

GOFFSTOWN SCHOOL DISTRICT

GBCD

**BACKGROUND INVESTIGATION AND
CRIMINAL HISTORY 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 any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done in accordance with record retention requirements as defined by RSA 189:13-a.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission 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 History Records Check

Any person for whom the Board requires a criminal history records check shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the criminal history records check, unless otherwise determined by the Board.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the criminal history records check.

Applicants for Employment and Student Teachers

Each person selected for employment or student teacher candidates enrolled in an educator preparation program at an institution of higher education in NH must submit to a criminal history records check as defined by RSA 189:13-a.

Volunteers

Designated Volunteers are subject to a criminal history records check and the provisions of this policy. "Designated Volunteers" are defined and so designated pursuant to Policy IJOC.

Volunteers not categorized as "Designated Volunteers" per Policy IJOC will not be subject to a criminal history records check.

Contractors and Employees of Contractors

Any individual of an organization which contracts with the District, and whom provides services to the District, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provides services directly to students of the school must also submit to a criminal history records check. The contractor's policy must be aligned with this policy.

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Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the background investigation and criminal history records check.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have been clearly notified in writing that his/her contract and continuation of employment is entirely conditioned upon the completion of a criminal history records check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable.

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 history records check which is satisfactory to the District.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been charged pending disposition for or convicted of any violation or attempted violation referenced in RSA 189:13-a, V. in this State; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies discussed above, a person may be denied a final offer of employment if he/she has been convicted of any felony or misdemeanor that are in conflict with the position that the person has applied for. Such determination will be made by the Superintendent, on a case-by-case basis.

Factors that will be taken into consideration by the Superintendent in each individualized assessment will include but not be limited to:

- The nature of the crime;
 - The facts or circumstances surrounding the offense or conduct;
 - The number of offenses for which the individual was convicted;
 - Rehabilitation efforts and evidence of successful rehabilitation;
- The time elapsed since the crime was committed;
 - Age at the time of the conviction;
- The nature of the job the person has applied for;
- If the conduct makes the person unfit for the position in question;
 - Evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct;

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- The length and consistency of employment history before and after the offense or conduct;
- Employment or character references and any other information regarding fitness for the particular position;
- Whether the individual is bonded under a federal, state or local bonding program

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 District may require a criminal history records check of any employee at any time as long as the requirement is applied consistently for similar situations.

Reference: GBCD-R

Cross reference: IJOC - Volunteers

Legal Reference:

RSA 189:13-a, School Employee and Designated School Volunteer Criminal History Records Check

Appendix GBCD-R: Technical Advisory, School Employee Background Investigation, Including A Criminal History Records Check, N.H. Department of Education, November 27, 2000.

Technical Advisory, School Employee and Designated School Volunteer Criminal History Records Check, N.H. Department of Education, September 12, 2017.

Proposed: 05/17/99

NHSBA Review: 04/04/14

Adopted: 06/21/99

Proposed: 05/05/08

Adopted: 06/02/08

Proposed: 03/16/2020

Adopted: 04/20/2020