

Procedures: Background and Criminal Record Check

It is the procedure of the Rutland Southwest Supervisory Union and its member districts to investigate the criminal background and prior employment of all persons recommended for full-time, part-time or temporary employment; as well as persons who have been offered a position as a student teacher, contractor, employee of a contractor, or volunteer, who may have unsupervised contact with students, in accordance with 16 VSA §251, et seq. and 20 VSA §2056c.

I. Definitions:

- a. **Record Check:** A “paper” reference of criminal records using the Vermont Criminal Information Center [VCIC]
- b. **Background Check:** A criminal record check, accompanied by fingerprinting.
- c. **Volunteers:** Persons from the local community who seek to assist in the schools of the Rutland Southwest Supervisory Union and its member districts, and who receive no compensation for their efforts. They include, but are not limited to, overnight chaperones, field trip drivers, field trip chaperones, classroom helpers, after-school program providers, and anyone else who may have any unsupervised contact with students.
- d. **Student Teachers:** Any person practicing teaching at a school within the Supervisory Union, under the supervision of a teacher.
- e. **Unsupervised:** Not being in the presence of a responsible adult in the employ of or under the direction of the school district. [16 VSA 252 (4)]
- f. **Agency of Human Services Registry Check:** Paper check from the Agency of Human Services required by law (Act 1) for all current and prospective employees, vendors/contractors, volunteers etc. for Child Protective Services and Adult Protective Services records.

II. Records Check

- i. The Superintendent or designee shall request criminal record information from the Vermont Criminal Information Center [VCIC] regarding all employees, including volunteers, and contacted service providers who may spend unsupervised time with a student(s). Effective July 1, 2010, all individuals required to submit to this record check shall also be enrolled in the VCIC subscription service. Individuals who decline to be subscribed, will be required to meet with the Superintendent.
- ii. Persons shall complete a criminal record check by completing and submitting a form available for that purpose at the RSWSU Central Office [see form below], or at school district offices. This criminal records check will be obtained through the Vermont Criminal Information Center and possibly from the FBI and other sources. The applicant is responsible for any fee for obtaining and processing this information. The Superintendent or designee shall respond to requests by volunteers for clearance as soon as is practicable.

III. Background Checks (Fingerprint Supported)

- a. All offers of employment and contracting, including student teachers under the supervision of a teacher employed by the RSWSU or its member districts, will be conditioned upon completion of the background investigation and a finding that the information provided by the applicant during the pre-employment process was accurate, complete, and truthful. Employment/contracting conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions concerning criminal record or prior employment.
- b. The Superintendent or designee shall inquire of governmental licensing agencies whether said agencies have any information concerning the character, ability, preparedness, or criminal record of relevance to the district of the applicant in considering the applicant's appropriateness for employment.
- c. In addition to the other background checks described above, the Superintendent, Principals, or designee shall, prior to hiring any prospective employee, verify references for at least the last five years. Contacts with prior employers may be by phone or in writing.

IV. Agency of Human Services (AHS)

- a. Effective July 1, 2009 Educational Agencies are required by law (Act 001) to complete a check of all current and prospective employees, vendors/contractors and volunteers pertaining to the Child Protection and Adult Protection Registries. Employment is conditional upon completing the checks and the results of same.

V. Other Issues

a. Licensing Agencies

As described in 16 VSA §252 (5) and §255 (b), the Superintendent or designee shall sign a user agreement with the Vermont Criminal Information Center on behalf of the Supervisory Union and its member districts.

b. Right to Appeal Accuracy of Record

In the event a record of criminal convictions is found, the Superintendent shall provide to the prospective employees and volunteers a copy of the record of convictions, and inform him/her of his/her right to appeal the accuracy and completeness of the record and other rights under 16 VSA §255 (f) and (g).

c. Contracted Services

The Supervisory Union and its member districts are not obligated to pay any fee for the fingerprinting and VCIC/FBI Criminal Record checks for independent contractors or their employees. Where an independent contractor or employee thereof is under contract to perform a task which may result in unsupervised contact with students, the independent contractor shall provide the fee, the fingerprints, and other necessary information to the district so that the Superintendent or designee may access criminal record information through VCIC.

d. Maintenance of Records

When information in response to a request for criminal record information (including a notice of no criminal record) has been received by the superintendent's office, it shall be maintained pursuant to the user agreement with VCIC. In addition, if the individual authorizes the information to be maintained beyond the period by that agreement, the superintendent shall arrange for secure maintenance of the record indefinitely (if the information is a notice of no criminal record). If the information reflects notice that there is a criminal record, the superintendent or designee shall send the information to the Commissioner of Education in keeping with the law, for secure maintenance for the record.

e. Payment

Record Checks

All current and prospective employees, student teachers, contractors/vendors, volunteers, work study students and others having regular unsupervised contact with students shall pay any fee associated with obtaining and/or processing the results of criminal record and/or enrollment in the subscription service.

Criminal Records

All prospective employees, student teachers, contractors/vendors, volunteers, work study students and others shall pay for the fee for obtaining criminal record information within their respective districts as described in 16 VSA §251 seq.

Fingerprinting

All prospective employees, student teachers, contractors/vendors, and others shall pay fees for fingerprinting.

Each board shall have discretion to pay for fingerprinting of after-school personnel or shall have the discretion to pay for volunteers.

Agency of Human Services

All prospective employees, current employees, student teachers, contractors/vendors, volunteers, work study students and others having regular unsupervised contact with students shall pay any fee associated with processing of the results.