

Revised: July 11, 2018

Anderson Creek Academy Charter School 43C

Criminal Records Check Policy

(Mirrors Harnett County Schools Criminal Records Check Policy)

A criminal records check will be conducted of applicants and/or newly hired employees, including substitutes. If an applicant is hired prior to the completion of the criminal records check, the employment shall be considered conditional pending a review of the results of the check. A criminal records check will also be conducted of all volunteers and tutors. A criminal records check also may be conducted on an individual, random, on-going, or rotating basis of annually rehired and current employees (including substitutes), as well as on independent contractors and volunteers whose services involve contact with students.

Applicants, volunteers, and tutors shall be required to answer completely and accurately questions on their application with regard to previous criminal history. Failure to do so will subject the applicant, volunteer, or tutor to not being hired and an employee to being dismissed. Applicants, volunteers, and tutors shall consent in writing to an initial criminal record check. Applicants, volunteers, tutors, and employees also shall consent in writing to post employment criminal record checks and to providing fingerprints and other identifying information relied upon by any relevant repositories of criminal information. To the extent allowed by law, failure to consent or provide relevant information will result in rejection of an applicant, volunteer, or tutor and may result in dismissal of an employee.

At a minimum, the following criminal records check shall be conducted:

- (a) In the case of applicants or conditional employees, including volunteers and tutors, who have lived and worked within the state of North Carolina for the five years before the date of application, the administration will conduct a statewide criminal record check.
- (b) In the case of applicants or conditional employees, including volunteers and tutors, who have lived or worked outside of North Carolina during the five years before the date of application, the administration will conduct both federal and state record checks.

An applicant, volunteer, or tutor will be rejected for employment and an employee may be dismissed if the criminal record check and supporting records reveal a “criminal history,” defined as the conviction of a crime, whether a misdemeanor or felony, that indicates the employee, volunteer, or tutor (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 his or her duties as a public school employee, volunteer, or tutor. Conviction of a crime, as used in this policy, includes the entry of (1) a plea of guilty, *nolo contendere*, no contest or the equivalent; or (2) a verdict or finding of guilty in a court of law or military tribunal. The school system shall consult with legal counsel or obtain a certified copy of an applicant’s, employee’s, volunteer’s, or tutor’s conviction notice prior to any final employment decision based on the criminal history.

If the school system considers criminal history in making a decision adverse to an applicant or employee, including volunteers or tutors, the superintendent or designee shall make written findings with regard to how it used such information

The school system shall provide to the State Board of Education information on where to obtain the record of conviction, including the person’s name, criminal case number, and the county of conviction for a conviction of a person who is certificated, certified, or licensed by the State Board of Education where the school system discovers the “criminal history” through an employment criminal history check.

If a criminal record check reveals that an applicant or employee, volunteer, or tutor was charged with but not convicted of a crime, whether misdemeanor or felony, that suggests that the employee may not meet the employment standards of the Board, the administration may conduct a further investigation into the person’s conduct and the circumstances surrounding the charge to determine the person’s fitness for employment.

Applicants and current employees, including volunteers and tutors, shall notify the Director of Human Resources (Head of School) immediately if they are charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) except minor traffic violations.

Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations. The school system shall maintain in paper format only data from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate

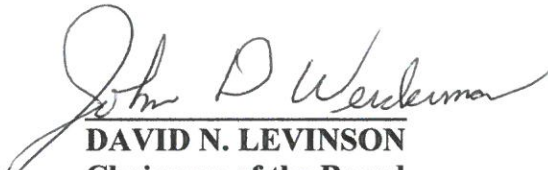
from the individual's personnel file. Procedures for implementing this policy, including a list of individuals entitled to access criminal history information, shall be developed, and administered by the superintendent or his designee.

If the school system conducts criminal record checks through the North Carolina Department of Justice or through a private service, it must first obtain the individual's consent.

If the school administration conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.


Legal References: [G.S. 110-90.2](#), [G.S. 114-19.2\(a\)](#), [115C-36, -332](#); [16 N.C.A.C. 6C.0313](#); [15 U.S.C. § 1681](#) *et seq.*

DATE REVISED: 7/11/2018



DAVID N. LEVINSON
Chairman of the Board
ON BEHALF OF MR. DAVID LEVINSON

7/25/2018
Date



ANN STEIN
Secretary of the Board

8/9/2018
Date