

Expanded Criminal History Checks – Certificated and Non-Certificated Employee Applicants and Employees

Section 1. Intent. It is the policy of East Allen County Schools to conduct an expanded criminal history check of any applicant for certificated or noncertificated employment before making a final offer of employment and before the applicant has any direct, ongoing contact with children within the scope of the applicant's proposed employment with the School Corporation.

Section 2. Definition of "Expanded Child Protection Index Check". The definition of "expanded child protection index check" as defined by IC 20-26-2-1.3 means:

1. An inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under IC 31-33-26-2;
2. An inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and
3. For a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

Section 3. Definition of "Expanded Criminal History Check". The definition of "expanded criminal history check" as defined by IC 20-26-2-1.5 means a criminal history background check of an individual includes:

1. A background check by a consumer reporting agency regulated under 15 U.S.C.1681 et. seq. that does not include a written, oral, or other communication of information concerning the individual's credit score, creditworthiness, credit standing, or credit capacity, but does include a:
 - A. Verification of the applicant's identity,
 - B. Search of all names associated with the applicant,

- C. Search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided,
- D. Search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state,
- E. Search of United States district court records from the districts in which the applicant resided,
- F. Check of sex offender registries in every state or the national sex offender registry maintained by the United States Department of Justice, and,
- G. Multistate criminal data base search; or
 - i. A national criminal history background check (as defined in IC 10-13-3-12); and
 - ii. A check of:
 - a. Sex offender registries in all fifty (50) states; or
 - b. The national sex offender registry maintained by the United States Department of Justice.

Section 4. Conditional Offer of Employment. Any offer of employment, whether made orally or in writing, provided to an applicant prior to the completion of an expanded criminal history check on the applicant, is not a final offer but is conditioned upon verification of a satisfactory expanded criminal history check.

Section 5. Payment of Fees Associated With An Expanded Criminal History Check. Certified and non-certified applicants are required to pay the fees associated with obtaining an expanded criminal history check.

Section 6. Current Employees Expanded Criminal History Check. The school corporation requires an expanded criminal history check on each employee of the school corporation. The checks must be conducted every five (5) years. The school corporation, will pay the costs of obtaining the subsequent expanded criminal history checks.

Section 7. Subsequent Expanded Criminal History Checks – Less than five (5) Years. An applicant or employee may not be required by a school corporation, to obtain an expanded criminal history check more than one (1) time during a five (5) year period. However, a school corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the school corporation has reason to believe that the applicant or employee:

1. Is the subject of a substantiated report of child abuse or neglect; or
2. Has been charged with or convicted of a crime listed in section 6.

Section 8. Review of Results of Expanded Criminal History Check. Human Resources will review the results of the expanded criminal history check to determine if any convictions noted would disqualify the applicant for employment with East Allen County Schools as outlined in Section 9 below. As part of this review, Human Resources will review the application for employment submitted by the applicant. Failure to answer questions truthfully regarding ones criminal history on the application will result in termination regardless of whether the dishonesty was discovered before or after a final offer of employment is made.

Section 9. Disqualifying Convictions. East Allen County Schools reserves the right to use information obtained under policy concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

1. Murder (IC 35-42-1-1).
2. Causing suicide (IC 35-42-1-2).
3. Assisting suicide (IC 35-42-1-2.5).
4. Voluntary manslaughter (IC 35-42-1-3).
5. Reckless homicide (IC 35-42-1-5).
6. Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
7. Aggravated battery (IC 35-42-2-1.5).
8. Kidnapping (IC 35-42-3-2).
9. Criminal confinement (IC 35-42-3-3).
10. A sex offense under IC 35-42-4.

11. Carjacking (IC 35-42-5-2).
12. Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
13. Incest (IC 35-46-1-3).
14. Neglect of a dependent as a Class B felony (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
15. Child selling (IC 35-46-1-4(d)).
16. Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
17. An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
18. An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
19. An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
20. An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
21. An offense that is substantially equivalent to any of the offenses listed in this section in which the judgment of conviction was entered under the law of any other jurisdiction.

Section 10. Notification of Subsequent Arrest, Charge, Conviction, or Substantiated Report of Child Abuse or Neglect. Any individual employed by the School Corporation shall notify the Director of Human Resources and the Superintendent, if during the course of the individual's employment with East Allen County Schools, the individual is arrested for or charged with an offense described in Section 8 or if they are the subject of a substantiated report of child abuse or neglect. Additionally, any employee of the school district shall notify the Director of Human Resources and the Superintendent if, during the course of the individual's employment with East Allen County Schools, the individual is convicted in Indiana or another jurisdiction of an offense described in Section 8 (excluding sealed or restricted records). All notifications must be made in writing and must be delivered within 48 hours of the arrest, charge or conviction or before the employee's next scheduled work day, whichever is sooner. Failure to comply with the requirements of this section may result in discipline up to and including termination.

Section 11. Confidentiality. Any information obtained from any type of criminal history check is confidential and shall not be released or disseminated.