

Section 8.1: Criminal Background Checks

Date Warned: 1/14/2010

Date Adopted: 1/25/2010

Date Reviewed:

Legal References:

4 V.S.A. §1102(b)(8)(Unauthorized disclosure)

16 V.S.A. §§251 et seq. (Criminal records check policy)

16 V.S.A. §§252 et seq. (Definitions)

16 V.S.A. §§253 et seq. (Confidentiality of Records)

16 V.S.A. §§254 et seq. (Educator licensure; employment of superintendents)

16 V.S.A. §§255 et seq. (Public and independent school employees; contractors)

16 V.S.A. §§256 et seq. (Continued validity of criminal records checks)

16 V.S.A. §§257 et seq. (Fees for fingerprinting)

16 V.S.A. §258 (Notice; license applications; job applications; employees)

16 V.S.A. §563 (12) (Responsibility for hiring)

20 V.S.A. §§2062,2063 (Fees)

20 V.S.A. §2056c (Dissemination of criminal history)

Act 1 - An Act Relating to Improving Vermont's Sexual Abuse Response System - As Passed 2009

Philosophy

Providing a safe learning environment for students is a primary consideration of the Lamoille North Supervisory Union (LNSU) and the member school districts. Therefore, it is the policy of the LNSU to conduct a criminal background check that is in full compliance with Vermont statute for those individuals who may have unsupervised contact with students. The LNSU further recognizes the valuable contributions made to the schools by employees, contracted personnel, student teachers, mentors, volunteers and work study students. We recognize that appropriate supervision of mentors, volunteers and work students will enhance their contributions as well as fulfill the responsibility that the member school districts have for the education and safety of our students.

Rationale

It is the policy of the State of Vermont and the Lamoille North Supervisory Union, plus it's associated member school districts, to use criminal record checks to deter abuse and exploitation of school children and to do so in a manner that protects, as much as is practicable, the privacy of those subject to such checks.

Definitions:

Criminal Record

As noted in Title 16 Section 252 this includes convictions in Vermont and convictions in other jurisdictions recorded in other state repositories or by the Federal Bureau of Investigation (FBI). The details of specific convictions can be found in the above noted Vermont State Statute. Information received by the supervisory union is considered confidential and may be disclosed to specifically designated persons. (Title 16 Section 253)

Unsupervised

As noted in Title 16 Section 252, this means not in the presence of a responsible adult in the employ of or under the direction of the school district.

Criminal Background Checks Supported by Fingerprints, Department of Children and Families (DCF), Department of Aging and Independent Living (DAIL) Checks

This type of check is required for full, part-time and temporary employees, individuals under contract with a school district who might have unsupervised contact with students, any employee of a contractor under contract who is in a position that may result in unsupervised

contact with students, and any student working toward a teaching degree who is a student teacher within the Supervisory Union. This type of check is also required for mentors. Background checks of this type must be processed through the Superintendent's Office and can be shared with another supervisory union or independent school approved by the Vermont Department of Education within three years of the check if so requested in writing by the individual for whom the background check was conducted. All fees associated with processing the background check will be paid by the individual or their agency of employment. This includes fees charged by the Vermont Criminal Information Center (VCIC) and the entity executing the fingerprinting.

Criminal Background Checks Conducted Using the Internet Sex Offender Registry

This type of check is required for "work study students and volunteers prior to allowing unsupervised contact with school children". Neither is defined in the statute. Procedures developed by the Superintendent will require this check to be conducted by building principals or their designee.

Criminal Record Check Conducted Using the Vermont Criminal Conviction Record Internet Service (VCCRIS)

This is an online service for use by the Superintendent and Principals, or their designee. It will be used to screen applicants for job openings, candidates to whom a job will be offered and as part of the complete criminal background check conducted by the Superintendent. Procedures developed by the Superintendent will require Principals to use the service to screen applicants for job openings and before offering a position to any individual who may have unsupervised contact with a student. All mentors will be screened by the Superintendent and Principals or their designee. Procedures developed by the Superintendent will require volunteers and work study students to be screened by the Principal or their designee using the service.

Volunteer means an individual not employed by the school district who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefit. Mentors are not volunteers with regards to the LNSU background check policy. (Reference VSBA Policy Code D7 and Act 1) These background checks are the responsibility of each LNSU school building principal or their designee. The Superintendent will establish a procedure that requires principals to conduct the background check. Each school will implement procedures to ensure these background checks are conducted.

Work Study Student means a student who may or may not receive compensation for work performed at a school operated by the district as part of a work experience program sponsored or provided by a public school program and /or the college or university at which he or she is enrolled. A student working toward a teaching credential who is placed as a student teacher at a district school is not a work study student. The Superintendent will establish a procedure that requires principals to conduct the background check. Each school

will implement procedures to ensure these background checks are conducted. (Reference VABA Policy Code D7 and Act 1)

Mentor means a trained individual enrolled in the mentoring program who works one-on-one with a designated student over a long period of time in a support and role modeling relationship. Mentors typically have unsupervised contact with students. Mentors are screened and trained by the Lamoille Valley Mentoring Program. All mentors will complete a criminal background check initiated by the Superintendent's Office that includes fingerprints, the DCF check, the DAIL check and the VCCRIS check.

Individuals under Contract or the Employee of a Contractor means an individual who is not an employee, full, part time or temporary, that receives payment for their services. All individuals under contract or the employee of a contractor who may have unsupervised contact with students will complete a criminal background check initiated by the Superintendent's Office that includes fingerprints, the DCF check, the DAIL check and the VCCRIS check.

Policy:

LNSU member schools will complete criminal background checks defined above as required by Vermont statute and procedure developed by the Superintendent. Criminal background checks will be initiated through the LNSU Central Office or the principal as required by statute or procedure developed by the Superintendent for each type of individual that must be screened. Individuals seeking employment, contracting opportunities, student teaching placements, volunteer opportunities, work study student placements and mentoring opportunities will authorize the necessary criminal background check prior to the initiation of contact with children. Individuals authorizing the criminal background check will be responsible for the costs associated with the background check process when fingerprints are required.

The Superintendent shall develop administrative rules and procedures to ensure that employees, contractors and their employees, volunteers and work study students are appropriately screened prior to entering into service in the school district, and only individuals who have been properly screened will have unsupervised contact with students. Applications for employment, contracted service delivery contracts, and all application forms relating to mentoring, volunteering or work study student placement will require individuals to provide their date of birth so that all necessary background checks can be conducted. If a record exists the steps outlined below will apply.

Existence of a Record

If the Superintendent is notified by the Vermont Criminal Information Center or directly receives information from the DCF Registry, DAIL Registry or the Vermont Criminal Conviction Record Internet Service (VCCRIS) a record exists:

1. The Superintendent shall forward a copy of the record to the person about whom the request was made.

2. In the case of a request made on behalf of a contractor, the Superintendent shall inform the contractor in writing either no record exists or that a record exists but shall not reveal the content of the record to the contractor. The contractor shall forward a copy of the information they received from the Superintendent to the person about whom the request was made.
3. The person for whom a record exists may sign a form authorizing the Superintendent to obtain a copy of the access restricted criminal background record, challenge the accuracy of any record, decline or resign employment, mentor, volunteer or work study opportunities.

If a principal, or their designee, conducts a background check using the VCCRIS system and a record exists the Superintendent will be informed.