

Policies

Westerly Public Schools Background Investigation Check

No. 4180
page 1 of 2

Based on Chapter 16-2 of the Rhode Island General Laws and the Code of Federal Regulations of the U.S. Department of Labor, I recommend the following Background Criminal Investigation Policy for Westerly Public Schools:

Criminal records review policy

(a) Any person seeking employment or volunteering with Westerly Public Schools who has not previously been employed by a private school or public school department in Rhode Island during the past twelve (12) months shall undergo a national and state criminal background check to be initiated prior to or within one week of employment after receiving a conditional offer of employment; provided, however, that employees hired prior to August 1, 2001 and/or who have been continuously employed by a public school department in Rhode Island during the past twelve (12) months shall undergo a state criminal background check. If an applicant for employment has undergone a national and state criminal records check up to twelve (12) months prior to an application for employment the employee shall provide (from the bureau of criminal identification or local police department) a letter indicating the presence or absence of disqualifying information.

(b) The applicant shall apply to his/her state or local police department where he/she resides for a national and state criminal records check; provided, however, those out-of-state applicants shall apply to the Westerly RI Police Department. Fingerprinting is required. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the employer in writing that disqualifying information has been discovered.

(c) An employee against whom disqualifying information has been found may request that a copy of the criminal background report be sent to Westerly Public Schools where the employer shall make a judgment regarding the employment of the employee.

(d) In those situations in which no disqualifying information has been found, the bureau of criminal identification shall inform the applicant and the employer in writing of this fact.

(e) "Disqualifying Information" means those offenses listed in § 23-17-37, and those offenses listed in §§ 11-37-8.1 and 11-37-8.3.

(1) **§ 23-17-37 Disqualifying information**

(a) Information produced by a criminal records review pertaining to conviction, for the following crimes will result in a letter to the employee and employer disqualifying the applicant from employment: murder, voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery, rape, burglary, or

Policies

Westerly Public Schools Background Investigation Check

No. 4180
page 2 of 2

the abominable and detestable crime against nature) felony assault, patient abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug offenses, larceny, or felony banking law violations. An employee against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the continued employment of the employee.

(b) For purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a sentence of probation and those instances where a defendant has entered into a deferred sentence agreement with the attorney general.

(2) **§ 11-37-8.1 Definition of guilt first degree child molestation sexual assault.** A person is guilty of first degree child molestation sexual assault if he or she engages in sexual penetration with a person fourteen (14) years of age or under."

(3) **§ 11-37-8.2 Penalty for first degree child molestation sexual assault.** Every person who commits first degree child molestation sexual assault shall be imprisoned for a period of not less than twenty (20) years and may be imprisoned for life.

(f) The applicant shall be responsible for the costs of the national and state criminal records check. Volunteers shall contribute \$5.00 towards the costs of the national and state criminal records check; the balance shall be the responsibility of Westerly Public Schools.

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