

### **3.002 Employee Criminal Background Check Policy**

#### **G.S. 115C-218.90 B(1)**

##### **I. Employees**

Criminal History Background Check: A criminal history check and a check of sex offender registries must be conducted on all final candidates for licensed positions and classified positions that would place the candidates in a school building or other environments where they would interact regularly with students. Such positions include, but are not limited to, teachers, substitute teachers, driver training teachers, bus drivers, clerical staff, custodians, teacher assistants, assistant principals and principals. Criminal history checks must be conducted in accordance with state law and any procedures established by the managing director.

School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The Executive Director or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity.

The following factors will be considered in making this determination:

- the nature and gravity of the offense or conduct
- the time that has passed since the offense or conduct and/or completion of the sentence
- the nature of the job sought.

Before the Executive Director may exclude a final candidate based on his or her past criminal convictions, the Executive Director must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. No individual who is a registered sex offender will be hired for any position with the school. In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries.

No person employed or otherwise associated with Riverside Leadership Academy, including members of the Board of Directors, who has been convicted of or has pleaded nolo contendere to a crime related to misappropriation of funds or theft shall be engaged in direct processing of charter school funds.

## **II. Reporting of Criminal Offense**

All Riverside Leadership Academy employees and active applicants for current vacant positions must notify the Executive Director and the Board immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or nolo contendere) other than minor traffic violations (i.e., speeding, parking, or lesser violation). Such notice must be in writing, must include all pertinent facts, and must be delivered to the Executive Director no later than the next scheduled business day following the arrest, charge, or conviction, unless the employee or applicant is hospitalized or incarcerated, in which case the employee or applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee or applicant must report the disposition and pertinent facts in writing to the Executive Director and to the Board no later than the next business day following settlement.

## **III. Volunteers and Support Staff**

All persons applying to work directly with Riverside Leadership Academy students, including, but not limited to, substitute teachers, non-staff coaches, field trip chaperones, and classroom and/or extracurricular volunteers shall also be subject to criminal history background checks. The individual applicants may be subjected to pay for the cost of these checks at the discretion of the Executive Director.