

**MIDDLETON SCHOOL DISTRICT #134
POLICY AND PROCEDURE MANUAL
SECTION 5000 - Personnel**

CRIMINAL HISTORY CHECKS FOR EMPLOYEES, VOLUNTEERS AND CONTRACTORS POLICY 5002

EMPLOYEES

All persons, certificated and classified, including substitute staff and individuals involved in student training such as practicums and internships, hired after July 1, 2008, shall undergo a criminal history check as required by Idaho Code Section 33-130.

Employees are required to submit a completed ten (10) finger fingerprint card or scan to the Idaho State Department of Education no later than five (5) days after the employees' first day of employment with the School District or unsupervised contact in a K-12 setting, whichever is sooner.

The employee or individual involved in student training will be responsible for the cost of the criminal history check.

A record of all background checks will be maintained by the Idaho Department of Education in a data bank for all employees of this District, with a copy going to the employee if so requested. The District will obtain the results of each employee's background check from the Department and will review such results to determine if, based on the results the employee should be terminated, dismissed, or subject to other personnel action.

For the purpose of this policy, "employee" is defined as those individuals hired by this District and paid a salary or wages from which federal and state income taxes are withheld.

The District will not hire individuals, and will terminate or dismiss employees who have been convicted of:

1. The aggravated assault of a child, or the assault with intent to commit a serious felony against a child;
2. The aggravated battery of a child, or the battery with intent to commit a serious felony against a child;
3. The injury or death of a child;
4. The sexual abuse of a child under sixteen (16) years of age;
5. The ritualized abuse of a child under eighteen (18) years of age;
6. The sexual exploitation of a child;
7. Possession of photographic representations of sexual conduct involving a child;
8. Lewd conduct with a child under the age of sixteen (16);
9. Sexual battery of a minor child sixteen (16) or seventeen (17) years of age;
10. The sale or barter of a child for adoption or other purposes;
11. The murder of a child, or the voluntary manslaughter of a child;

12. The kidnapping of a child;
13. The importation or exportation of a juvenile for immoral purposes;
14. The abduction of a person under eighteen (18) years of age for prostitution;
15. The rape of a child.

SUBSTITUTE TEACHERS

A substitute teacher employed by this District will not be required to undergo additional criminal history checks if he or she has obtained a criminal history check within the previous five (5) years, related to employment for another School District. If this District elects to require another criminal history check within the five (5) year period, it will pay the cost or reimburse the teacher for such cost.

VOLUNTEERS

The District supports and encourages volunteers in our schools. Volunteers work in cooperation with our schools to help in meeting the needs of children and the school staff. The final decision to accept or reject a volunteer applicant, rests exclusively with the Principal and or volunteer coordinator. The following procedural guidelines are set with regard to volunteers:

Qualifications and Requirements

The qualifications and requirements of a volunteer include:

1. Being a community member of good standing and possessing an aptitude/interest for working with students and teachers;
2. Being dependable and of appropriate character to work with students and teachers;
3. Any applicant who desires to volunteer and is not willing to have his or her criminal background will not be eligible for service.
4. Reading the District's policy and procedure regarding volunteers; and
5. Completing an Annual Volunteer Application provided by the District.

Section 3(e) of the Fair Labor Standards Act, 29 U.S.C. § 203(e)(4)(A), provides that individuals performing volunteer services for units of state and local governments will not be regarded as "employees" under the statute if several criteria are met:

1. The employee must perform the voluntary service without promise, expectation, or receipt of compensation for services rendered;
2. Individuals will be considered volunteers only where their services are offered freely and without pressure, direct or implied, from any employer; and

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3. The individual may not be employed by the same school district to perform the same type of services as those for which the individual proposes to volunteer.

Additional Requirements

1. Any volunteer who falsifies information on his or her application will not be eligible for service;
2. Volunteers will work with students in areas designated by school staff;
3. Volunteers will treat all students equally regardless of gender, gender identity and expression, sexual orientation, race, religion, or culture and refrain from making any comments that can be construed as racist, sexist, homophobic, transphobic, or bigoted;
4. Volunteers must refrain from promoting religious doctrines or beliefs, political candidates or parties, or commercial products;
5. Disciplinary issues should be referred to the student's teacher;
6. Volunteers may not be in possession of or under the influence of alcohol or illegal substances; and
7. Smoking or the use of tobacco products is not permitted on school grounds or supervised trips.

