



BACKGROUND CHECKS

Purpose:

The purpose of this policy is to outline the terms and conditions under which background checks are conducted. The Ranches Academy is a public charter school committed to creating an environment where students have the opportunity to reach their highest potential. The Ranches Academy believes strongly that having qualified staff and volunteers who contribute to the success of the school is essential. Background checks also serve as an important part of the selection process when hiring employees.

Policy:

- The Ranches Academy will ensure that all background checks are held in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act.
- The Ranches Academy Board of Trustees and Director reserve the right to make the sole determination concerning information or any employment decision arising out of the background check.
- The Ranches Academy requires all contractors and volunteers who have extended unsupervised access to students while working on campus to be in compliance with this policy.

For Job Candidates:

- The Ranches Academy conducts background checks on all job candidates post contingency offer, but prior to written offer. The type of information that can be collected by this agency includes, but is not limited to, a criminal background check, education, employment history, and professional and personal references. This process is conducted to verify the accuracy of the information provided by the candidate and determine his/her suitability for employment.
- All criminal background screens are conducted post-offer (contingency offer). However, as part of Title VII of the Civil Rights Act, this information cannot be used as a basis for denying employment, unless it is determined to be job-related.

Offer of Employment Process

When verbally making the offer of employment to the successful candidate, the Director must inform the candidate that the offer is contingent upon the successful results of the background check. A background check is then run for the candidate if applying for a non licensed position.

General Guidelines:

1. ASSOCIATED COSTS: Background check fees for employees, board members, and volunteers will be paid for by the individual.

2. TYPE OF BACKGROUND CHECK: The background check that is performed must include a name check, fingerprint search, and FBI database search as required by federal and state statute.

3. NEW HIRES: Background checks are required for all new hires. This includes all full-time, part-time and temporary part-time employees. The background check must be completed and results verified before any employee begins work. At no time should an employee begin work until the school has verified results of the background check.

4. REHIRES: A background check is required for all rehires that have been separated for longer than 90 days.

5. EXISTING TEACHERS: All teachers are required to have a background check as part of State re-licensing requirements.

6. VOLUNTEERS: A background check is required for any volunteer who will have unsupervised direct contact with any student of The Ranches Academy while on the school campus or while volunteering for field trips.

7. EMPLOYMENT CONTINGENCY: Background checks are to be processed after a contingent offer of employment has been extended to the applicant. Note: The offer of employment is contingent upon the successful results of the background check.

8. AUTHORIZATION BY APPLICANT: The candidate must authorize the background check. This is done by having the applicant complete the Background Authorization form. This form is available to the applicant in the front office and can be sent via email to the candidate as well.

VERIFICATION OF BACKGROUND CHECKS

Employees:

If any discrepancies or criminal history are noted, the school reserves the right to consult with the office of State Risk Management, or any other pertinent office for determination. The Director will bring anything other than a clear background check to the Board of Trustees Officers to approve before finalizing employment. An opportunity may be provided for the individual to dispute or explain any unfavorable findings. The school reserves the right to rescind any offer of employment based on the results of an applicant's background check results.

If a volunteer's background check is returned with unfavorable results, the Director will consult with a committee consisting of one board member, the director and two teachers to make a determination of the appropriate action. The school reserves the right to revoke all future volunteer opportunities if the committee determines that the background results warrant it.

NOTE: Any employee or volunteer may explain or dispute any unfavorable findings on their background check.

REQUIRED REPORTING

A licensed educator (as defined in UCA 53A-6-401), any and all other employees, and volunteers of the School (as defined in R277-516-4) who are cited, charged and/or arrested with the following alleged offenses must report the incident(s) as soon as possible, within 48 hours, using the *Educator Notification of Arrest* form (Link to form

<https://www.schools.utah.gov/file/a3e251aa-3f9e-47dd-a2c0-f598272dd7990>) to the school Director:

1. any matters involving an alleged felony, or relevant misdemeanor offenses;
2. any matters involving minors;
3. any matters involving alleged sex offenses;
4. any matters involving alleged drug-related offenses;
5. any matters involving alleged alcohol-related offenses;
6. any matters for which the subject is currently under court ordered probation; and/or
7. any matters involving alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

The employee, board member, or volunteer shall report to the school Director, any convictions, including convictions identified above, any pleas in abeyance, and any diversion agreements as soon as possible, within 48 hours, upon receipt of notice of conviction, plea in abeyance, or diversion agreement using the *Educator Notification of Arrest* form.

The Director shall report arrest, conviction, or offense information to the Board of Trustees as legally allowed by law, on all employees, board members, and volunteers.

The Director shall report arrest, conviction, or offense information received from **Licensed Educators** to the Educator Licensing Department of the Utah State Office of Education (USOE, State Board or UPPAC) within 48 hours through forms found on the USOE website (UPPAC page of the Educator Licensing Department).

The employee shall report for work following an arrest and notice to the Director unless directed not to report for work by administration. Volunteers may report for volunteering activities following an arrest and notice to the Director unless directed not to report for volunteering activities by administration.

The school may take employment or disciplinary action (up to and including dismissal), refuse to consider an applicant for employment, or refuse to hire a selected applicant for any offense relevant to the applicant's assignment, refuse appointment to or dismiss a current member of the Board of Trustees, or refuse to grant volunteering privileges to volunteers. Offenses relevant to all school assignments include, but are not limited to, the following:

1. Any matters involving an alleged felony, or relevant misdemeanor offenses;
2. Any matters involving minors;
3. Any matters involving alleged sex offenses;
4. Any matters involving alleged drug-related offenses;
5. Any matters involving alleged alcohol-related offenses;
6. Any matters for which the subject is currently under court ordered probation; and
7. Any matters involving alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

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