

### Background Investigation

The CEO, 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 School. This investigation shall be completed prior to making an offer of employment.

The CEO 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.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any 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.

VLACS employees: VLACS shall pay all fees associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Check, unless otherwise determined by the Board.

Designated volunteers: Designated volunteers will pay all fees associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Check. In cases of financial hardship, VLACS will consider paying all fees, or a portion of the fees, associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Check, unless otherwise determined by the Board.

### Criminal Records Check

Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

“Persons regularly in contact with students” means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the CEO believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

The CEO is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.

### Volunteers

Designated Volunteers are subject to a background investigation/criminal records check and the provisions of this policy. “Designated Volunteers” are defined and so designated pursuant to

Policy IJOC. Volunteers categorized as Non-Designated Volunteers per Policy IJOC will not be subject to a background investigation or criminal records check.

### Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

No selected applicant for employment shall be extended a conditional offer of employment until the CEO, or his/her designee, has initiated the formal State and FBI Criminal Records Check process and has completed a background investigation.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the School .

### 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 Records Check which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of the following offenses, as referenced in RSA 189:13-a, V (as enumerated below) 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:

RSA 630:1—Capitol Murder

RSA 630:1-a—First Degree Murder

RSA 630:1-b—Second Degree Murder

RSA 630:2—Manslaughter

RSA 632-A:2—Aggravated Felonious Sexual Assault

RSA 632-A:3—Felonious Sexual Assault

RSA 632-A:4—Sexual Assault (misdemeanor level)

RSA 633:1—Kidnapping

RSA 633:7—Human Trafficking

RSA 639:2—Incest

RSA 639:3—Endangering the Welfare of Child or Incompetent

RSA 645:1, II or III—Indecent Exposure and Lewdness

RSA 645:2—Prostitution and Related Offenses

RSA 649-A:3—Child Pornography

RSA 649-A:3-a—Possession of Child Sexual Abuse Images

RSA 649-A:3-b—Possession of Child Sexual Abuse Images

RSA 649-B:3—Computer Pornography and Child Exploitation Prevention

RSA 649-B:4—Certain Uses of Computer Services Prohibited

RSA 650:2—Obscene Matter Offenses

In addition to the felonies listed above, a person may be denied a final offer of employment if he/she has been convicted of ANY felony. Such determination will be made by the Board, on a

case by case basis.

The CEO, or designee, will transmit this policy to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the School whether the record of said selected applicant or volunteer contains any felony convictions.

When the School receives a notification of a felony conviction from the State Police on a particular person which it finds unsatisfactory, the CEO shall dismiss said person within twenty-four (24) hours of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the CEO 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 Board may require a Criminal Records Check of any employee at any time.

#### Legal Reference:

RSA 189:13-a, School Employee and Volunteer Background Investigations

Date Adopted: March 17, 2016

Revision Dates: May 21, 2020, September 16, 2021