

CRIMINAL RECORDS CHECK

The Board shall request from the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) criminal records checks of all candidates under final consideration for employment or appointment in the District. The BCII criminal records checks include information from the Federal Bureau of Investigation (FBI).

The Board may employ persons on the condition that the candidate submit to and pass a BCII criminal records check in accordance with State law. Any person conditionally hired who fails to pass a BCII criminal records check is released from employment. Applicants are given a separate written statement informing them that the Board uses a criminal records check as part of the initial hiring process and at various times during the employment career. This notice must be on a separate document which only contains this notice. The applicant's written authorization to obtain the criminal records check will be obtained prior to obtaining the criminal records check.

Prior to taking an adverse action against an applicant or employee (such as declining to employ, reassigning an employee, denying a promotion, suspension, nonrenewal or termination) based in whole or in part on a criminal records check, the applicant or employee is given a written pre-adverse action disclosure statement which includes a copy of the criminal records check and the Federal Trade Commission's notice entitled "A Summary of Your Rights Under the Fair Credit Reporting Act."

After taking an adverse action, the applicant or employee is given a written adverse action notice which includes the name, address and telephone number of the BCII, a statement that the BCII did not make the decision to take the adverse action and cannot give specific reasons for it, the individual's right to dispute the accuracy or completeness of any information furnished by the BCII and the individual's right to an additional free criminal records check from the BCII upon request within 60 days.

An applicant for employment may provide a certified copy of a BCII criminal records check to the District in compliance with State law. The District may accept this criminal records check in place of its own records check if the date of acceptance by the District is within one year after the date of issuance by the BCII.

State law requires subsequent criminal records checks every five years for all school employees except bus drivers. For currently employed bus drivers, a new report is required every six years.

Any and all information obtained by the Board or persons under this policy is confidential and shall not be released or disseminated. Criminal records checks are not public records for purposes of the Public Records Law. Any applicant not hired because of information received from the records check shall be assured that all records pertaining to such information are destroyed.

Volunteers

The District notifies current and prospective volunteers who have or will have unsupervised access to students on a regular basis that a criminal records check may be conducted at any time.

Contractors

Criminal records checks are required for contractors who meet the following four criteria: (1) the contractor is an employee of a private company under contract with the District to provide “essential school services”; (2) the contractor works in a position involving routine interaction with a child or regular responsibility for the care, custody or control of a child; (3) the contractor is not licensed by ODE and (4) the contractor is not a bus driver.

- [Adoption date: August 14, 2001]
- [Re-adoption date: October 11, 2005]
- [Re-adoption date: April 9, 2007]
- [Re-adoption date: January 28, 2008]
- [Re-adoption date: May 12, 2008]
- [Re-adoption date: January 12, 2009]
- [Re-adoption date: February 13, 2012]

LEGAL REFS.: Fair Credit Reporting Act; 15 USC 1681 et seq.

- ORC 109.57; 109.572; 109.575: 109.576
- 2953.32
- 3301.074
- 3314.19; 3314.41
- 3319.088; 3319.089; 3319.22; 3319.222; 3319.29; 3319.291;
- 3319.303; 3319.311; 3319.313; 3319.315; 3319.39;
- 3319.391; 3319.392
- 3327.10
- OAC 3301-27-01
- 3301-83-06

CROSS REFS.: EEAC, School Bus Safety Program
GBL, Personnel Records
GCBB, Professional and Certificated Staff Supplemental Contracts
GCD, Professional and Certificated Staff Hiring
GCPD, Suspension and Termination of Professional and Certificated Staff
Members
GDBB, Classified Staff Pupil Activity Contracts
GDD, Classified Staff Hiring
GDPD, Suspension and Termination of Classified Staff Members
IIC, Community Instructional Resources (Also KF)
IICC, School Volunteers
KBA, Public's Right to Know
LEA, Student Teaching and Internships