



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 31, No. 2 - May 2019 PERSONAL BACKGROUND CHECK – CONTRACTED SERVICES
Code	po8121
Status	
Adopted	January 14, 2010
Last Revised	March 8, 2018

8121 - **PERSONAL BACKGROUND CHECK – CONTRACTED SERVICES**

To protect students and staff members, the Governing Board ~~Board of Managers~~ requires an inquiry into the personal background of each employee of a contractor or subcontractor who is likely to have direct, on-going contact with children within the scope of their employment.

The Director shall establish the necessary procedures to provide that contractors and subcontractors conduct an inquiry into the background information of these employees that shall include the following:

- A. an expanded criminal history check as defined by I.C. 20-26-2-1.5
- B. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3
- C. ~~an expanded child protection index check in other states~~
- D. a search of the national sex offender registry maintained by the United States Department of Justice
- E. beginning July 1, 2017, a search of the State child abuse registry
- F. verification of enrollment in and use of the Federal E-Verify program to check eligibility to be employed (all employees)
- G. ~~(-) fingerprint check~~
- H. ~~(-) a detailed background history including all prior employment and volunteer positions~~
- I. (X) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Personally identifiable information reported to the Cooperative in the implementation of this policy shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.

Each contractor and subcontractor providing services to the Cooperative shall notify the Director within two (2) business days of the:

- A. (X) arrest and/or filing of criminal charges against an employee of the contractor or subcontractor and the disposition of such arrest or filing of charges;

B. conviction of an employee of the contractor or subcontractor for a crime; and

C. substantiated report of child abuse or neglect of which the employee of the contractor or subcontractor is the subject.

Each contractor and subcontractor providing services to the Cooperative shall screen all employees who are likely to have direct, on-going contact with children in the course of providing services to the Cooperative. Screening shall only be required one (1) time during the period of the current contract with the Cooperative as long as the contractor has continuously screened new hires, required the same of its subcontractors, and required that these employees report the (X) arrest and the filing of criminal charges against the employee, conviction of the employee for a crime, and substantiated report of child abuse or neglect of which the employee is the subject. Compliance with this requirement shall be verified by either:

A. inclusion of the requirement as a material term of the contractor's or subcontractor's contract; or

B. execution of a certificate of compliance with this policy which shall be maintained with the contract in the Cooperative's files.

Non-compliance with these requirements shall be a breach of a material term of any contract between a contractor/subcontractor and the Cooperative.

The Director shall develop administrative guidelines to implement this policy. These procedures shall provide for the review of each reported (X) arrest and/or criminal charge, criminal conviction of an employee of a contractor or subcontractor, and substantiated report of child abuse or neglect of which the employee of a contractor or subcontractor is the subject and for a response to the reported information that protects members of the school community from persons who may be dangerous to them. Failure of a contractor or subcontractor to remove an employee from direct contact with students, upon request from the Director, shall be considered to be a material breach of the contractor's or subcontractor's contract with the Cooperative.

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Legal

I.C. 5-2-22 I.C. 10-13-3

I.C. 20-26-2-1.3

I.C. 20-26-2-1.5

I.C. 20-26-5-10, -11, and -11.5