

POLICY:BACKGROUND INVESTIGATIONS

J PAUL TAYLOR ACADEMY

www.jpaultayloracademy.org

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J. Paul Taylor Academy (JPTA) employees, applicants offered employment, volunteers, contractors, and any other individuals having unsupervised student contact, are subject to work history, education history, and background checks. All offers of employment, volunteer positions, and all contracts with independent contractors whose employees have unsupervised student contact are contingent upon the satisfactory completion of an FBI fingerprint background check obtained through JPTA's Originating Agency Identification (ORI) Number. Prospective employees, volunteers, and contractors shall not begin working or volunteering unsupervised in the school before background checks are reviewed and cleared. Background checks shall be maintained by the school for each of these individuals (Section IV). The school reserves the right to limit or deny any individual access to students within JPTA unless legal mandate states otherwise. The school may require a background check for other individuals interacting with students within the context of the school.

Volunteers must complete a Volunteer Application and have a photo on file with the school. The Form requires a signature that he or she will follow all designated JPTA rules and policies.

New educators initially applying for licensure are responsible for submitting all application requirements to the New Mexico Public Education Department (NMPED) Licensure Bureau, including and paying for a request for an FBI background check. This process shall be separate from JPTA's requirement of a pre-employment background check for employment.

JPTA shall be financially responsible for all pre-employment background checks.

Criminal convictions shall not automatically bar an applicant from obtaining employment with JPTA but pursuant to the Criminal Offender Act, NMSA 1978, Sections 28-2-4, and NMSA 1978, Section 22-10A-5, may be the basis for refusing employment or volunteer positions. Offenses warranting disqualification for employment and volunteering include abuse against a child and trafficking in controlled substances. Nonviolent misdemeanors will be reviewed and determined whether allowable by the Executive Director. Any individual who is denied access to employment or student access may challenge the validity of the background check. If the status of the background check changes, he or she may request another review by the Executive Director.

The Executive Director may also conduct the referenced background investigations of incumbent employees, volunteers, and contractors if he or she becomes aware of facts, circumstances, and/or conduct that give rise to a reasonable suspicion, that undisclosed aspects of the individual's background might disqualify him or her to continue employment with or services to the School. The Executive Director shall have the authority and responsibility for developing procedures related to the management of background investigations.

Criminal History Record Information (CHRI) / Background Checks

- I. JPTA shall maintain compliance with New Mexico Department of Public Safety Automated Fingerprint Identification System (AFIS) User Agreement regarding the Criminal History Record Information (CHRI)/criminal background checks.
- II. Purpose: Background checks shall only be used within the parameters of JPTA written policy and in compliance with any applicable state and federal laws and rules.

- III. AFIS and CHRI System Access:
- a) The Executive Director shall serve as the Agency Head and Agency Contact for the CHRI system. The Executive Director may assign other CHRI users or designate a different Agency Contact.
 - b) Any employee who accesses the CHRI system shall have a background check on file and shall not have any felony convictions. Such convictions shall result in denial of CHRI access.
 - c) Prior to accessing the CHRI system, each employee granted access shall have completed all necessary NMDPS trainings, sign a "User Rules of Behavior Acknowledgement Form," and sign a statement that he or she has read and shall comply with the JPTA Criminal History Record Information (CHRI) / Background check policy (this policy). These signatures are to be kept on file with the CHRI information.
 - d) Only the Executive Director or his or her designee may access CHRI information through the Cogent ID system. The password that is used to access the Cogent ID CHRI information system shall be kept confidential by all employees who have CHRI access.
- IV. Retention of CHRI Records:
- a) JPTA Employees:
 1. Criminal background checks that are associated with a JPTA employee shall be kept within that employee's file.
 2. Only the Executive Director, his or her designees, and the employee (View only or copy) have access to an employee's file.
 3. These records shall be locked in a fireproof file cabinet within the School's office.
 4. A certified teacher's file is kept on record for 55 years as JPTA is the "personnel department" for this individual. Subsequently, the background check is kept on file for the 55-year duration.
 - b) Non-JPTA Employees: CHRI/criminal background check information for non-JPTA employees shall be kept for no more than two years after the last school year in which that individual participates in any school activities." These records shall be kept by the Director in a locked fireproof cabinet within the School's office.
- V. Maintenance of CHRI Background Check Records:
- a) Any CHRI or criminal background information that is to be removed/destroyed must be either shredded or incinerated by the Executive Director. This information shall be tracked.
 - b) No confidential CHRI/criminal background check information will be kept on a computer/digital device.
- VI. Tracking CHRI Background Check Records:
- a) A file shall be maintained that lists any individual for whom background information is kept. This list shall indicate:
 - 1) The date that CHRI/ criminal background check information was obtained,
 - 2) the reason for the check,
 - 3) will not disclose any information from the background check, and
 - 4) the school shall track the number of individuals who have:
 - i. a state "hit,"
 - ii. FBI "hit,"
 - iii. or are denied employment/volunteering because of their background check.
 - b) An individual may request in writing for a copy of his or her background check. Upon written request from an individual, he or she may ask JPTA to send a copy of a background check directly to another public school if 1) the background check is

- less than two years old and 2) the background check was obtained by JPTA (with JPTA's ORI number).
- c) Each dissemination of a CHRI record shall be tracked, indicating to whom it was sent, the date and a copy of the signed release by the individual who requested a release of his or her record.
 - d) If JPTA receives a copy of a background check for whom the school has not requested or an individual whom we have no application, the record shall be destroyed within 1 week of receipt. A one-time reasonable effort shall be made to contact the individual.
- VII. Misuse of CHRI Background Checks: Background checks shall not be used for any reason other than that allowed by state statute or federal code. Such use outside this parameter is considered intentional misuse. If CHRI information is intentionally or unintentionally misused:
- a) reasonable effort will be made to contact individual(s) whose information has been compromised,
 - b) any criminal activity shall be reported to local authorities,
 - c) any intentional misuse shall be reported to the Department of Public Safety,
 - d) any misuse by a school staff member will be investigated by the Executive Director or Governance Council and disciplinary action may be imposed accordingly.

Legal References: NM HB431; 28-2-4 NMSA 1978; 22-10A-5 NMSA 1978; 14-2-1 NMSA