White Mountains SAU35
Bethlehem, Lafayette, Landaff, Lisbon, and Profile
School Board Policy

GBCD

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Background Investigation and Criminal History Records Check

To help assure the safety of District students, it is the policy of the School Board that before any person is employed by the School District, or are otherwise placed into positions whereby they have frequent close contact with - or supervision of - students, that the administration conduct proper investigation into such person's background, including, without limitation, a criminal history records check under RSA 189:13-a – 189:13-c.

A. **Definitions.** As used in this policy:

1. **"Applicant"** shall mean and include an applicant for employment or any person seeking to serve in any position falling within the term "Covered Person" as defined below, who is selected by the District for further consideration for such position.

2. **"Background investigation"** means an investigation into the past employment and other background of an Applicant with the intent of determining whether:

   a. The applicant/covered person is qualified for the position for which he/she has applied, will/would be assigned, or will/would perform, and

   b. The applicant has been found guilty of any criminal activity or conduct that would make him/her ineligible or unsuitable for employment or service in the district.

3. **"Conditional offer of employment"** means an offer of employment extended to a selected Applicant subject to a successful completed criminal history record check (defined below) which is satisfactory to the SAU or school district.

4. **"Contractor"** means a private business or agency or an employee or employees of the contractor which contracts with a SAU, school district, or charter school to provide services including but not limited to:

   a. cafeteria workers,

   b. school bus drivers,

   c. custodial personnel,

   d. any other direct service or services to students of the district or charter school.

5. **"Covered Person"** shall mean every employee, stipend position (e.g., coach, trainer, drama coach, etc.), candidate, designated volunteer (whether direct or through a volunteer organization), or any other service where the contractor or employees of the contractor provide services directly to students of the District, or any applicant/person seeking to serve in any of those positions. NOTE: Only those volunteers who meet the definition of "Designated Volunteer" below are considered "Covered "Employees". See Board policy IJOC for additional provisions relating to all volunteers. All Covered Persons are required to undergo training as provided in Board policy GBCE.

6. **"Criminal History Records Check" or "CHRC"** means a criminal history records inquiry under RSA 189:13-a – 13-c, conducted by the New Hampshire State Police through its records and through the Federal Bureau of Investigation.

7. **"Designated Volunteer"** is any volunteer who:

   a. The administrative supervisor for the applicable activity or program (e.g., building principal, athletic director), shall have the responsibility of determining whether a volunteer position is a "Designated Volunteer", subject to any additional rules or procedures established by the Superintendent.

      (1) Comes in direct contact with students on a predictable basis (e.g., library volunteer, overnight field trip chaperone;

      (2) Meets regularly with students (e.g., community mentor, volunteer assistant coach);

      (3) Meets with students on a one-on-one basis [without the presence of a teacher or other such professional staff member]; OR

      (4) Any other volunteer so designated by the Principal or Superintendent.

8. **"Educator Candidate"** means a student at an institution of higher education in New Hampshire who has been selected to participate in a K-12 educator preparation program (RSA 189:13-c, I(b)). This definition includes both Educator Candidates who are placed as student teachers in the district, and those who might be in the District for a different purpose (e.g., Methods, etc.)

9. **"Section V Offense(s)"** are those criminal offenses listed in RSA 189:13-a, V, as that list may be amended by the Legislature from time to time. The current of offenses may be accessed at: Link: Section V Offenses - RSA 189:13-a, V

   "Non-Section V Offenses" are all other crimes offenses, whether felonies or misdemeanors.

10. **"Designee"** shall mean, a person designated by the Superintendent to receive and inspect results of the Criminal History Records Check. Under RSA 189:13-a, II, the Designee for purposes of CHRC may only be an assistant superintendent, head of human resources, the personnel director, the business administrator or the finance director.

