

TIMBERLANE POLICY COMMITTEE RECOMMENDATIONS TO THE SCHOOL BOARD FIRST READ

1 EI RISK MANAGEMENT

The policy was remanded back to the Policy Committee by the School Board as it was not put before the PC first. Changes are reflective of the risk pool management program the district participates in. PC recommends changes.

2 GBCD BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

Newly revised policy to conform to changes in law.) PC recommends changes and added mandatory checks for volunteers under the volunteer section.

3 ABA VOLUNTEER INVOLVEMENT

While reviewing GBCD, the PC also reviewed associated policy ABA and recommends re-affirming.

4 IJOC VOLUNTEERS

While reviewing GBCD, the PC also reviewed associated policy IJOC and recommends adding a reference to chaperones.

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RISK MANAGEMENT

The Board will annually re-affirm, at the March organizational meeting, a comprehensive plan for Risk Management to protect the financial resources of the district, preserve its ability to provide an educational program, and protect individuals from personal loss as a result of carrying out their responsibilities for the district.

Administration of this Board policy will be under the direction of the Business Administrator for property and liability, and the Director of Human Resources for employee coverages. Administration is charged with responsibility to regularly evaluate exposures, develop strategies to control losses, place insurance coverage, maintain property appraisals and inventories, process claims, maintain loss records, and supervise loss prevention activities.

The Board ~~will~~ *may* assume the risk of property damage, legal liability, and dishonesty in all cases in which the exposure is so small or dispersed that a loss would not significantly affect the operations or financial position. The Board will institute a planned, funded program of self-insurance where risks can be reasonably predicted, combined with excess insurance against catastrophic loss.

The Board may also participate in a pooled risk management program. The pooled risk management program may be utilized for: the defense of claims and indemnification for losses arising out of the ownership, maintenance, and operation of real or personal property and the acts or omissions of school officials, school employees, or agents of the school district; the provision of loss prevention services including, but not limited to, inspections of property and the training of personnel; and the investigation, evaluation, and settlement of claims by and against the school district. Membership in a pooled risk management program will conform to the provisions set forth in RSA 5-B and related statutes.

Legal Reference:

RSA 194:3, III Powers of Districts
RSA 194:5-B:6 Declaration of Status Tax Exemption, Liability

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BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

Background Investigation

The Superintendent, or his/her designee, will conduct a thorough investigation into the past employment history, criminal history records, and other appropriate background of any applicant as defined in this policy. This investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, or approving the assignment of an employee of a contractor, a student teacher, or designated volunteer to work within the District.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done. For the purposes of this policy the term "applicant" shall include an applicant for employment by the District, an individual with whom the District may contract to provide services directly to students, any person identified by a contractor with the District whom the contractor proposes to assign to provide services directly to students, student teachers who are proposed to be placed in a District school, and designated volunteers. All applicants will be subject to a criminal records history check meeting the minimum requirements of law, however, the Superintendent's protocol may specify additional background check steps for specific groups of employees, such as verifying the educational achievements and employment history of an applicant for a teaching position. The Superintendent's protocol shall include a list of felonies and misdemeanors, in addition to those specified in RSA 189:13-a, V, convictions of which shall be disqualifying. The protocol shall require that an analysis be conducted of any pending charges or convictions for crimes not on the statutory list of disqualifying offenses to determine whether the applicant should be disqualified. The protocol shall take into consideration the time which has passed since the conviction, the facts and circumstances of the charge or conviction, evidence of successful rehabilitation and an extended period of lawful behavior. For charges pending disposition for offenses not on the statutory list of disqualifying offenses, which the applicant discloses or which come to light during the background check, the presumption of innocence shall apply, however, the Superintendent shall consider all reliable information in assessing the applicant's suitability. The Superintendent shall assess whether, in light of the totality of the circumstances, the pending charges or convictions raise reasonable cause to doubt the applicant's suitability for the position.

