

Rutland Windsor Supervisory Union Ludlow Elementary School District Mount Holly Elementary School District Plymouth School District Union #39 School District	PERSONNEL RECRUITMENT, SELECTION, APPOINTMENT AND CRIMINAL RECORDS CHECK	Policy D1
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Policy

It is the policy of the Rutland Windsor Supervisory Union, Ludlow Elementary School District, Mount Holly Elementary School District, Plymouth School District, and Union #39 School District (hereinafter “District”) to select for employment only persons of good character who have the skills and other qualifications necessary to fulfill job requirements while complying with the provisions of state law regarding the recruitment, selection and employment of school district employees and contractors.

I. Definitions

Persons subject to criminal records checks under this policy include all those recommended for full-time, part-time or temporary employment in the District, including student teachers, and those contractors and employees of contractors (unless otherwise exempt from such checks by law) who may have unsupervised contact with students. Persons employed by a public or independent school as of July 1, 1998 shall not be subject to the criminal record check provisions unless they ceased to be employed by a Vermont public or independent school for a continuous period of one year or more after that date.

II. Recruitment

- A. The Board is committed to securing the services of the best personnel available. Only individuals who meet applicable state licensing requirements will be employed.
- B. The Board encourages minority applicants in accordance with its policy pertaining to non-discrimination (see C6). The District will attempt to provide an educational experience enhanced by the professional contributions of representatives of different races, physical conditions, sexes, ethnic backgrounds and age groups.
- C. Written or electronic applications will be required of candidates for employment. The application will include a statement to be signed by the candidate listing the dates, locations and dispositions of any convictions, including findings of guilt, pleas of nolo contendere or guilty, for criminal violations. The application will also include a warning to the applicant that falsification of information on the application or during the application process will be grounds for dismissal if the applicant is hired.

III. Selection

- A. It is the policy of the Board to select employees solely on the basis of character, professional qualifications, and critical job requirements. Employees will be selected in a manner that does not unlawfully discriminate on the basis of race, age, marital status, color, sex, sexual orientation, gender identity, religion (creed), disability, ancestry or national origin. The use of seniority or years of experience as a selection criterion is permissible and does not constitute age discrimination.
- B. The Superintendent shall require that all applicants, as a condition of employment consideration, cooperate fully with background investigations, supplying references and releases so the District can contact previous employers. Applicants the Superintendent is prepared to recommend for employment will be expected to provide fingerprints, releases and other information necessary to

conduct criminal record background investigations. The costs of such checks will be borne by the (prospective employee) or (the School District). All offers of employment will be conditioned upon completion of the background investigation and a finding that the information provided by the application during the pre-employment process was accurate, complete and truthful.

- C. The Superintendent will request a criminal records check through the Vermont Crime Information Center (VCIC) on any candidate he or she is prepared to recommend for appointment. Requests will be made for fingerprint-supported criminal records from the FBI as well as criminal records from the state of Vermont and any state in which the Superintendent has reason to believe the applicant has resided or been employed. The Superintendent shall maintain such records in accordance with state law.
- D. Employment conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions about criminal activity or prior employment. In any event the Superintendent shall forward the information received from VCIC to the person about whom the request was made and inform the person of their rights to challenge the accuracy of the record and to determine the disposition of the record under 16 V.S.A. §§255(f), (g).
- E. Providing a safe learning environment for students is a primary consideration in District employment decisions. The District will base such decisions on all relevant information, qualifications, and circumstances. Unfavorable background check information is not an automatic bar to employment, nor is a background check with no unfavorable information a guarantee of employment.
- F. The Board will interview candidates for licensed administrative positions and department heads.

Appointment

- A. The appointment of licensed and non-licensed employees will be made by the Board upon the recommendations of the Superintendent of schools.
- B. The authority to hire non-licensed staff may be given to the Superintendent by the board. This authority will be reviewed yearly by the board.
- C. Contracts of employment or other notification of employment will be conditional pending receipt of criminal records check information and evaluation of that information.
- D. Upon completion of a criminal records check, the Superintendent shall:
 - I. notify the person subject to the check about the District’s protocol for maintenance of criminal history files, and
 - II. ask the person subject to the check to indicate if his or her record should be maintained or destroyed after the retention period specified in the District’s user agreement with VCIC.
- E. Teachers who have been employed for fewer than two years in Vermont public schools are considered probationary teachers and may be offered a probationary contract.
- F. All offers of employment may be withdrawn based on the criminal records check report or upon a finding that the information provided by the applicant during the pre-employment process was inaccurate, incomplete or untruthful.

Legal Reference(s): 4 VSA §1102(b)(8) (Unauthorized Disclosure), 16 VSA §§251 et seq (Criminal Records Checks), 16 VSA §563(12) (Responsibility For Hiring), 20 VSA §§2062, 2063 (Fees), 20 VSA §2056c (Dissemination of Criminal History)

District:	Reviewed only	Date Warned	Date Adopted	Replaces Policy
Rutland Windsor Supervisory Union		April 23, 2008	August 7, 2008	D1
Ludlow Elementary School District		March 21, 2008	April 2, 2008	CN
Mount Holly School District		March 24, 2008	April 21, 2008	CA
Plymouth School District		February 29, 2008	April 7, 2008	CA
Union #39 School District		March 24, 2008	April 16, 2008	CA