

PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

The Board shall develop and implement procedures to obtain and review a criminal background report of arrest records and conviction records of adults recommended for employment including substitute teachers. Arrest records will not be used unless the arrest record relates to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the particular job. Conviction records will not be used or considered in making employment decisions unless the convictions are substantially related to the circumstances of the particular job.

A. Procedure

The criminal background report of adults recommended for employment as administrators, teachers, other certified employees, non-certified employees, substitutes for certified employees, substitutes for non-certified employees, and advisors or coaches for extra-curricular assignments must be obtained and reviewed by the administration prior to finalizing the decision to employ. All offers or recommendations of employment will be conditional based on the results of a criminal background report.

1. Scope of Criminal Background Report

The criminal background report as it pertains to recommendation for employment will include convictions or pending charges other than minor traffic violations. Conviction means the final judgement on a verdict or a finding of guilty, a plea of guilty or a plea of no contest, in any state or federal court of competent jurisdiction in a criminal case, regardless of whether the appeal is pending or could be taken. Conviction does not include a final judgement, which has been expunged by pardon, reversed, set aside or otherwise rendered invalid. In accordance with state law, pending charges or convictions will not be used or considered unless they are substantially related to the circumstances of the particular job.

2. Application Disclosure Statement

The application form shall require individuals to indicate all convictions or pending charges other than minor traffic violations. If the person recommended for employment refuses to cooperate in fully completing the disclosure form or is found to have provided false, inaccurate or incomplete information on the disclosure form, the person will be disqualified from consideration for employment or may be considered for dismissal. If the criminal background report confirms a conviction or pending charges which the candidate acknowledged on the application form, a determination shall be made in consultation with legal counsel whether or not to reject the application based upon:

- a. consideration of the circumstances substantially related to the nature of the conviction pending charge, and
- b. whether the circumstances substantially relate to the nature of the particular position for which the candidate has applied.

B. Criminal Background Check

The appropriate agency will be utilized to obtain the information necessary to complete a criminal background check for each applicant recommended for employment. The District will reimburse the agency for this service. The Police Department may be utilized to obtain arrest records or conviction records not available through the agency.

C. Employee Rights

Persons recommended for employment will be provided a copy of the criminal background report upon request. Persons requesting copies of the criminal background report will reimburse the District for the cost of providing the copies. Persons recommended for employment have the right to attach any statement or explanation to the conviction report. The criminal background report will be maintained in files separate from the persons' personnel file for as long as the persons are employed by the District and as prescribed by the records retention schedule adopted by the District.

Legal Reference: Section 111.335 Wisconsin Statutes
REVISED: September 23, 2013