and obtaining any other information the School District in its discretion, deems necessary.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime that has not been annulled by a court, and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions that have not been annulled by a court or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Criminal Records Check

Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records check. Persons regularly in contact with students means a person who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to coaches and advisors, (3) has contact with students without a school employee present; (4) a teacher, a substitute teacher, student teacher, student intern, para-professional, and other educational staff any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records check.

The Superintendent, or his/her designee, is responsible for establishing all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records check.

Contract Services:

Any person performing contracted services and employees of the contractor whose duties require regular contact with students (e.g., bus drivers, service providers, cafeteria workers) or are designated by the Superintendent or School Board shall be subject to the background investigation and Criminal Records check required by this Policy.

Volunteers

Volunteers are subject to a Background Investigation and Criminal Records check. Designated volunteers, i.e., those who chaperone field trips, have direct contact with students or who have duties involving one-to-one contact with students shall be required to complete a Criminal Records check process every three (3) years before any volunteer is allowed to participate in any activity.

School Board Members

Ashland School Board members are subject to a Background Investigation and Criminal Records check. Elected or appointed School Board members shall be required to complete the Criminal Records check process upon being elected or appointed to the Board.

Financial Responsibility

With the exception of volunteers, any person for whom the Board requires a Criminal Records check shall pay all fees and costs associated with the fingerprinting process and or the submission or processing of the requests for the Criminal checks, unless otherwise determined by the Board.

Conditional Employment

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent or his/her designee has initiated the formal State and FBI criminal records check process and has completed a background investigation.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely contingent upon the completion of a Criminal Records check which is satisfactory to the School District.

All persons employed under a conditional offer of employment may be covered under the School District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment.

Final Offer of Employment/Hiring Contracted Service Providers/Accepting Volunteers

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records check which is satisfactory to the Superintendent.

New Hampshire law prohibits the School District from hiring any person who has been charged pending disposition or who has been convicted of any violation or attempted violation of any of the following offenses listed in RSA 189:13-a, V:

RSA 630:1	Capital Murder
RSA 630:1-a	First Degree Murder
RSA 630:1-b	Second Degree Murder
RSA 630:2	Manslaughter
RSA 632-A:2	Aggravated Felonious Sexual Assault
RSA 632-A:3	Felonious Sexual Assault
RSA 632-A:4	Sexual Assault
RSA 633:1	Kidnapping
RSA 639:2	Incest
RSA 639:3	Endangering Welfare of Child or Incompetent
RSA 645:1,II	Indecent Exposure and Lewdness, or III
RSA 645:2	Prostitution and related Offenses
RSA 649-A:3	Child Pornography
RSA 649-A:3-a	Possession of Child Sexual Abuse Images
RSA 649-A:3-b	Possession of Child Sexual Abuse Images

RSA 649-B:3 Computer Pornography and Child Exploitation Prevention
RSA 649-B:4 Certain Uses of Computer Services Prohibits
RSA 650:2 Obscene Matter Offenses
or any statute prohibiting the same conduct in another state, territory, possession of the United States.

In addition to the felonies listed above, a person may be denied a final offer of employment if he/she has been convicted of any crime. Such determination will be made by the Superintendent, on a case by case basis.

The School District will not hire contracted service providers or accept the services of volunteers who would be disqualified from employment under this Policy.

Record Retention

The School District shall maintain the confidentiality of all criminal history records information received. If the criminal history records information indicates no criminal record, the Superintendent shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of any crime the Superintendent shall review the information for a hiring decision. The Superintendent shall destroy any criminal history record information that indicates a criminal record within thirty days of receipt of such information.

Legal Reference:

RSA 189:13-a

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