

## **EMPLOYEES**

All persons, certificated and non-certificated, hired for the first time by this district, shall undergo a criminal history check as required by Idaho Code Section 33-130.

All new employees will obtain the history check through the Idaho State Department of Education. The employee may begin working before the history check is completed but must have begun the history check by submitting a completed fingerprint card and will be responsible for the cost of the criminal history check which will include the following:

1. Statewide criminal identification bureau;
2. Federal Bureau of Investigation (FBI) criminal history check;
3. National crime information center; and
4. Statewide sex offender register.

The district may require any or all persons who have been employed continuously with the same district for more than five (5) years, to undergo a criminal history check as provided in Section 33-130, Idaho Code. If the district elects to require criminal history checks of such employees, the district shall pay the costs of the history check or reimburse employees for such cost.

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, as a substitute, within the previous three (3) years. If this district elects to require another criminal history check within the three (3) year period, it will pay the cost or reimburse the teacher for such cost.

A record of all background checks will be maintained by the Idaho State Department of Education in a data bank for all employees of this district, with a copy going to the employee. The Department will share the results of each employee's background check with the district.

For the purposes 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.

If an employee has been convicted of a felony crime set forth below, such conviction will be grounds for immediate termination, dismissal, or other personnel action by this district. This district will have the right to evaluate and determine whether an individual convicted of one of the crimes listed below, and having been incarcerated for that crime, will be hired.

The felony crimes include, but are not limited to:

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.

**VOLUNTEERS AND CONTRACTORS**

All volunteers will be required to submit proof of identification when applying to act as a volunteer. All contractors will be required to provide a list of all employees of the contractor, and 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.

The superintendent or designee will review the State of Idaho sexual offender registry for the name and address of all persons who seek to volunteer or provide contract services to the district and who may have direct contact with students. The review will occur at the time the individual initially applies as a volunteer or initially begins work as a contractor for the district. The 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 volunteer and/or work as contractors, or employees of a contractor, for the district.



**LEGAL REFERENCE:**

*Idaho Code Sections*

33-130	33-512(15)	33-1202	33-1204	33-1208
18-905	18-907	18-909	18-911	18-1501
18-506	18-1506A	18-1507	18-1507A	18-1508
18-1508A	18-1511	18-4003	18-4006(1)	18-4502
18-5610	18-6101	18-6108		

**ADOPTED:** February 10, 2004 **AMENDED:** October 12, 2004; December 13, 2005