PERSONNEL

Criminal Background Investigation

Any requirement of a candidate, volunteer or employee of a contractor to submit to a fingerprint background check will be in compliance with the National Child Protection Act and applicable state and federal regulations. If an individual has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent or designee who shall decide whether the individual shall be declared eligible for employment or volunteering.

All candidates, employees of firms that hold a contract with the District, and volunteers who will have unsupervised access to students will be required to submit to a comprehensive criminal background investigation to include fingerprinting. The authorization must be in writing.

Arrests resolved without conviction shall not be considered unless the charges are pending and prohibit the individual from working as an employee or volunteering.

Employees and volunteers have the responsibility to notify the District as soon as possible if they are arrested, charged with a crime, or served a restraining order. The District will take appropriate action, up to and including termination, if upon notification it is determined the criminal activity impacts the individual's continued employment or ability to volunteer.

The Superintendent or designee shall keep all criminal record information confidential as required by law. All records must be retained in accordance with state and federal law.

Paid Full & Part-time Employees / Certified and Classified Substitutes

It is the policy of the Board that any finalist recommended for hire to a paid position with the District shall authorize in writing their agreement to a comprehensive criminal background check, which will include a fingerprint background check. The criminal background check will be conducted by the appropriate state and/or federal agencies. Any offer of employment shall be contingent upon the results of the comprehensive criminal background check. The candidate will not be allowed to begin work until the District has received and approved the results of the criminal background check. The cost for the criminal background check shall be borne by the District.

The Superintendent may determine that a critical staffing need exists and in such cases the Superintendent or designee may allow the employee to begin work after the District has approved a name-based background check. Such employment will be temporary, pending completion of the comprehensive criminal background check, including a fingerprint background check.

Student Teachers

The District will accept the report of a previous fingerprint-based background check completed no more than six months prior to the student teacher's start date. The fingerprint-based background check must be submitted to the District by a Montana university or college or a public or non-public Montana accredited school where the student teacher is currently or was formerly enrolled in a Montana professional educator program.

Student teachers from a teacher education program outside the state of Montana must agree in writing to a fingerprint-based background check conducted by the appropriate state and/or federal authority.

Volunteers

All volunteers who have unsupervised access to District students on District property or at a District sanctioned event will be required to submit to a comprehensive criminal background check, which will include a fingerprint-based background check. Volunteers will not be able to serve until the District has received and approved the results of the criminal background check.

The District may, at its discretion, conduct a name based background check at the discretion of the Superintendent or designee.

Legal Reference:	42 USC 5119a	Background Checks
	10.55.716, ARM	Substitute Teachers
	10.57.201a, ARM	Criminal History Background Check
	§ 44-5-301, MCA	Dissemination of public criminal justice information Dissemination of criminal history record information that is not public criminal justice information Dissemination of confidential criminal justice information – procedure for dissemination through court
	§ 44-5-302, MCA	
	§ 44-5-303, MCA	
Cross Reference:	5085	Substitutes and Student Teachers

Policy History:
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