If a volunteer is unwilling to agree to the requirements of the District's policy and procedure regarding volunteers, the Principal will inform the applicant that he or she may not perform volunteer services in the District.

Background Check

The District shall conduct, at the **District's** expense, a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips. No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal or designee and the volunteer has undergone the required background check.

If the background check reveals evidence of convictions as identified in the list below or other concerns regarding past behaviors, the candidate will not be recommended: list below or other concerns regarding past behaviors, the candidate will not be recommended:

1. Convicted of any crime against persons;
2. Found to have sexually assaulted or exploited any minor or to have physically abused any minor;
3. Found by a court in a domestic relations proceeding to have sexually abused or exploited any minor or to have physically abused any minor or their spouse; or
4. Found in any disciplinary decision to have sexually abused or exploited any minor or to have physically abused any minor or their spouse.

If a criminal background check reveals a conviction or pending charge which substantially relates to the nature of the position and which the candidate failed to disclose as required on the District application form, his or her application for volunteer assignment may be rejected.

If the criminal background check confirms a conviction or pending charge which the candidate acknowledged on the application form, a determination shall be made, in consultation with legal counsel, whether or not to reject the application based upon a consideration of the circumstances of the conviction/pending charge and whether the circumstances substantially relate to the nature of the particular position for which the candidate has applied.

Selection and Placement of Volunteers

Placement of volunteers shall be the responsibility of the building Principal who shall base placement decisions on data regarding staff needs. Volunteers shall not make decisions regarding students or other personnel. No volunteer shall be placed unless a need has been identified and approved by the building Principal.

Supervision

All volunteers shall provide assistance only under the direct supervision of a member of the professional administrative and/or teaching staff. Volunteers who assist in the District on a scheduled and/or continuing basis shall be provided with a written task description detailing responsibilities and expectations, as well as specific qualifications that may be required.

Volunteers who jeopardize the security or safety of a facility or office may be denied access to the school. Additionally, volunteers who are inappropriately dressed may be denied access to the school.

If a volunteer, is injured while on school premises or providing volunteer services, he or she will report this injury to the building Principal as soon as reasonably possible.

Relationship Between Schools and Volunteers

When arriving at school during regular school hours, volunteers will sign in and be issued a badge. School staff will be courteous to volunteers and show respect for their contributions. Likewise, volunteers will be expected to extend courtesy and respect to school staff.

Any issues that may arise will be referred to the volunteer coordinator or Principal as appropriate.

All volunteers working in schools will be under the direct supervision of a member of the school's staff. Periodic assessments should be made to ensure volunteers are working productively with students.

Orientation and Training

The Superintendent or his/her designee shall develop orientation materials to be provided to all volunteers who have contact with students on a regularly scheduled or continuing basis. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures. Volunteers shall be provided appropriate training at the building level consistent with their tasks and existing District standards. This training shall be developed under the leadership of the Principal.

Each school should thoroughly orient volunteers to the duties they will perform. Volunteers also should be acquainted with the overall operation of the school, including what is expected of all employees and volunteers. They should be cautioned to discuss school matters outside of school only in a responsible manner.

1. Training at local schools should not be held simultaneously with school-sponsored functions. Volunteers should not have to choose between attending a school function or a volunteer training. However, it is appropriate to hold trainings prior to or immediately following a school-sponsored event.
2. Each building volunteer coordinator will provide all volunteers with a Volunteer Handbook, Volunteer Application and specific procedures to that school.
3. All volunteers will be oriented on the following:
 - A. Volunteer guidelines, policies, and procedures;
 - B. Expectations for creating positive school climate;
 - C. Safety and security issues;
 - D. Confidentiality: All communications are to be kept strictly confidential. Information about students may be shared only with the teacher, principal, or guidance counselor of the school;
 - E. Transportation;
 - F. Dress code;
 - G. Sexual harassment; and
 - H. Blood borne pathogens
4. Volunteers may receive initial training from any of the schools or from the District office. When a volunteer is trained away from the local schools, the District volunteer coordinator who conducts the training must provide the volunteer's name to the local school volunteer coordinator.
5. The volunteer coordinator will notify the volunteer specialist of training dates. These will be posted at the District office or on the website.
6. At the beginning of each school year, schools are encouraged to have multiple training sessions at various times of the day. Beginning in October, the District's volunteer coordinator will hold one training session at the District office or at a local school.

