

Southwest Vermont Regional Technical School District	Background and Criminal Records Check Policy	Policy #4080C [Required]
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It is the policy of the Southwest Vermont Regional Technical School District to investigate the criminal background and prior employment of all persons recommended for full-time, part-time or temporary employment; as well as persons who have been offered a position as a student teacher, contractor, employee of a contractor, or volunteer, who may have unsupervised contact with students, in accordance with 16 V.S.A. §251, et seq. and 20 V.S.A. §2056c.

I. Definitions:

- a. **Records Check:*** A "paper" reference of criminal records using the Vermont Criminal Information Center. [VCIC]
- b. **Background Check:*** A criminal records check, accompanied by fingerprinting.
- c. **Volunteers:*** Persons from the local community who seek to assist in the schools of the Southwest Vermont Supervisory Union, and who receive no compensation for their efforts. They include, but are not limited to, overnight chaperones, field trip drivers, field trip chaperones, classroom helpers, after-school program providers, and anyone who may have any unsupervised contact with students.
- d. **Student Teachers:*** Any person practicing teaching at a school within the Supervisory Union, under the supervision of a teacher.
- e. **Unsupervised:*** Not being in the presence of a responsible adult in the employ of, or under the direction of, the school district. [16 V.S.A. §252 (4)]

II. Records Check

The Contracting Superintendent or his/her designee shall request criminal record information from the Vermont Criminal Information Center [VCIC] regarding any person, including volunteers, who may spend unsupervised time with a student(s).

Persons shall complete a criminal record check by completing and submitting a form available for that purpose at the Contracting Superintendent's Office [see form below]. This criminal records check will be obtained through the Vermont Criminal Information Center and from the FBI and other sources. The RTSD shall pay any fee for obtaining and processing this information. The Contracting Superintendent or his/her designee shall respond to requests by volunteers for clearance as soon as is practicable.

Persons employed by a Vermont public or independent school district as of July 1, 1998, shall not be subject to the criminal record check unless they ceased to be employed by a Vermont public or independent school district for a continuous period of one year or more after July 1, 1998.

III. Background Checks

All offers of employment and contracting, including student teachers under the supervision of a teacher employed by the SVSU or its member districts, will be conditioned upon completion of the background investigation and a finding that the information provided by the applicant during the pre-employment process was accurate, complete, and truthful. Employment/ contracting conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions concerning criminal activity *or* prior employment.

The Contracting Superintendent or his/her designee shall inquire of governmental licensing agencies whether said agencies have any information concerning the character, ability, qualifications, or criminal record of relevance to the district of the applicant in considering the applicant's appropriateness for employment.

In addition to the other background checks described above, the Contracting Superintendent or his/her designee shall, prior to hiring any prospective employee, verify references with current and prior employers, for at least the last five years, when possible. Contacts with prior employers may be by phone or in writing.

IV. Other Issues

A) Licensing Agencies

As described in 16 V.S.A. §252 (5) and §255 (b), the Contracting Superintendent or his/her designee shall sign a user agreement with the Vermont Criminal Information Center on behalf of the RTSD.

B) Right to Appeal Accuracy of Record

In the event a record of criminal convictions is found, the Contracting Superintendent shall provide to the prospective employee a copy of the record of convictions, and inform him/her of his/her right to appeal the accuracy and completeness of the record and other rights under 16 V.S.A. §255 (f) and (g).

C) Contracted Services

The RTSD is not obligated to pay any fees for the fingerprinting and VCIC/FBI Criminal Record checks for independent contractors or their employees. However, where an independent contractor or an employee thereof is under contract to perform a task which may result in unsupervised contact with students, the independent contractor shall provide the fee, the fingerprints, and other necessary information to the district so that the Contracting Superintendent or his/her designee may access criminal record information through VCIC.

D) Maintenance of Records

When information in response to a request for criminal record information (including a notice of no criminal record) has been received by the superintendent's office, it shall be maintained pursuant to the user agreement with VCIC. In addition, if the individual authorizes the information to be maintained beyond the period required by that agreement, the contracting superintendent shall arrange for secure maintenance of the record indefinitely (if the

information is a notice of no criminal record) or, if the information reflects notice that there is a criminal record, the superintendent or his/her designee shall send the information to the Commissioner of Education for secure maintenance of the record.

E) Payment

The RTSD shall pay the fee for obtaining criminal record information for all volunteers. The RTSD shall pay the fee for obtaining criminal record information through VCIC, from the FBI, and other sources, as described in 16 V.S.A. §251, et seq. All applicants whom the Contracting Superintendent or his/her designee is prepared to recommend for full-time, part-time, and/or temporary employment and applicants for student teaching shall pay fees for fingerprinting.

Legal References:

- 16 V.S.A. §251, *et seq.*
- 16 V.S.A. §252 (4) & (5)
- 16 V.S.A. §255 (b), (f) & (g)
- 20 V.S.A. §2056c

	Date Warned	Date Adopted	Replaces Policy
Southwest Vermont Regional Technical School District	1/17/05	2/21/05	N/A