

See also IJOC

BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

Background Investigation

The Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history and other applicable background of all persons considered for employment with the district, or as a student teacher, educational intern or designated volunteer. This investigation shall be completed prior to finalizing an offer of employment or student teacher and educational intern placements. The Superintendent shall develop a background investigation protocol for use in completing a background investigation.

As part of the process, all applicants for employment shall be asked whether he/she has ever been arrested for or convicted of any crime that has not been annulled by a court on our application. The falsification, or omission, or material misstatements or half-truths of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Criminal Records Check

Any and all final applicants for employment by the Nashua School District must submit to a State and FBI Criminal Records Check, and complete a State of NH Criminal Record Information Release Form.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.

Contracted Services

Any organization which contracts with the school district, to provide services, such as school bus services or physical therapy services or any other service where the contractor or the employees of the contractor provides services directly to the students of the school district, must also submit to a criminal history background check. Any professional development consultants that are working with teachers in classrooms during the school day are required to submit to a criminal background check. The responsibility and the cost falls on the contractor.

In this case the Superintendent or designee must obtain a copy of the contractor's criminal background policy to insure alignment with school district's policy. The District may require contracted services to send applicants to the District to be fingerprinted.

Volunteers

Designated Volunteers are subject to a background investigation/Criminal Records Check. A "designated volunteer" means any volunteer who:

- Comes in direct contact with pupils on a daily basis;
- Meets regularly with students;
- Meets with students on a one-on-one basis;
- Any other volunteer so designated by the School Board or Superintendent.

Volunteers not categorized as "Designated Volunteers" shall not be subject to a background investigation or Criminal Records Check.

Conditional Employment

Any and all persons who have been selected for employment are hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

Final Offer of Employment

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 Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of the following offenses, as referenced in RSA 189:13-a, V:

- Capital Murder
- First Degree Murder
- Second Degree Murder
- Manslaughter
- Aggravated Felonious Sexual Assault
- Felonious Sexual Assault
- Sexual Assault
- Kidnapping
- Incest
- Endangering the Welfare of Child or Incompetent
- Indecent Exposure and Lewdness
- Prostitution and Related Offenses
- Child Pornography
- Possession of Child Sexual Abuse Images
- Certain Uses of Computer Services Prohibited
- Obscene Matter Offenses
- Computer Pornography and Child Exploitation Prevention

The Superintendent will dismiss said person to have committed one of the felonies above within 24 hours of the receipt of such report.

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 other felony or misdemeanor. Such determination will be made by the Superintendent, on a case-by-case basis.

The Superintendent or designee shall transmit all Criminal Records Checks to the State Police, who will then screen the Criminal Records Check for any selected applicant for employment, or designated volunteer, and will notify the district whether the record of said selected applicant or volunteer contains any felony or misdemeanor convictions.

When the Superintendent receives a notification of a felony not covered under RSA 189:13-a or misdemeanor conviction from the State Police on a particular person which they find unsatisfactory, the Superintendent will discuss and consider the circumstances with the employee and determine whether to dismiss said person.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Additional Criminal Records Checks

The Board may require a Criminal Records Check of any employee at any time.

All employees at orientation will receive the US Department of Justice, FBI brochure on How to Obtain and Challenge your FBI Identification Record.

Legal References:

RSA 189:13-a, School Employee and Designated Volunteer Background Criminal History Records Check Investigations
Technical Advisory, School Employee and Volunteer Criminal History Records Check Background Investigation, Including A Criminal History Records Check, N.H. Department of Education, July 28, 2016; September 27, 2016; September 12, 2017

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