

### **Recruitment, Hiring, and Background Checks for New Instructional Personnel**

The Bismarck School Board is committed to hiring instructional staff who will best meet the needs of the District consistent with budget limitations, district policy, with its goal to ensure student and staff safety, and in compliance with state and federal law.

#### **Definitions**

For the purposes of this policy:

- *Instructional staff members* are individuals licensed to teach in North Dakota who are employed primarily as classroom teachers.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or “no account.”
- *Crime against a child* is defined in accordance with NDCC 15.1-13-26.
- *Immediate family* is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- *Misconduct* is defined as any action that caused discharge from previous employment.
- *Sexual offense* is defined in accordance with NDCC 15.1-13-26.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

#### **Recruitment and Hiring Authority**

The administration shall interview and make recommendations to the Board about offering an applicant an instructional staff position.<sup>1</sup>

All advertising for teaching positions shall include a statement that applicants are not eligible for Veterans Preference and that the District is an Equal Opportunity Employer. The advertisement should include a closing date.

#### **Background Checks**

All final applicants for instructional staff positions who have not undergone a background check through the Educational Standards and Practices Board shall be required to give authorization and submit to a state and federal background check. In addition, all applicants for instructional positions shall be required to comply with the following requirements:

1. Certify that s/he has not been required to register as a sexual offender in any state;

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<sup>1</sup> This is only one option. The Board may screen candidates or designate an interview committee to conduct candidate screening.

2. Certify in writing that s/he has never been charged with a crime or describe in writing the disposition of the charge;
3. Supply verification of licensure;
4. Consent to a driving record check and drug and alcohol screening if applying for a position covered by the district's drug and alcohol testing policy;
5. All other information in the application form or packet.

The Human Resource Director shall verify all information supplied to the District by the applicant as delineated above and shall serve as the adjudicator for background checks, may check all applicable sexual offender registries, and may interview an applicant's former employer(s) and/or supervisor(s). The Human Resource Director may check all references supplied by the applicant. The Human Resource Director may with all applicable laws related to applicant notification and consent when obtaining records.

### **Final Applicant Rights**

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The Human Resource Director shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring recommendation, the Human Resource Director shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so.

### **Selection Process**

The administration shall make all hiring recommendations on a case-by-case basis. When making recommendation considerations, the administration shall, at least, consider an applicant's compatibility with the district's mission statement; his/her short and, when applicable, long-term ability to perform job requirements, protect the integrity of the District, and promote the efficiency of district operations; and the applicant's potential risk to district operations, students, and staff. The administration shall determine risk based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s);
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

### **Disqualifying Factors**

Factors that may exclude an applicant from employment include, but are not limited to, the following:

1. The applicant has committed a felony, sexual offense, crime against a child, or any other offense involving a child victim.
2. The employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.
3. The falsification or omission of any information given to the District by an applicant or made by an applicant during a job interview, including but not limited to information concerning criminal convictions or pending criminal charges.
4. The individual has not met ESPB's standards for teaching licensure and/or will not have obtained a teaching license by the start of the school year.

### **Issuing Contracts**

If the Board approves hiring a new instructional staff member contingent upon satisfactory adjudication of criminal history records, the individual's teaching contract shall be issued with language notifying him/her of this contingency. Satisfactory adjudication means that the teacher has not committed a felony, sexual offense, crime against a child, any other offense involving a child victim, or any other crime that the adjudicator has reason to believe poses a safety risk to district students, staff, or operations or could substantially disrupt district operations. The District prohibits instructional personnel hired under this contingency from having unsupervised contact with students until the criminal history record is adjudicated by the District in accordance with this policy and deemed to be satisfactory.

### **Orientation**

Each teacher shall be responsible for locating the digital copy on the BPS website of the handbook containing information required by Department of Public Instruction regulations.

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### **Complementary Documents**

- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DI, Personnel Records