

CRIMINAL HISTORY INFORMATION

Employees

To help ensure a safe environment, it is the policy of the Lafayette School Corporation to require each applicant who is a finalist for employment to submit to an “expanded criminal history check” and an “expanded child protection index check”. The requirement for an expanded criminal history check and child index check also applies to employees hired on an adjunct contract, volunteer coaches, and persons who will be driving vehicles that the school corporation owns or leases.

“Expanded criminal history,” as defined in I.C. 20-26-2-1.5 “means a criminal history background check of an individual that includes but is not limited to: a search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided; a search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state; and a check of the sex offender registries in all fifty (50) states or the national sex offender registry maintained by the United States Department of Justice; or a national criminal history background check (as defined in I.C.10-13-3-12); and a check of the sex offender registries in all fifty (50) states or the national sex offender registry maintained by the United States Department of Justice.” If the vendor providing the expanded criminal history check offers more than one type of background check, the district will evaluate all types offered and determine which check will best protect students. (I.C.20-26-5-10)

“Expanded Child Protection Index” as defined in I.C. 20-26-2-1.3 “means an inquiry with the department of child services as to whether an individual has been the subject of substantiated report of child abuse or neglect and is listed in the child protection index established under IC 31-33-26-2; an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and for a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.”

For purposes of this policy, the applicant that is a finalist for employment means any individual who is seeking to enter into a contract or seeking board approval to provide services to the school corporation and who is likely to have direct, ongoing contact with children as a result of the individual’s position. The term includes but is not limited to bus drivers, lay coaches, and present employees who are applying for positions that are in a different job classification within the corporation.

Each applicant for employment will be questioned about the applicant’s expanded criminal history, on the corporation’s application. Failure to answer honestly any questions related to the

expanded criminal history may be cause for termination or a withdrawal of any offer of employment. A school employee of LSC shall contact references and, if applicable, the most recent employer provided by a prospective employee, before the school corporation may hire the prospective employee.

Each applicant who is a finalist for employment must submit to an expanded criminal history check and child index check through a process that meets state requirements and is approved by the administration. Results of the expanded criminal history check will be reviewed by the Lafayette School Corporation and may result in the withdrawal of an employment offer or termination of employment.

The applicant who is a finalist for employment is responsible for all costs associated with obtaining the expanded criminal history check and child index check. In certain circumstances, the Lafayette School Corporation may take responsibility for the costs associated with obtaining an expanded criminal history check. Any conviction of certain crimes enumerated in state law will be grounds for not hiring an applicant.

LSC shall require an expanded criminal history check on each employee who is likely to have direct and ongoing contact with children every five (5) years and may require updated expanded child protection index checks (defined at IC 20-26-2-1.3) for current employees every five (5) years. The corporation may obtain an expanded criminal history check or an expanded child index check at any time if the corporation has reason to believe that the employee is the subject of a substantiated report of child abuse or neglect or has been charged or convicted of certain crimes enumerated in state law.

All school employees are required by state law to report convictions of certain crimes enumerated in state law and any substantiated report of child abuse or neglect of which the employee is subject to the corporation within two (2) business days of the occurrence to the Director of Human Resources.

Employees of Contracted Service-Providers

To help ensure a safe environment, it is the policy of the Lafayette School Corporation that any entity that has a contract to provide services to the corporation, and whose employees have direct, ongoing contact with children when performing those services for the school, must provide to the corporation expanded criminal histories for such employees. The entity and/or the entity's employees is/are responsible for all costs associated with obtaining the expanded criminal histories. Any conviction of certain crimes enumerated in state law will be grounds to not contract with an entity or its employees. The entity and/or the entity's employees are required to report convictions of certain crimes enumerated in state law and any substantiated report of child abuse or neglect within two (2) business days of the occurrence to the Director of Human Resources. The superintendent or designee is responsible for implementing regulations to notify contracted services vendors of this duty.

Volunteers from an Approved Community Agency

To help ensure a safe environment and embrace community partnerships, it is the policy of the Lafayette School Corporation that volunteers organized by an approved outside community agency for services with the Lafayette School Corporation will be subject to a limited criminal background check. Volunteers from an approved community agency will work under the direction and supervision of LSC employees. Limited criminal history checks contain felonies and Class A misdemeanors arrests within the state of Indiana. However, information about any arrest, indictment, information, or other formal criminal charge which occurred less than one (1) year before the date of a request shall be considered a limited criminal history, even if no disposition has been entered. Volunteers from an approved community agency are expected to report convictions of certain crimes enumerated in state law and any substantiated report of child abuse or neglect within two (2) business days of the occurrence to the Director of Human Resources. The superintendent or designee is responsible for implementing regulations to notify volunteers of this duty. Volunteers from an approved community agency may be denied access to Lafayette School Corporation schools due to their criminal history.

Individual Volunteers

To help ensure a safe environment and to encourage family participation in LSC schools, it is the policy of the Lafayette School Corporation that Individual volunteers who will have direct and ongoing contact with Lafayette School Corporation students will be subject to an Expanded criminal history check as defined in I.C.20-26-5-10. Individual volunteers will work under the direction and supervision of LSC employees. The individual volunteer is responsible for all costs associated with obtaining the expanded criminal history check. Expanded criminal history checks are valid for two years and can only be renewed through an additional full expanded criminal check. Volunteers are expected to report convictions of certain crimes enumerated in state law and any substantiated report of child abuse or neglect within two (2) business days of the occurrence to the Director of Human Resources. The superintendent or designee is responsible for implementing regulations to notify volunteers of this duty. Volunteers may be denied due to their criminal history.

Confidentiality and Lawful Disclosure

The information obtained from a limited check, expanded criminal history, or child index check shall be treated confidentially and shall not be released or disseminated except according to Indiana law, court order, Indiana Department of Education requirements, or to protect the best interests of the Lafayette School Corporation.

The Lafayette School Corporation will disclose to another school requesting an employee reference any incident known for which the employee or former employee was arrested, charged or convicted of a crime, under court supervision as a result of a crime, is subject of a protective order, or named as a defendant in a civil action affecting the safety of students if the employee is likely to have direct ongoing contact with children in their new employment. The Lafayette School Corporation will also disclose to another school requesting an employee reference any incident involving the employee or former employee that resulted in a substantiated report of child abuse or neglect if the employee is likely to have direct, ongoing contact with children within the scope of their new employment. (I.C. 20-25-5-11.5)

Legal References: I.C. 20-26-2-1.5
I.C. 20-26-5-10
I.C. 20-26-5-11.2
I.C. 20-26-5-11.5

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