

Policy

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

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CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF REPORTING REQUIREMENTS

The District will conduct a criminal history record check for all potential new employees, all volunteers, speakers who will be alone with students in classrooms or activities, coaches and advisors for curricular or co-curricular events or activities. Any contracts with outsourced services, employment agencies or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District. Such an inquiry shall also be made for substitutes who may be employed by the District. Prior to employment, the District will conduct a criminal history record check for the following classifications:

1. Administrative Staff
2. Certified Staff (including 4 Year Old Kindergarten Sites)
3. Support Staff (including 4 Year Old Kindergarten Sites)
4. Substitutes for Professional or Support Staff
5. Other groups such as coaches, practicum students, student teachers, advisors, school sponsored-open gym supervisors, summer school workers, ticket takers, chaperones, forensic judges, summer IT workers, summer outside workers, auditorium help, and volunteers
6. All speakers should be approved by an administrator and a teacher should be present at all times.
7. Students that tutor or work with students in classrooms at the elementary and middle schools.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

Criminal history record checks will be conducted on current employees, which include administrators, directors, teachers, support staff (aides, kitchen helpers, secretaries, supervisors, maintenance, mechanic, security) and bus drivers, on a rotation basis of every five (5) years. Licensed staff will have background checks completed at the same time of license renewal. All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

Implementation:

1. Criminal history record checks will be through a contracted service with a licensed investigative agency. The District Administrator or designee will review the results of the background checks. The District Administrator or designee, in accordance with state and federal law, will determine whether the information obtained through the criminal history record check process qualifies an individual for employment within the District or service as a volunteer. Student background checks will be conducted by the District Liaison Officer through the local police department.
2. Volunteers' criminal history record checks will be done every three (3) years. Volunteer applications and criminal history record checks will be retained as District records.
3. All current employees require a criminal history record check every five (5) years.

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4. If a former employee returns as a substitute, a criminal history record check is required.
5. Staff should allow at least two (2) weeks for the process of a criminal history record check. If a candidate is from another state, the background check will take longer.
6. Student criminal history record checks will be done every year.
7. Administrators or Supervisors will not offer a candidate a position until the criminal history record check has been approved and verified by the District Administrator. The District reserves the right to withdraw any offer of employment or consideration for employment, or discharge an employee, upon finding falsification, misrepresentation, or omission of fact on an employment application, resume, other attachments, or in verbal statements, regardless of when it is discovered, in accordance with State and federal law.
8. Confidential or sensitive information and records obtained from a criminal history record check are considered confidential and shall not be released or disseminated unless required by applicable law. Criminal history record checks reports shall be maintained in separate, confidential files and retained in accordance with the District's retention procedures as recommended by the State.
9. The District reserves the right to update criminal history record check at any time while the authorization form is valid.
10. If a volunteer, staff member or potential employee has been denied because of their criminal history record check, they may reapply to the district one (1) year after the date of the denial. By them reapplying, this does not guarantee in any way approval of their criminal history record check.

Alternative Criminal History Record Checks for Volunteers w/o Social Security or Driver's Licenses:

This process is to be used only when a parent/guardian desires to attend a specific school event with their child, but does not possess a social security number. It consists of pre-determined steps, mutually agreed upon by the school district and the investigation company, to attempt to validate the individual's identity and connection to the community. The parent/guardian is to chaperone their own child, they are not to chaperone any other children. This is for one event during the school year. The parent/guardian will need to complete the current Background Investigation forms and the History Record Check for Volunteers w/o SSN form and submit these forms to the District investigation company. In the event the parent/guardian receives their social security number they will need to complete a new application to be submitted to the District criminal history record check company.

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HORTONVILLE AREA SCHOOL DISTRICT PROTOCOL FOR PERFORMING CRIMINAL HISTORY RECORD CHECK

1. Criminal History Record checks will be completed on:

1. Volunteers, including field trips chaperones, regardless of what they are doing – every 3 years.
2. New Employees upon hire (every five (5) years or additional upon an administrator's recommendation).
3. Substitutes for Professional and Support Staff, upon hire (every five (5) years or additional upon an administrator's recommendation).
4. Current Employees every five (5) years or additional upon an administrator's recommendation.
5. Former Employees returning as substitutes (every five (5) years or additional upon an administrator's recommendation).
6. All other positions such as coaches, practicum students, student teachers, advisors, speakers, summer school workers, ticket takers, chaperones, forensic judges, summer IT workers, summer outside workers, and auditorium help or others – every three (3) years (additional upon an administrator's recommendation – prior to assignment).
 - a. Principal who approves the hiring of a Co-curricular coach or worker must contact the District Office to make sure the individual's Criminal History Record check is current.
 - b. NO agreement will be issued to Co-curricular coach or worker until a Criminal History Record check has been completed.
 - c. NO payroll check will be issued to Co-curricular coach or worker until a Criminal History Record check has been completed.
7. Students tutoring or working in classrooms at the elementary and middle schools with students need Criminal History Record checks every year.

2. Procedure for Criminal History Record check forms for Volunteers (including chaperones)

1. Submit the request to the school office.
 - a. School office personnel will verify whether or not a Criminal History Record check is current by checking the database.
 - b. School office personnel will notify the Staff member making the request of the status:
- Volunteer Contract/Criminal History Record Check Authorization form will be given if needed.
 - c. School office personnel will review the form for completion prior to sending to the District Administrator's Assistant. (Make sure all appropriate boxes and lines are completed)

3. Procedure for Criminal History Record checks for students:

1. Submit student's name to the District Office.
2. Name will be submitted to District Liaison Officer (Local Police Department).
3. Staff member will be notified once Criminal History Record check has been completed.
4. If Criminal History Record check is denied, District Liaison Officer will notify school administrator for final decision. Student and staff member will be notified by school administrator.

4. Criminal History Record checks forms must be completed and submitted to the District Administrator's Assistant at least one week prior to event or hire. Processing can be delayed if:

1. Applicant has lived in another state.

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5. Forward the completed authorization to the District Administrator's Assistant.

1. Database will be updated, if Criminal History Record check is approved.
2. Any notes in the database must be treated in a confidential manner, including discussing with other staff. If you have a question, please contact the District Office and either the District Administrator or District Administrator's Assistant will respond in accordance to policy guidelines and state and/or federal statutes.
3. It takes approximately two (2) weeks to complete Criminal History Record check. Upon preliminary approval, the applicant will be given the "Green Light" in the 'status field' of the database.
Status will remain as "Started" if more information is needed prior to "Green Light" status or final approval.

6. When an issue arises with a Criminal History Record check investigation:

1. The District Administrator's Assistant will consult with the District Administrator (issues of concern include, but not limited to, sexual abuse, child neglect, drug and/or alcohol involvement, theft and/or domestic abuse).
2. The District Administrator will decide the status of the Criminal History Record check and act in accordance with state and federal statutes.

7. If a Criminal History Record check cannot be completed prior to the event or activity, he/she cannot chaperone students alone and must be paired with another chaperone or teacher.

8. If the volunteer objects to completing the authorization, he/she cannot participate as a volunteer.

Employee Self-Reporting Requirement

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

The requirement to report a conviction or deferred adjudication applies to major traffic offenses (e.g., operating under the influence of an intoxicant or other drug, reckless driving, operating after suspension/revocation, failure to report an accident, refusal to take a breath test). Minor traffic offenses (e.g., non-moving violations, speeding, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking) do not need to be reported.

However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle they must report any traffic offense (not including parking tickets).

Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

Legal References:

111.335 Wis. Stats.

948.13 Wis. Stats

NEOLA 2024