

### CRIMINAL RECORDS CHECK

The Board recognizes that it is not only important to employ highly qualified and competent personnel, but also individuals who are good, moral, and law-abiding citizens themselves.

Accordingly, the Superintendent, or his/her designees, shall cause all job candidates being recommended to the Board to undergo criminal records checks conducted by the Bureau of Criminal Identification and Investigation (BCII) at the time of their initial employment or approval as volunteers.

The following notice shall be included in each employment application in boldface type: **“ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.”**

The following shall apply:

- A. Each applicant shall be provided with a separate written statement when the applicant first applies notifying him that he is required to provide a set of his fingerprint impressions and that, as a precondition to employment, a criminal records check is required to be conducted and satisfactorily completed.
- B. Each applicant shall be notified, when he first applies, of the amount of the criminal records check fee and that, unless the fee is pre-paid to the Board he will not be considered for employment or a position as a volunteer with the Board. The fee will only be paid by the applicant if he comes under final consideration for employment with or appointment by the Board.
- C. A criminal records check shall be requested from the Ohio Bureau of Criminal Identification and Investigation (BCII) for each applicant under final consideration. The Board may accept a certified copy of any records issued by the BCII presented by an individual applying for employment or appointment with the Board in lieu of requesting such information itself. In such case, however, the Board shall only accept a certified copy of such records within one (1) year after the date of issuance by the BCII.
- D. Each applicant for a position with the Board shall present either proof that he/she has resided in Ohio for five (5) years prior to the date of the criminal records check request or evidence that the BCII has requested information about the applicant from the Federal Bureau of Investigation (FBI) in connection with a criminal records check performed on the applicant within that same five (5) years.
  1. If the applicant fails to present the proof or evidence required above, the request for a criminal records check that is required by this policy shall include a request that the BCII obtain information from the FBI as a part of the criminal records check for the applicant.
  2. If the applicant presents the proof or evidence, the request for a criminal records check may include a request that the BCII obtain information from the FBI as a part of the criminal records check for the applicant.

- E. Each applicant for a position with the Board shall be provided with the appropriate BCII form and a BCII fingerprint impression sheet. The applicant shall properly complete the BCII form and the BCII fingerprint impression sheet and shall submit each to the Board. The properly completed BCII form and BCII fingerprint impression sheet shall then be submitted to the BCII along with the Board's request for a criminal records check. If the applicant, upon request, fails to provide a properly completed BCII form or fails to properly provide impressions of his/her fingerprints, he/she shall not be employed or appointed by the Board.
- F. Each applicant for a position with the Board may be employed or appointed conditionally, at the sole discretion of the Board, until the criminal records check is completed and the Board receives the results of the criminal records check. If the results of the criminal records check indicate that the applicant has been convicted of or pleaded guilty to any crime listed in O.R.C. §3319.39(B)(1)(a) or an existing or former law of Ohio, another state, or the United States that is substantially equivalent to any of the offenses listed in O.R.C. §3319.39(B)(1)(a), or if the applicant has applied for a position as a teacher, any crime listed in O.R.C. §3319.31 in addition to those set forth in O.R.C. §3319.39(B)(1)(a), the applicant shall be immediately released from employment with the Board.
- G. Prior to taking an adverse action against an applicant or employee based in whole or in part on a criminal record check, the applicant or employee will be given a written pre-adverse action disclosure statement which will include a copy of the criminal record check and the Federal Trade Commission's notice entitled "A summary of Your Rights Under the Fair Credit Reporting Act."
- H. After taking an adverse action, the applicant or employee will be given a written adverse action notice which includes the name, address and telephone number of BCII, a statement that BCII did not make the decision to take the adverse action and cannot give specific reasons for it, the individual's right to dispute the accuracy or completeness of any information furnished by BCII and the individual's right to an additional free criminal record check from BCII upon request within 60 days.
- I. The Board will take into consideration administrative rules adopted by the State Board of Education specifying the circumstances under which a person who has been convicted of a disqualifying offense may be employed; provided the person meets the rehabilitation standards set forth in the rules.
- J. The report of a criminal records check conducted by the BCII pursuant to paragraph C. of this policy is not a public record and shall not be made available to any person other than the applicant, a court, a hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.
- K. New record checks for those employees who serve as bus drivers shall be required with Driver Certification.
- L. The District shall consult the "educator profile" database maintained on the website of the Department of Education prior to making any hiring decision. After consulting the "educator

profile” database, the District may further discern the employment, disciplinary, or criminal record of an applicant for employment in either or both of the following ways:

1. Consulting the Office of Professional Conduct within the Department of Education to determine whether the individual has been the subject of either:
  - a. Any notice to the Department under O.R.C. §§3314.40, 3319.313, 3326.24, 3328.19, or 5126.253;
  - b. Any disciplinary actions conducted by the Department.
2. Consulting any prior education-related employers of the individual.

The District may require additional background checks other than the criminal records checks for any applicant for employment or potential volunteer. The District may conditionally employ an individual pending the receipt of information sought in accordance with this paragraph. Should that information indicate that the individual has engaged in conduct unbecoming to the teaching profession or has committed an offense that prevents, limits, or otherwise affects the applicant’s employment with the District, the District may release the individual from employment.

- M. Except as provided in O.R.C. §3319.318(C), no school representative shall knowingly engage in any activity intended to assist another individual in obtaining employment with a school district or chartered nonpublic school, or in obtaining employment with a county board of developmental disabilities in a position responsible for providing educational services to children from six through 21 years of age, other than transmitting administrative and personnel files to the prospective employer if the school representative knows or has reasonable cause to believe that the individual has committed a sex offense listed in Chapter 2907. of the Revised Code, or a substantially comparable offense, involving a student.

LEGAL REFS: O.R.C. §§3319.318; 3319.39; 3319.391; 3319.392; 3319.393; 109.57; 109.572  
Fair Credit Reporting Act; 15 U.S.C. 1681, *et seq.*

Adopted: \_10/21\_\_\_\_\_