CRIMINAL HISTORY CHECK

Policy Number: **6210x**

I. Purpose

This policy establishes procedures for conducting criminal background checks on all employees, volunteers, and contractors who may have direct contact with students at Shining Rock Classical Academy in accordance with North Carolina law, the charter agreement, and best practices for ensuring student safety.

II. Legal Authority

This policy is established pursuant to North Carolina General Statue 115C-218.90(b)(1), which requires charter schools to adopt written policies requiring criminal background checks for all staff members.

It is also the responsibility of Shining Rock Classical Academy located within the Haywood County Consolidated School District to adopt a policy mirroring the local board of education policy within Haywood County Consolidated School District that requires an applicant for employment to be checked for a criminal history, as defined in G.S. 115C-332.

III. Scope

This policy applies to:

1. All potential employees, including full-time, part-time, and substitute teachers
2. Volunteers who will have direct contact with students
3. Contractors and vendors who will have direct contact with students or regular access to school grounds during school hours

IV. Policy Requirements

A. Pre-Employment Background Checks

1. All offers of employment shall be conditioned upon completion of a criminal background check.
2. Background checks shall be completed prior to the first day of employment.
3. The applicant shall be responsible for the cost of the background check, unless otherwise determined by the Board of Directors.

B. Background Check and Sex Offender Registry Check Components

1. State and national criminal record checks through the North Carolina State Bureau of Investigation (SBI) and Federal Bureau of Investigation (FBI)
2. Social Security number verification
3. Check Sex Offender Registry
4. County criminal records check for each county of residence of the past 7 years.
5. Education verification for all stated educational credentials
6. Employment verification for all prior employment positions listed on application

C. **Disqualifying Offenses**

The following offenses shall automatically disqualify an individual from employment or volunteer service:

1. Any felony conviction
2. Any conviction involving violence, sexual misconduct, or crimes against children
3. Drug-related convictions
4. Multiple misdemeanor convictions indicating a pattern of behavior that may pose a risk to students
5. Applicant's or Volunteer's name appears on the North Carolina Department of Public Instruction Revoked License List.

D. **Review Process**

1. The Administrator and/or Director or designated Human Resources representative shall review all background check results.
2. Applicants with criminal records not listed as automatically disqualifying may be considered on a case-by-case basis with consideration given to:

    i. The nature and gravity of the offense
    ii. The time elapsed since the offense or completion of sentence
    iii. The nature of the position sought
    iv. Rehabilitation efforts and subsequent work history

E. **Confidentiality**

1. All information obtained through background checks shall be maintained in confidential files separate from personnel files.
2. Access to background check information shall be limited to the Administrator and/or Director, Human Resources personnel, and Board members on a need-to-know basis.

F. **Ongoing Requirements**

1. All employees, volunteers, and contractors shall be required to self-report any criminal charges or convictions that occur after their initial background check. HR officer or designee shall report to the State Board of Directors any licensed individual who is found to have a criminal history, as required by State Board policy.
2. The school reserves the right to conduct periodic background checks on current employees and volunteers.
3. Each employee is required to notify their immediate supervisor within 5 (five) calendar days after any felony or misdemeanor criminal conviction, guilty plea or plea of no contest. Any employee who is aware of any criminal conviction, guilty plea or plea of no contest of another employee should notify their supervisor or an administrator.
4. Failure to disclose criminal history or providing false information may result in termination of employment or volunteer service.

G. **Volunteer Background Checks**

1. All volunteers who will have direct contact with students must complete a volunteer application and consent to a background check.
2. The level of background check required for volunteers shall be determined based on:

    i. Frequency of volunteer activity
    ii. Level of direct student contact
    iii. Level of supervision during volunteer activities

V. Compliance and Record Keeping

1. The Administrator and/or Director or designated Human Resource personnel shall maintain records of all completed background checks.

2. Documentation shall include:

    a. Consent forms
    b. Background check results
    c. Determinations made regarding suitability for employment
    d. Any waivers or exceptions granted

VI. Annual Review

This policy shall be reviewed annually by the Shining Rock Classical Academy Board and any recommended changes shall be presented to the full Board for consideration.