As part of the application process, each applicant shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or notified that he or she will not be hired. The falsification or omission of any information on a job application, during the pendency of the application, or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be

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~~grounds for disqualification from consideration for employment or immediate discharge from employment.~~

~~Any applicant for whom the Board requires a criminal history records check or their employer in the case of an employee of a contractor shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the criminal history records check, unless otherwise determined by the Board.~~

~~The Superintendent, or his/her designee, shall conduct an investigation into the past employment history, and other applicable background, of any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.~~

~~The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done.~~

~~As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.~~

~~Any person for whom the Board requires a criminal background check shall pay all fees and costs associated with the fingerprinting process and /or the submission or processing of the requests for the criminal record check, unless otherwise determined by the Board.~~

Criminal Records Check

~~Each applicant must submit to a background check and a criminal history records check with the State of New Hampshire, including FBI national records. Refusal to provide the required criminal history records release form and any other required releases to authorize a background check will result in immediate disqualification and no further consideration for the position.~~

~~Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.~~

~~Persons regularly in contact with students means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.~~

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~~The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.~~

Volunteers

~~Designated volunteers are subject to a background investigation/criminal records check will be required to undergo a background check and criminal history records check and the provisions of this policy.~~ “Designated Volunteers” are defined and so designated pursuant to Policy IJOC.

Volunteers not categorized as “Designated Volunteers” per Policy IJOC will not be subject to a background investigation or criminal records check.

Conditional Employment

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal state and FBI Criminal Records Check process and has completed a background investigation.

~~Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her employment or approval to work within the District as a contractor or employee of a contractor is entirely conditioned upon the results of a criminal history records check and background check being satisfactory to the District.~~

~~Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the District.~~

~~All persons employed under a conditional offer of employment may be covered under the District’s health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.~~

Final Offer of Employment

~~A person who has been extended a conditional offer of employment or conditional approval to work within the District as a contractor or employee of a contractor may be extended a final offer of employment or final approval upon the completion of a criminal history records check and a background check which is satisfactory to the Board.~~

~~No person with a conditional offer of employment shall be extended a final offer of employment if such person has charges pending or has been convicted of any crime listed in~~

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RSA 189:13-a, V; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed as disqualifying in pertinent and applicable law, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any crime, either a misdemeanor or felony, provided the basis for disqualifying the candidate is job related for the position in question and is consistent with business necessity. Such determination will be made by the Superintendent in accordance with the established protocol and on a case-by-case basis. If the Superintendent chooses to nominate an applicant who has a history of conviction of a crime or with pending charges for a position that must be approved by the School Board, the School Board shall be informed of that history in non-public session.

The Superintendent, or designee, will transmit each applicant's Criminal Record Release Authorization Form and, where inked cards are used, the applicant's fingerprint cards to the State Police. The State Police will then conduct the criminal history records check and will provide the Superintendent with the applicant's criminal history record or confirmation that the individual does not have a record of being charged with or convicted of a crime. In accordance with RSA 189:13-a, III, only the Superintendent will review the criminal history record received from the State Police and shall destroy that document as required by law.

When the District receives a notification of an employee, contractor, contractor's employee, or volunteer being charged with or convicted of a disqualifying offense under RSA 189:13-a, the Superintendent's protocol, or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to and immediately discharged. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment agreement or contract to address the individual's ongoing relationship with the District.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

~~A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records Check which is satisfactory to the Board.~~

~~No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of the following offenses, as referenced in RSA 189:13-a, V.: (1) murder, or (2) child pornography, or (3) aggravated felonious sexual assault, (4) felonious sexual assault, (5) kidnapping, (6) manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on school property,~~

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~~or (7) sexual misconduct within an education setting in this state; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.~~

~~In addition to the felonies listed above, a person may be denied a final offer of employment if s/he has been convicted of ANY felony. Such a determination will be made by the Board, on a case-by-case basis.~~

~~The Superintendent, or designee, will transmit relevant documents to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the District whether the record of said selected applicant or volunteer contains any felony convictions.~~

~~When the District receives a Criminal Records Check on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four hours (24) of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.~~

~~Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he or she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.~~

Additional Criminal Records Checks

The Board may require a criminal history records check of any employee, an individual with whom the District has contracted to provide services directly to students, any person identified by a contractor with the District who has been assigned to provide services directly to students, student teachers who are placed in a District school, and designated volunteers at any time.