B. **Background Investigation and Restrictions on Hiring or Appointing Individuals with Revoked or Suspended Credentials.**

1. **General Requirements.** The Superintendent will require a Background Investigation of any Applicant or Covered Person as defined in this policy, ***including but not limited to reviewing the most recent NHED List of Revoked & Suspended Credentials.*** The Superintendent may assign the Background Investigation (but not the CHRC) to someone other than Designee, but the Background Investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, student teacher, or a Designated Volunteer to work or serve within the District. For Covered Persons who are employed by a third-party contractor or assigned as a Designated Volunteer by a volunteer agency, the Superintendent or Designee may waive the Background Investigation and instead rely on suitable assurances from the contracting company or agency regarding a background investigation. The requirement for a Criminal History Records Check under paragraph D, below, however, may not be waived. *All decisions regarding employment and the pre-employment process shall conform to the District's Anti-Discrimination and Equal Opportunity policy, AC.*

   As part of the application process, each Applicant shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The Applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or until notified that s/he will not be hired. Failure to report will be treated in the same manner as falsification of information under Section C, below.

   General record (e.g., checklist and or source documentation) of completion of a Background Investigation (but not copies of the results of a CHRC) shall be retained in an employee's personnel file and retained pursuant to the District's Record Retention Schedule EHB-R.

2. **Prohibition against hiring/appointment of individuals with revoked or suspended credentials.** The District will not hire any individual whose education license, certification or other credential ("credential") issued by the Department of Education is currently revoked or suspended, unless: (1) the individual's prospective employment would begin after the reinstatement of that individual's credential; or, (2) the individual retains an active endorsement in one or more areas in which the individual remains eligible for employment, even though the endorsement in another area is under revocation or suspension.

   No person whose credential issued by the Department of Education has been revoked or is under current suspension, may be appointed as, or serve as, a volunteer for any district service or activity, designated or otherwise.

   In the instance of a person with no current endorsement, the suspension or revocation would preclude hiring or appointing that person to any position within the district. This means, for example, that a former science teacher whose credentials are revoked may not be appointed as a volunteer soccer coach.

Notwithstanding the prohibitions and limitations imposed by this paragraph, educators whose credentials have been revoked or are currently suspended, retain all the rights afforded members of the public to enter onto school grounds and attend school events in accordance with applicable laws and School Board policies. Similarly, such individuals who are parents or guardians of district students shall maintain all the rights afforded all parents and guardians under law and School Board policies – but may not serve in volunteer positions.

C. **False Information.** The falsification or omission of any information on a job application, during the pendency of the application, or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment, withdrawal of any offer of employment, or immediate discharge from employment.

D. **Criminal History Records Check.**

1. **General.** As part of the District's Background Investigation, each Applicant must submit to a Criminal History Records Check ("CHRC") through the State of New Hampshire in full compliance with RSA 189:13-a. No Covered Person/Applicant shall be employed, extended a Conditional Offer of Employment, or begin service in the District, until the Superintendent, or designee, has a passing CHRC.

   The Applicant shall provide the District with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken by a qualified law enforcement agency according to RSA 189:13-a, II.

   Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the CHRC will result in immediate disqualification of the Applicant/Covered Person and will not be considered for the position.

2. **Special Provisions for Educator Candidates, Substitutes, & Bus Drivers.**

   a. **Educator Candidates.** Educator Candidates who are placed in the District as a student teacher shall undergo a CHRC prior to beginning in the District. For Educator Candidates in the District under a status other than student teacher (e.g, observation, Methods Course or Practicum student), the Superintendent or Designee will determine whether to require a CHRC using the same parameters included in the Designated Volunteer definition, above.

   b. **Bus Drivers.** Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records checks for bus drivers shall be processed through the New Hampshire Department of Education ("NHED"). Although NHED will conduct the CHRC, the Superintendent or designee shall require a Background Investigation in accordance with paragraph B.

   c. **Substitute Teachers.** Applicants for substitute teaching positions who have submitted to a CHRC within 3 years in any district within SAU 35 shall not be required to undergo an additional CHRC before substituting in this District, unless otherwise required by the Superintendent.

3. **Results of Criminal History Records Check.** The results of the CHRC shall be delivered to the Superintendent or designee who shall be responsible for maintaining their confidentiality. The Superintendent or Designee shall destroy all results and reports of any CHRC within sixty (60) days of receiving said information.

4. **Pending Charges or Convictions for Section V Offenses.** If the results of the CHRC disclose that the Applicant has either been convicted of or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment. Additionally, the Superintendent (not the Superintendent's Designee), shall notify NHED through its Investigator or the Chief of the Governance Unit or as otherwise directed by NHED.