Duties and Responsibilities

A volunteer's assignment shall be limited to assisting staff members with duties such as routine tutorial, clerical, housekeeping, and material preparation tasks. The assignment shall be limited to situations which may be supervised by a certificated staff person. In some instances, volunteers may perform clerical and material preparation tasks away from the school site. Volunteers with special talents, hobbies or experiences may share those with students on a scheduled basis in a suitable educational setting. Volunteers will not discuss the performance or actions of students except with the student's teacher, counselor, or principal.

Additional specific areas in which a volunteer may be used are as follows:

1. Reading stories to students;
2. Assisting in supervising the loading and unloading of buses;
3. Helping in learning centers, computer labs, libraries, cafeterias, offices, etc.;
4. Lecturing on special topics;
5. Assisting with technology;
6. Helping to set up science experiments;
7. Acting as host for school functions;
8. Providing exhibits;
9. Arranging and assisting in field trips;
10. Assisting in supervising playgrounds;
11. Tutoring;
12. Contacting groups of parents by telephone;
13. Organizing parents for special projects;
14. Mentoring; and
15. Participating in business and community partnerships.

Volunteers will supplement and enrich programs and services in the District but will not substitute for employee activities and functions.

Termination

Although the School District is not limited to just the reasons below, a volunteer can also be terminated for the following:

1. Breach of confidentiality concerning student or other privileged information;
2. Unlawful conduct or breach of the District rules and regulations;
3. Physical or emotional stress which incapacitates the volunteer;
4. Inability to cooperate and work effectively with site staff and students;
5. Activities that threaten the order or security of the site or the safety of the volunteer;
6. Erratic or unreliable attendance or behavior;
7. Unsatisfactory service;
8. Sexual misconduct;
9. Providing falsified information on the application;
10. Establishing inappropriate relationships with youth served; and
11. Criminal charges or conviction of a crime.

A volunteer may be asked to terminate his or her services when, in the judgment of the School Administrator, he/she has circumstances which necessitate termination.

CONTRACTORS

All contractors will be required to provide a list of all employees of the contractor, and

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proof of identification of those individuals, who are reasonably anticipated to be on the school premises for the purpose of carrying out the terms of the contract. Contractors, subcontractors and their employees, will be required to submit proof of identification, alias names and other necessary identifying information.

Unsupervised Contact with Students. All individuals who have unsupervised contact with students, contractors and subcontractors as well as their employees, will be required to undergo a criminal history background check. The individual is required to submit a completed ten (10) finger fingerprint card or scan to the Idaho State Department of Education no later than five (5) days after the individual's first unsupervised contact with students in a K-12 setting. Contractors and subcontractors will be required to pay for their criminal history checks.

Irregular Contact with Students. The Superintendent or designee will cross-check the names of all other individuals who have irregular contact with students, including contractors, and subcontractors, with the State of Idaho sex offender registry no later than five (5) days following the first day that the individual is present in a K-12 setting for purposes of fulfilling a contract. The individual will be required to provide proof of identification, alias names and any other identifying information deemed necessary to complete the cross-check. If determined necessary by the Superintendent or designee to ensure a safe environment for all students, any such individual may be required to undergo a criminal history check. Contractors and subcontractors will be required to pay for their criminal history checks.

The State of Idaho sex offender registry will be reviewed at least annually thereafter for volunteers or contractors who continue to be present on the school premises. Those individuals who are on the sexual offender registry will not be allowed to work as contractors, or employees of a contractor, for the District.

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LEGAL REFERENCES:

Idaho Code Sections

33-130	18-905	18-1506A	18-8323	18-6108
33-512(15)	18-907	18-1507	18-4006(1)	18-8305
33-512(16)	18-909	18-1507A	18-4003	18-8404
33-1202	18-911	18-1508	18-4502	
33-1204	18-1501	18-1508A	18-5610	
33-1208	18-1506	18-1511	18-6101	

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