

**EMPLOYEE CRIMINAL BACKGROUND CHECK**

It is the policy of the board to only employ individuals who do not have a "disqualifying record." Each offer of employment is subject to the provisions of SDCL 13-10-12, et seq., relating to criminal background investigations. This policy shall apply to all individuals employed for the 2000-2001 school year and thereafter, who were not employed by the district during the preceding school year. An employee is any person the district lists on its payroll and makes payroll deductions pursuant to state or federal law.

***(NOTE: It is recommended that the district require in its contracts that all service providers having contact with children conduct criminal background checks meeting the requirements of this policy and to certify compliance in writing to the district.)***

Each person considered a final applicant for employment shall be provided with a memo to and certification form for completion by the law enforcement agency as provided in Exhibit File GCDB-E/GDDB-E, together with fingerprint identification cards approved by the South Dakota Division of Criminal Investigation, and an envelope, postage prepaid, addressed to the South Dakota Division of Criminal Investigation, 500 East Capitol Avenue, Pierre, South Dakota 57501. The final applicant shall take the fingerprint cards, the memo, and the addressed, stamped envelope to a law enforcement agency and submit to the fingerprinting process. The final applicant must also provide to the law enforcement agency a check or money order made out to the South Dakota Division of Criminal Investigation in the amount of \$39.25. The final applicant's completed application will be attached to the certification of the law enforcement agency when received.

Any person granted employment subject to this policy is employed on a temporary basis conditioned upon no disqualifying report being received from the criminal background investigation. Any disqualifying record will result in immediate termination of employment without further notice or hearing. A "disqualifying record" means any conviction of a crime of violence as defined in SDCL 22-1-2(19), a sex offense as defined in SDCL 22-22-30, or trafficking in narcotics. *Options A, B, and C may be included individually or all three may be included:*

***Option A - Conviction of any crime of moral turpitude as defined by SDCL 22-1-2(25) may constitute a disqualifying record as determined by the board on a case-by-case basis.***

***Option B - Any criminal conviction not disclosed by an applicant may be treated as a disqualifying record.***

***Option C - Any criminal conviction may be considered in making a hiring decision.***

An applicant for employment subject to this policy shall provide to the law enforcement agency performing the fingerprint process cash, check, or money order in an amount necessary to cover the costs of the criminal record check (that amount is currently \$39.25). The successful applicant shall be reimbursed the cost for such background check in the event that no disqualifying record is identified.

This policy shall not apply to persons performing services for the district under the authority of the South Dakota High School Activities Association.

This policy applies to all other employment agreements, whether written or oral.

LEGAL REFS: 13-10-12; 13-10-13; 13-10-14; 13-10-15; 13-10-16

Adoption date: October 8, 2007