

NEW HAMPSHIRE SCHOOL ADMINISTRATIVE UNIT 29

CHESTERFIELD SCHOOL DISTRICT

GBCD

CRIMINAL HISTORY RECORDS CHECK

The Chesterfield School District shall complete a background investigation, including a criminal history records check, for those persons including Designated Volunteers as defined under policy IJOC who are regularly in contact with pupils, in the performance of their duties, as required by RSA 189:13-a.

Approved: C – 4/14/08

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY GBCD
CRIMINAL HISTORY RECORD CHECKS

A satisfactory completion of a criminal history records check is required for all persons who are hired after August 2, 1997 including designated volunteers. The Personnel Office will designate those employment positions within the district where applicants must complete the criminal history records check; and a listing of said positions shall be available at the Personnel Office¹. The fees charged by the State Police for the processing of a criminal history records check shall be paid by the applicant; or paid by the applicant in the first instance, but subject to reimbursement by the district; or paid by the district; or coordinated through a contractor, as the case may be, in accordance with a schedule also available at the Personnel Office.

Unsatisfactory: A criminal history records check shall be deemed preliminarily unsatisfactory if the Personnel Office is informed by the State Police of a conviction for: (a) a felony; (b) an offense, felony or otherwise, involving the possession, manufacturing, sale, purchase, or other criminal use of a controlled drug or drug paraphernalia; and/or (c) an offense, felony or otherwise, which was not disclosed or was deceptively disclosed on the application for employment.

If the applicant has been convicted of murder, child pornography, aggravated felonious sexual assault or kidnapping in any court in any jurisdiction, the offer of employment shall be immediately withdrawn, and the applicant shall be immediately removed from duties in the school within 24 hours.

If the Personnel Office is informed of a different preliminarily unsatisfactory conviction, the Personnel Manager shall promptly schedule a meeting with the applicant to discuss the results of the criminal history records check. Such meeting shall generally be scheduled within 24 hours of receipt of the notice of the conviction. Prior to such meeting, the Assistant Superintendent may suspend the applicant's conditional employment with or without pay, in the sole discretion of the Assistant Superintendent. At such meeting, the applicant shall explain the results of the criminal history records check. The Personnel Manager shall further consider: (a) the age of the conviction; (b) the age of the applicant at the time of the crime; (c) the nature of the criminal activity, including whether its repetition might endanger the welfare of students or staff and/or whether the crime is related to the job functions of the applicant; and/or (d) whether there are circumstances which adequately justify the applicant's failure to accurately disclose the conviction.

Upon consultation with the Assistant Superintendent, the Personnel Manager shall determine whether to withdraw the conditional offer of employment. If the conditional offer of employment is withdrawn, the applicant shall be immediately removed from duties in the school. If the applicant wishes to appeal such decision of the Personnel Manager, the appeal shall be directed in writing to the Superintendent of Schools within

five (5) calendar days of the determination of the Personnel Manager to withdraw the conditional offer of employment. The written appeal shall discuss those factors considered by the Personnel Manager. The Superintendent or designee shall seek the input of the Personnel Manager and any other evidence deemed useful by the Superintendent and may schedule a meeting with the applicant. The decision of the Superintendent or designee shall be issued within five (5) calendar days of receipt of the written appeal and shall be final.

¹ Pending contrary determination by the New Hampshire Department of Education, the Chesterfield School Board will or will not require a criminal history records check for certain situations unclear in the law as follows:

1. Intra-Chesterfield change of position/transfer/contract for person continuously employed by the district since August 2, 1997: none required.
2. Intra-Chesterfield change of position/transfer/contract update for person continuously employed by the district following a satisfactory criminal history records check: an updated records check is not required.
3. Employee transferring from another school district within SAU 29 and continuously employed within SAU 29 following a satisfactory criminal records check: an updated records check is not required.
4. Employee transferring from another school district within SAU 29, but whose employment predates the criminal history records check requirement: required.
5. Employee transferring from another school district outside of SAU 29: required.

Approved: C – 4/14/08