

Student Protection

To promote the safety and protection of students, the District shall ensure a fingerprint-based national criminal history background check is conducted in accordance with law before any individual, regardless of employment status, is permitted to have unsupervised contact with a student while in school, at a school-sponsored activity, or in transit to a school-sponsored activity.

All teachers, prior to unsupervised contact with a student, shall submit to a fingerprint-based national criminal history background check pursuant to the educator policies of the Board of Public Education. All other individuals shall submit to the Montana Department of Justice information and material sufficient to obtain a fingerprint-based criminal history background check prior to unsupervised contact with a student. Individuals supervising others who will have unsupervised contact with a student are subject to these requirements.

If an individual has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who will decide whether the individual will be declared eligible for unsupervised contact with students or, if required for the position, for employment.

Individuals who will never have unsupervised contact with a student while at school, at a school-sponsored activity, or in transit to a school-sponsored activity are not required by this policy to undergo a fingerprint-based national criminal history background check unless determined necessary by the Superintendent. The Superintendent has the authority to determine whether a fingerprint-based national criminal history background check is required.

For purposes of this policy, “unsupervised contact” means where one or more students are left unattended and alone in the presence of an adult where there is any direct, personal interaction involving communication or engagement of any kind between that adult and student. It does not include engagement or communication that occurs during a momentary absence of another adult or in a public environment.

The Board designates the authorized representative of a third-party contractor to review the results of the criminal background check of any of its employees who will have unsupervised contact with one or more students while in a school, school-sponsored activity, or in transit to a school-sponsored activity. The representative shall have valid authorization to receive, review, and share criminal background check results with the District and valid authorization from the person being fingerprinted to review and share the results with the District.

Cross Reference:	5122	Fingerprints and Criminal Background Investigations
Legal Reference:	§ 20-3-323, MCA § 44-5-301, MCA § 44-5-302, MCA § 44-5-303, MCA ARM 10.40.101 ARM 10.40.102 ARM 10.57.201A ARM 10.57.716 Public Law 105-251	District policy and record of acts Dissemination of public criminal justice Dissemination of criminal history record information that is not public criminal justice information Dissemination of confidential criminal justice information Definitions Requirement for Student Protection Policy Criminal History Background Check Substitute Teachers Volunteers for Children Act

Policy History:

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