5. **Non-Section V Offenses and/or Past Charges of Section V Offenses.** If the results of a CHRC disclose that the Applicant has been charged (whether pending or previously concluded) with a Non-Section V Offense, or has been previously charged with a Section V Offense which the charge has been disposed of other than by a conviction, the Superintendent or Designee shall take such information into account prior to hiring or assigning such Applicant. In making a determination regarding such an Applicant, the Superintendent or Designee shall consider all reliable information, and assess whether, in light of the totality of the circumstances, the Applicant's suitability for the position sought with student safety being the priority consideration. (Circumstances the Superintendent should consider, include, but are not limited to, nature and date of the charge, information about reduced charges, age at time of charge, relationship of the nature of the charged offense to the duties of the position sought).

   If the Superintendent chooses to nominate, appoint or assign an Applicant who has a history of conviction or pending charges of a Non-Section V Offense, or of past concluded charges of Section V Offenses that did not result in a conviction, then the final hiring decision or appointment of another Covered Person must be approved by the School Board. **Pursuant to regulations of the United States Dept. of Justice, and RSA 189:13-a,** the Superintendent may **NOT** share with the Board information directly gleaned from the CHRC regarding specific criminal charges, arrests, convictions etc., but may share the fact that s/he is nominating a person whose background investigation revealed information requiring the Superintendent to apply the criteria established by the Board in the preceding paragraph.

6. **Fees for Criminal History Records Check.** Any applicant for whom the Board requires a CHRC check, or, in the instance of third party contractors/organizations, the Covered Person's employer/organization, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the CHRC, unless otherwise determined by the Board.

7. **Additional Criminal Records Checks.** To the extent permitted by law, the Superintendent or Designee may require a CHRC of any Covered Person at any time after hire or appointment to a position within the District.

E. **Conditional Offer of Employment.** Applicants who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the Background Investigation and CHRC, and a determination that there are no disqualifying pending charges or convictions.

Any Applicant who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her employment or approval to work within the District is entirely conditioned upon the results of a CHRC and Background Investigation being satisfactory to the District.

F. **Final Offer of Employment.** No Applicant shall be extended a final offer of employment or be allowed to serve/provide services in the District if such person has charges pending or has been convicted of any Section V Offense; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

An Applicant may only be extended a final offer of employment or final approval to work/serve within the District's schools upon the satisfactory completion and results of CHRC and Background Investigation,

G. **Administrative Protocols/Procedures.** The Superintendent is authorized to establish written protocols for Background Investigations, and such protocols may vary depending on the nature of the position(s) (e.g., verification of academic records and achievements for certified professionals, credit checks for personnel with fiscal responsibilities). The written protocols may include additional specific disqualifying misdemeanor or felony convictions or charges (e.g., prostitution, theft, etc.) in addition to the Section V Offenses.

H. **Contractor and Vendor Provisions.** The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete CHRCs and Background Investigations as required under this policy, as well as training and information relative to child sexual abuse prevention as required under RSA 189:13-a, XII and policy GBCE

I. **Training of Superintendent/Designee.** The Superintendent or any Designee shall complete such training relative to the reading and interpretation of criminal records as required by NHED.

J. **Reports of Criminal Offenses Post-Hire or Commencement of Service.** When the District receives a notification of a Covered Person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to immediate discharge. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment contract or collective bargaining agreement to address the individual's ongoing relationship with the District. If the Covered Person charged/convicted of a Section V Offense is a credential holder as defined in the New Hampshire Code of Conduct for Educators, the

Superintendent shall report to the New Hampshire Department of Education pursuant to section 510.05 of the Code and Board policy GBEAB – Mandatory Code of Conduct Reporting.

Legal Statues:
NH Statutes
RSA 189:13-a
RSA 189:13-b
RSA 189:13-c
RSA 632-A:10
Other Reference
CJIS Security Policy 5.9.2
NH Dept of Ed Regulation
Code of Conduct for New Hampshire Educators
Federal Regulations
28 CFR Part 20

Revision History:

Cross References:
EEAE
EEAEA
EHB
GADA
GBCE
GDF
IJOC
JLIF

Policy History prior to joint policy updates in October 2025.

Bethlehem
Adopted: December 12, 2016

Lafayette
n/a

Landaff
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Lisbon
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Profile
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