

Section 400 – Personnel
Employees and Internal Relations
Employee Background Checks

File: 402.50

1. Purpose

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and such other background checks as provided by this policy. The school district may also elect to do background checks of volunteers in the school district.

2. General Statement of Policy

- A. The school district shall require that applicants for school district positions who receive an offer of employment submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by the school district that an applicant's criminal history does not preclude the applicant from employment with the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, independent contractors and student employees.

3. Procedures

- A. Normally an individual will not commence employment until the school district receives the results of the criminal history background check. The school district may conditionally hire an individual pending completion of the background check, but shall notify the individual that the individual's employment may be terminated based on the result of the background check. Background checks will be performed by the Nebraska State Patrol. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. An individual who is offered employment must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check. If the individual fails to provide the school district

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with a signed form at the time the individual receives a job offer, the individual will be considered to have voluntarily withdrawn the application for employment.

- C. The school district may use the results of a criminal background check conducted at the request of another school hiring authority or school agency if:
- 1) the results of the criminal background check are on file with the other school hiring authority or school agency or otherwise accessible;
 - 2) the other school hiring authority or school agency conducted a criminal background check within the previous 12 months;
 - 3) the applicant executes a written consent form giving the school district access to the results of the check; and
 - 4) there is no reason to believe that the applicant has committed an act subsequent to the check that would disqualify the applicant for employment.
- D. The school district, in its discretion, may elect not to request a criminal history background check on an applicant who holds an initial entrance license issued by the Nebraska Department of Education within the 12 months preceding an offer of employment.
- E. For all nonresidents who are offered employment with the school district, the school district shall request a criminal history background check on such applicants from the Nebraska State Patrol and from the government agency performing the same function in the resident state, or if no government entity performs the function in the resident state, from the Federal Bureau of Investigation. Such applicants must provide an executed criminal history consent form.
- F. When required, candidates must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the candidate are unusable, the candidate will be required to submit another set of prints.
- G. Copies of this policy shall be available in the administrative office of the school district and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment in the job posting and job advertisements.
- H. Upon request, the applicant will be informed of the results of the criminal background check(s) to the extent required by law.

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- I. If the criminal history background check precludes employment with the school district, the individual will be so advised.

- J. The school district may apply these procedures to volunteers as though they were applicants for employment.