

## CRIMINAL RECORD CHECK

The Board shall request from the Superintendent of the Bureau of Criminal Identification and Investigation criminal record checks of candidates under final consideration for employment or appointment in the District if the candidates are responsible for the care, custody or control of students.

The Board may employ persons responsible for the care, custody or control of students on the condition that the candidate submit to and pass a BCII criminal record check in accordance with the Ohio Revised Code. Applicants are given a separate written statement informing them that the Board may use a criminal record check as part of the initial hiring process and at various times during the employment career and that a satisfactory criminal record check is a precondition for employment with the District. This notice must be on a separate document which only contains this notice. The applicant's written authorization to obtain criminal record checks must be obtained prior to obtaining a criminal record check from any consumer reporting agency or the BCII. However, information obtainable through public records, such as a criminal court docket, does not require written authorization. Once a District employee has given authorization for criminal records checks to be conducted throughout their employment, further authorizations are not required, but the disclosure and notice provisions still apply. Applicants may be charged a fee for the costs incurred in obtaining a criminal record check, but such fee shall not exceed the fee paid by the Board to the BCII.

Prior to taking an adverse action against an applicant or employee (such as declining to employ, reassigning an employee, denying a promotion, suspension, nonrenewal or termination) based in whole or in part on a criminal record check, the applicant or employee will be given a written pre-adverse action disclosure statement which will include a copy of the criminal record check and the Federal Trade Commission's notice entitled "A Summary of Your Rights Under the Fair Credit Reporting Act."

After the District takes an adverse action, the applicant or employee will be given a written adverse action notice which includes the name, address and telephone number of BCII, a statement that BCII did not make the decision to take the adverse action and cannot give specific reasons for it, the individual's right to dispute the accuracy or completeness of any information furnished by BCII and the individual's right to an additional free criminal record check from BCII upon request within 60 days. Any person conditionally hired who fails to pass a BCII criminal background check shall be released from employment.

An applicant for employment may provide a certified copy of a BCII criminal background check to the District in compliance with the Ohio Revised Code. The District may accept this background check in place of its own

background check if the date of acceptance by the District is within one year after the date of issuance by the BCII.

For bus driving applicants, a BCII, county or local law enforcement agency records check is required. For currently employed bus drivers, a new report is required every six years.

Any and all information obtained by the Board or persons under this policy is confidential and shall not be released or disseminated. Any applicant not hired because of information received from the record check shall be assured that all records pertaining to such information are destroyed.

[Adoption date: June 28, 2001]

#### LEGAL REFERENCES

Fair Credit Reporting Act 15 U.S.C. Sections 1681 et seq.

ORC 109.57; 109.572

2953.32

3319.39

OAC 3301-83-06

#### CROSS REFERENCES

GCD, Professional Staff Hiring

GDD, Support Staff Hiring

IICC, School Volunteers