

Policy Type: Employee / Human Resources Policy

Title: Education Employee Required Reports of Arrests and Background Checks for Non-Licensed Employees

Effective: As listed below

Purpose

The purpose of this policy is to protect the safety, health, and security of students, employees, and property of **Custom Class Charter School** (“Custom Class” or the “School”). This policy establishes requirements for criminal background checks and for reporting arrests, charges, and convictions by non-licensed employees, volunteers, and other individuals with access to students, in compliance with Utah law and State Board rule.

Policy

1. Criminal Background Checks

1.1 Individuals Subject to Background Checks

The following individuals are required to submit to a criminal background check as a condition of employment, service, or access:

- a. **Employees:** All prospective Custom Class employees must successfully complete a criminal background check prior to employment.
- b. **Volunteers:** Volunteers who have **unsupervised access to students** must submit to a criminal background check as a condition of service. Until the background check is complete, volunteers must remain under the direct supervision of a Custom Class employee.
- c. **Contractors and Service Providers:** Any representative, employee, or agent of a company or organization that has an arrangement or agreement with Custom Class to provide services involving direct or unsupervised student access must submit to a criminal background check. The cost of the background check shall be borne by the individual or organization. Failure to comply may result in denial of access or termination of the agreement.

d. **Non-Licensed Employees:** Non-licensed employees shall submit to a criminal background check at least **once every three (3) years**, or more frequently if required by law or School determination.

e. **Governing Board Members:** Governing Board members shall submit to a criminal background check upon appointment or election and may be subject to ongoing monitoring as required by law.

f. **Reasonable Cause:** Where reasonable cause exists, Custom Class may require an existing employee or volunteer to submit to an additional criminal background check at any time.

2. Conducting the Background Check

a. **Supplemental Questionnaire:** Applicants and employees shall complete a supplemental questionnaire requiring self-disclosure of criminal misconduct or violations of law. Information obtained from the questionnaire shall be compared with background check results. Any misstatement, omission, or misinformation is grounds for non-selection or dismissal.

b. **Authorization and Release:** Individuals must sign a release authorizing Custom Class to conduct the background check. Refusal to sign the release is grounds to deny employment, access, or participation. Current employees who refuse may be subject to corrective action up to and including termination.

c. **Sources of Information:** Background checks may include searches through the Utah Bureau of Criminal Identification (BCI), FBI fingerprint databases, statewide warrant and protective order systems, and other state or federal databases permitted by law.

3. Payment for Background Checks

All employees (including substitutes) and all volunteers required to submit to a background check shall be responsible for payment of the designated cost unless otherwise required by law or School policy.

4. Required Reports of Arrests and Charges by Licensed Educators

(Included for completeness and coordination with state reporting requirements)

A licensed educator employed by Custom Class who is arrested, cited, booked, or charged with any of the following offenses shall report the incident to the Executive Director or designee as soon as possible, but no later than **48 hours**:

- Alleged sex offenses;
- Alleged drug-related offenses;
- Alleged alcohol-related offenses; or
- Alleged offenses against a person under Utah Code Title 76, Chapter 5.

Licensed educators shall also report convictions, pleas in abeyance, or diversion agreements within 48 hours of notice. The Executive Director or designee shall report required information to the Utah State Board of Education in accordance with law.

5. Required Reports by Non-Licensed Employees and Volunteers

Non-licensed public education employees and volunteers must notify the **Executive Director** as soon as possible, but no later than **five (5) business days**, after being cited, charged, booked, arrested, convicted, or entering a plea in abeyance or diversion agreement for any of the following offenses, regardless of sentence:

- Alleged sex offenses;
- Alleged alcohol-related offenses; or
- Alleged offenses against a person under Utah Code Title 76, Chapter 5.

Supervisors who receive such information must notify the Executive Director immediately. The Executive Director or designee shall report relevant information to Human Resources as soon as reasonably possible.

6. Review and Investigation

A criminal conviction does not automatically preclude employment with Custom Class. The School retains sole and absolute discretion to determine whether information obtained through a background check or report warrants administrative action, including termination or refusal to hire.

Custom Class may immediately suspend an employee from student supervision responsibilities pending investigation if alleged conduct may endanger students or disrupt school operations.

In evaluating suitability for employment or continued employment, Custom Class may consider, on a case-by-case basis:

- Nature and type of offense;
- Relevance to the individual's position;
- Pattern or frequency of offenses;
- Time elapsed since conviction or completion of sentence;
- Severity of the offense;
- Age at the time of offense; and
- Evidence of rehabilitation.

Student safety shall be the foremost consideration.

7. Administrative Action and Due Process

a. **Applicants:** Applicants may be denied employment for refusal to submit to a background check, failure to disclose required information, or results of a background check relevant to the position.

b. **Employees:** Employees may be subject to corrective action, up to and including termination, for refusal to submit to a background check or failure to report required information under this policy.

c. **Notice and Opportunity to Respond:** If employment is denied or terminated based on information obtained through a background check, the individual shall receive written notice of the reasons and be given an opportunity to respond within **five (5) working days**.

d. **Confidentiality:** Information obtained through background checks is confidential and shall be maintained in accordance with the Government Records Access and Management Act (GRAMA).

Definitions

- **Licensed Educator:** As defined in Utah Administrative Code R277-516.
 - **Crimes Against a Person:** Includes offenses identified under Utah Code Title 76, Chapter 5.
 - **Criminal History Report:** A report generated by the Utah Bureau of Criminal Identification and/or authorized state or federal databases.
 - **Background Check:** Information regarding an applicant or employee that may include criminal history reports and driving records.
 - **Booking / Arrest:** As defined under Utah law, including citation, fingerprinting, or custody by legal authority.
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Certification

The undersigned officers and/or Board of Directors of Custom Class Charter School certify that this **Education Employee Required Reports of Arrests and Background Checks for Non-Licensed Employees Policy** was duly adopted as of the date below and replaces all prior policies addressing the same subject.

Signature:

Matthew J. Middione – Board Chair

Signature:

Douglas Reed – Board Vice Chair

Effective Date: As listed above

Revised Date:

References:

Utah Code §§ 53G-11-402; 53E-6-701
Utah Admin. Code R277-516; R277-401
GRAMA (Utah Code Title 63G)