

Endeavor Charter School Policies and Procedures

Title: Background Check Policy
Approved: 3/28/2019
History: 2/13/2017

Policy Statement

North Carolina General Statute 115C-332 requires all school personnel undergo a criminal records check prior to being offered an unconditional job. To promote a safe and secure learning and working environment for all students and staff, it is the policy of Endeavor Charter School (“ECS”) that all school personnel (as defined below), volunteers and others in regular contact with ECS students undergo a criminal background check pursuant to the policy outlined below.

ECS believes that school personnel and others in contact with ECS students should be role models for students. Criminal convictions against, or pleas of guilty or *nolo contendere* by an applicant may have an impact upon these goals and will be considered in hiring, dismissal, and ability to volunteer decisions. Accordingly, a criminal history check will be conducted on all final candidates who will be recommended to the ECS Board of Directors for school personnel positions, including independent contractors who are being considered for performing the duties of a school personnel position. Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes.

It is the policy of ECS to comply with federal, state and local law. If any portion of this policy unintentionally conflicts with such law, then the mandates of such law take precedence and are fully supported by ECS and the Board of Directors.

Definitions

1. “School personnel” means any:
 - a. Full- or part-time employee of ECS;
 - b. Independent contractor or employee of an independent contractor, if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, local, or other funds, who has significant access to students; and/or
 - c. ECS Board member

School personnel includes, among others, teachers, administrators, substitute teachers, clerical staff, coaches, and custodians.

Employee, Volunteer, and Independent Contractor Applicants

Employee and volunteer applicants must notify the ECS Director immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the Director no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report

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the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the assistant superintendent of human resources no later than the next business day following adjudication. A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment, including substitute personnel, as well as volunteer applicants. Criminal history checks must be conducted in accordance with state law and any procedures established by the Superintendent. At a minimum, the following criminal records checks shall be conducted:

1. In the case of applicants or conditional employees who have lived and worked within the state of North Carolina for the five years before the date of application, the School will conduct a statewide criminal record check
2. In the case of applicants or conditional employees who have lived or worked outside of North Carolina during the five years before the date of application, the School will conduct record checks in all states identified.

School officials shall not require candidates to disclose any expunged criminal records (arrests, charges, and/or convictions) and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The Director or his/her designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, if the criminal record check is completed through the North Carolina Department of Justice, as required by State Board policy.

A final candidate for a volunteer position, employment, or for hiring as an independent contractor may be denied a position based on past or pending criminal conduct or charges if the criminal conduct is job-related and/or is consistent with business necessity. If a final candidate is found to have been convicted or charged of a criminal offense, other than a minor traffic violation, the ECS Board of Directors, in consultation with the Director, shall determine whether the individual is qualified for employment or volunteer status despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the School may exclude a final candidate based on his or her past criminal convictions, the School must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

The Board has determined that every position with the School, regardless of whether the position is located in the School or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender will be hired for any position with the School.

In addition, each contract executed by the Board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries.

Current Employees and Volunteers

Current employees and volunteers must notify the ECS Director immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the Director within two business days following the arrest, charge, or conviction. If the employee or volunteer is hospitalized or incarcerated, he/she shall notify the ECS Director within two

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business days after his/her release from the medical center or law enforcement detention center. Failure to do so may result in disciplinary action for employees or revocation of volunteer privileges for volunteers.

Depending on the nature of the offense, the ECS Director, in consultation with the Board, may place the employee on leave pending the outcome of an investigation and/or evaluation of the arrest, charge, and/or conviction. In such case, the employee will have five business days to provide the Director and Board with supplementary documentation to explain and/or refute the allegations.

For offenses other than a minor traffic violation, the ECS Board of Directors, in consultation with the Director, shall determine whether the individual is qualified for continued employment or volunteer status despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; and (2) the nature of the position currently held. Before the School may terminate an employee or volunteer based on his or her criminal charge or conviction, the School must give the individual an opportunity to demonstrate that the exclusion does not properly apply to him or her.

Other Provisions

1. The criminal history check for employee applicants will be conducted at ECS's expense.
2. The criminal history check for volunteers and independent contractors will be at the expense of the individual or contractor.
3. Any employee, volunteer, or independent contractor applicant who refuses to consent to the criminal history check will not be considered for a school personnel, volunteer, coaching, or any other position.
4. Applicants shall be required to answer completely and accurately all questions on their applications with regard to previous criminal history. Providing false information on an employment application or contract will result in rejection or termination of the applicant or contractor.
5. The Director or his/her designee shall report to the State Board of Education any licensed individual, whether current employee or applicant, who is found to have a criminal history.
6. All information received by ECS through the criminal history check process is confidential information intended for use exclusively by ECS and/or the State Board of Education. Such information is *not* a public record, and ECS may destroy the information one calendar year after it is used for the purposes authorized by this Policy.