

# ROLESVILLE CHARTER ACADEMY

## Criminal History Check Policy

The Board of Directors (Board) believes that a safe and secure learning and working environment should be provided for all students and staff. Criminal activities of an applicant or employee may have an impact upon these goals and will be considered in hiring and dismissal decisions.

This policy will apply to all applicants for employment and employees, including substitutes, temporary employees, contracted employees and volunteers. A rehired employee shall fall under this policy if there is any break of employment, regardless of the duration of break of employment. This policy will apply to all positions based at the school or where services are performed, and the individual has significant access to students.

Applicants must notify the principal and the School's educational service provider's (NHA) People Services department immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the principal and NHA's People Services department no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the principal and NHA's People Services department no later than the next business day following adjudication. NHA will provide a copy of this Board policy to all employees and contractors working at the school at the time of hire and NHA will ensure that all employees and contractors working at the school receive a copy of this amended policy.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment, including substitute personnel. Criminal history checks must be conducted in accordance with state law and any procedures established by this Policy. At a minimum, the following criminal records checks shall be conducted:

1. In the case of applicants or conditional employees who have lived and worked within the state of North Carolina for the five years before the date of application, the administration will conduct a statewide criminal record check
2. In the case of applicants or conditional employees who have lived or worked outside of North Carolina during the five years before the date of application, the administration will conduct record checks in all states identified.

School officials shall not require candidates to disclose any expunged criminal records (arrests, charges, and/or convictions) and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The principal or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, if the criminal record check is completed through the North Carolina Department of Justice, as required by State Board policy.

A final candidate for employment or for hiring as an independent contractor may be denied a position

based on past or pending criminal conduct or charges if the criminal conduct is job-related and/or is consistent with business necessity. If a final candidate is found to have been convicted or charged of a criminal offense, other than a minor traffic violation, the principal shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought; and (4) consultation with the Board. Before the principal may exclude a final candidate based on his or her past criminal convictions, the principal must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

The Board has determined that every position with the School, regardless of whether the position is located in the School or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender will be hired for any position with the School.

If the School contracts with an outside person or entity to perform a job on a school campus or at a school-sponsored program, the contract must require the provider to conduct annual checks of contract personnel on [1] the State Sex Offender and Public Protection Registry; [2] the State Sexually Violent Predator Registry; and [3] the National Sex Offender Registry, except checks shall not be required for individuals who are solely delivering or picking up equipment, materials, or supplies at the administrative office or loading dock of the school, at non-school sites, at schools closed for renovation, or at school construction sites. The contract with the outside person or entity shall provide that no individual who is on [one of the above registries] may be used to deliver goods or services on school system property under the contract.

In addition, for contractual personnel who are carrying out duties that are customarily performed by school personnel, such as custodians, bus drivers or substitute teachers, the employer of such contracted personnel will be required to perform criminal history checks of individuals in these positions.

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References:

North Carolina G.S. 115C-332

North Carolina G.S. 115C-218.90(b)

Wake County Board of Education Policy Code 7100(C)

Effective Date: July 11, 2018

Revised Date: January 2, 2022