

Christine Duncan's Heritage Academy

Background Check Policy

1. Purpose: The purpose of this Policy is to assure compliance with all applicable laws regarding background checks, as well as, to help ensure the safety of CDHA ("CDHA" or "School") students and employees.
2. Definitions.
 - a. "Background Check" or "Background Investigation" means the process, in compliance with all applicable laws, by which a person is reviewed for eligibility for unsupervised access to students.
 - b. "Ethical Misconduct" means unacceptable behavior or conduct engaged in by a licensed school employee and includes inappropriate touching, sexual harassment, discrimination, and behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.
 - c. "School Employee" or "Employee" means any licensed or non-licensed employee of CDHA. For the purposes of this Policy only, the terms also refer to a person who has been offered employment, as well as a contractor or a contractor's employee who will have unsupervised access to students at CDHA.
 - d. "School Volunteer" or "Volunteer" means any person who has completed the required process to provide uncompensated services to the School and who will have unsupervised access to students at CDHA.
3. Background Checks.
 - a. CDHA shall conduct background checks of all persons who may have unsupervised access to students, such as licensed and non-licensed staff, regular volunteers, and contractors as required by law.
 - b. For employees licensed through the Public Education Department (PED), the background check shall be conducted as prescribed by the PED. Each employee is responsible for any cost associated with requesting and processing a background check. The school will reimburse for the background check fee for employment, not for initial licensure.
 - c. For employees not licensed by the Public Education Department, the background check may consist of:
 - i. Professional or personal reference checks;
 - ii. Confirmation of education or certificates (if applicable);
 - iii. A criminal background check;
 - iv. Driving record history; and/or
 - v. Any other information or data, as allowed by law, deemed required by the School.

- d. Employees are authorized to have unsupervised access to students based on satisfactory background check results. All offers of employment are contingent upon a satisfactory background check.
 - e. Convictions of felonies or misdemeanors contained in the records provided by the Department shall be used in accordance with the Criminal Offender Employment Act (New Mexico Statutes Annotated 1978, Chapter 28, Article 2) and except as provided in this policy, any such convictions shall not serve as an automatic bar to employment unless required by law.
 - f. A finding in a background check related to child abuse or neglect or a finding related to criminal sexual penetration or contact shall unconditionally preclude a person from becoming or remaining an employee or volunteer at CDHA.
 - g. Background checks are kept on file for twenty-four months following separation from CDHA.
 - h. Once employed or contracting with CDHA, all employees must self-report to the Head Administrator any arrest, charge and/or conviction of a criminal offense other than a minor traffic infraction. Failure to do so may result in discharge or termination of the employee.
 - i. School officials, who in the course of their background checks of employment applicants, discover that a licensed applicant or applicant pending a license has a conviction of a felony or misdemeanor of moral turpitude that results in any kind of action against that individual, shall share that information with the professional licensure and educator ethics bureaus of the PED. 6.60.8.9(D) NMAC (2006).
4. Investigations of Ethical Misconduct. The Head Administrator or her designee(s) shall investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated, or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing the Head Administrator or her designee(s) shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the PED and to the licensed school employee within thirty days following the separation from employment. Copies of that form shall not be maintained in the School's records. No agreement between a departing licensed school employee and the School shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, and any such agreement to the contrary is void.

Revised and Adopted by the CDHA Governing Board on February 12, 2020.