

# Endeavor Charter School Policies and Procedures

Title: <b>BACKGROUND CHECK POLICY</b>
Approval Date: April 24, 2017
Revision Date:

## **General Statement**

North Carolina General Statute 115C-332 requires all school personnel undergo a criminal records check prior to being offered an unconditional job. In order 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.

## **Policy**

1. School personnel is defined as any:
  - a. Employee of ECS whether full-time or part-time, or
  - 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. School personnel shall include coaches, ECS Board of Directors, clerical staff, and custodians.

2. A reasonable effort will be made to ascertain whether the final candidate for a school personnel position or agent has any criminal history in the county of residence, employment, or schooling for at least the past five years. The ECS Director or designee is authorized to utilize local state or national repositories of records or a North Carolina licensed private investigative company, as reasonably necessary, to conduct a reasonable review.
3. The applicant will be required to provide any information necessary to conduct the criminal history

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check.

4. The criminal history check for school personnel will be conducted at ECS's expense.
5. The criminal history check for volunteers and others in regular contact with ECS students will be at their own expense.
6. ECS may require third party vendors that it contracts with and who will have personnel on school grounds that will have significant access to its students to provide criminal history checks for such personnel as a condition of the contract.
7. Any applicant who refuses to consent, including independent contractors, will not be considered for a school personnel, volunteer, coaching or other position.
8. Any offer of employment is conditional upon a favorable review of the criminal history. If a final candidate or contractor has a criminal history, the employment decision will include written documentation of how the criminal history information was used, including a determination of whether the final candidate/independent contractor (1) poses a threat to the physical safety of students or personnel or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position.
9. Applicants shall be required to answer completely and accurately all questions on their applications with regard to previous criminal history. False information on an employment application or contract will subject the applicant or contractor to not being hired or an employee to being dismissed.
10. Conditions for rejecting an applicant may include but not be limited to the following:
  - a. Conviction of or Plea of No Contest to any felony;
  - b. Conviction of or Plea of No Contest to any misdemeanor that indicates the applicant may pose a threat to the integrity or safety of the school environment;
  - c. One or more DWI convictions in last 10 years;
  - d. Two or more criminal charges without conviction;
  - e. Any current or pending criminal charges;
  - f. Three or more traffic violations which indicate a disregard for the safety of self or others within the past five years;
  - g. Revocation or suspension of driver's license in last ten years;
  - h. If ECS learns that an individual is a registered sex offender, this individual shall be barred from employment or other positions at ECS; or

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- i. Providing any false information on background check.
11. ECS shall provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education.
  12. All the information received by ECS through the checking of the criminal history in accordance with this section is privileged information and is not a public record but is for the exclusive use of ECS or the State Board of Education. ECS is permitted to destroy the information after it is used for the purposes authorized by this section after one calendar year.

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## CRIMINAL BACKGROUND CHECK

### I. For all current employees, the following will apply:

1. Notification of Criminal Charges and Convictions While Employed by ECS.
  - a. While working for ECS, if school personnel is charged with any violation of conditions under paragraph 10 of the ECS Background Check Policy, he/she shall notify the ECS Director or designee in writing within two business days listing the alleged charges and a narrative of the circumstances surrounding the alleged charges. If the employee is hospitalized or incarcerated, the employee shall notify the ECS Director or designee within two business days upon release from the medical center or law enforcement detention center. Failure to do so will result in disciplinary action.
  - b. While working for ECS, if school personnel is convicted of any violation of conditions under paragraph 10 of the ECS Background Check Policy, he/she shall notify the ECS Director or designee in writing within two business days and shall provide court documentation detailing the disposition of the charges. Failure to do so will result in disciplinary action up to and including dismissal.

### II. For all applicants, the following will apply:

1. Each applicant will complete the ECS Employment Release or Volunteer Release form (“Authorization”), as applicable, and will submit the form to the ECS Director or designee.
2. ECS will submit the "Authorization" form to the Third Party Vendor for a state and national criminal background search based on name, current and previous addresses, social security number, birth date, driving records, and the National Sex Offenders Registry.
3. If there is no criminal history found, no further action will be taken by ECS.
4. If a criminal record is found and includes one or more of the conditions as outlined in paragraph 10 of the ECS Background Check Policy, the following steps shall be taken:
  - a. The ECS Director or designee shall contact the applicant for further information and details regarding the findings.
  - b. The applicant will be given written notice from ECS informing him/her that the background check contains information that may disqualify him/her for continued employment. Depending on the content of the background check, the employee may be placed on leave pending the outcome of any investigation that may be required.
  - c. The employee will have five business days to provide supplementary documentation to refute the information contained in the background report.

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- d. The ECS Director will then inform the ECS Board of Directors of the findings to jointly consider appropriate disciplinary action up to and including dismissal of the employee.
5. If an applicant is being denied employment based on the contents of the Third-Party Vendor background check, the ECS Director or designee shall send the applicant written notice from ECS informing him/her that the background check contains information that may disqualify him/her for employment and allow five business days to provide supplementary documentation to refute the information contained in the background report. The ECS Director will then inform the ECS Board of Directors of the findings to jointly consider appropriate action.