~~The Board may require a Criminal Records Check of any employee at any time.~~

Legal Reference:

*RSA 189:13-a School Employee and Volunteer Background Investigations
 Technical Advisory, School Employee Background Investigation, Including a Criminal History Records Check, N.H.
 Department of Education, Adopted July 28, 1997*

NHSBA note, September 2017: This policy is revised to conform with the changes to RSA 189:13-a enacted by House Bill 556, Laws of 2017, Chapter 245. These changes require the District to assess whether convictions for felonies or misdemeanors, which are not on the list of disqualifying crimes in state law, are nonetheless disqualifying and to perform the background and criminal history record checks on contractors, employees of contractors, and student teachers, who will be providing services directly to students.

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VOLUNTEER INVOLVEMENT

The Board shall encourage the involvement of citizens to fulfill the mission of the schools, consistent with policy IJOC.

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<p>Adopted: 07-22-99 Revised: 02-24-05 Revised: 05-20-10 Revised: 10-20-11 Revised:</p>	<p>Page 1 of 2</p>

VOLUNTEERS

The District recognizes the valuable contribution made to the total school program through the volunteer assistance of parents and other citizens. The Superintendent or his/her designee shall be responsible for developing and implementing procedures for the utilization of volunteers. School district employees who desire the assistance of a volunteer should request a volunteer through proper administrative channels.

Designated Volunteers

Designated volunteers will be required to undergo a background investigation and a criminal records check. "Designated volunteer" means any volunteer who:

1. Comes in direct contact with pupils without the presence of a professional staff member;
2. Meets regularly with students;
3. Meets with students on a one-on-one basis;
- ~~3.4. Serves as a chaperone on a school trip;~~
- 4.5. Any other volunteer so designated by the School Board or Superintendent.

Designated volunteers are subject to the provisions of Policy GBCD – Background Investigation and Criminal Records Check.

Volunteer Duties

Selected volunteers will serve in the capacity of assistants and not be assigned to roles which require specific professional training. Instructional services shall be rendered under the supervision of certified staff.

All volunteers will sign a confidentiality agreement, and refrain from discussing the performance or actions of a student except with the student's teacher, counselor, Principal, or other school district who has a legitimate educational purpose for discussing such information. The confidentiality agreement is included as appendix IJOC-R.

Assignments shall be limited to assisting staff members with duties such as routine supervisory, tutorial, clerical, housekeeping and material preparation tasks. Assignment shall be limited to situations that may be supervised by a certificated staff person.

In some instances, volunteers may perform clerical and material preparation tasks away from the school site.

Volunteers with special talents, hobbies or experiences may share those with students on a scheduled basis in a suitable educational setting.

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Volunteers will refer to their immediate supervisor or other regular staff member for final solution of any student problems which arise, whether of an instructional, medical or operational nature.

Volunteers will receive orientation, including (1) general job responsibilities; (2) information about school facilities, routines, and procedures, including safety and evaluation; (3) work schedule and place of work; and (4) expected relationship to regular staff.

Volunteers will receive appropriate training at the building level, consistent with their tasks and existing District standards. This training shall be developed under the leadership of the Principal in consultation with the volunteer coordinator.

Coaches

Volunteer coaches of individual sports must be certified in that sport and be in compliance with the standards set by NHIAA.

See also policy ABA.

Legal Reference:

RSA 189:13-a, School Employee Volunteer Background Investigations