

Employment: Background Checks - DAC

Employee Background Checks

At the time a prospective employee makes application for employment with the District, such prospective employee shall fill out an employment application providing the following warning:

“All references stated in this application will be checked by the School District and it is the policy of this School District that false information will be grounds for rejecting your application with no further consideration for the position; or, if such false information is discovered after hire, you will be subject to immediate termination for cause. Any false information may also be the grounds for criminal prosecution.”

All employees seeking employment with the District shall provide personal identifying information including: current name, former names, nicknames and aliases; date of birth; address, telephone number; driver license number or other government-issued identification number; Social Security number; and fingerprints.

All employees seeking employment with the District shall sign a written release, waiver, and authorization that authorize the District to request information from the prospective employee’s past three employers and supervisors. The consent, release, waiver, and authorization shall also authorize the District to contact any applicable licensing agency and former employers to obtain a reference-background check, including a reference check-and, and to conduct a background search into the employee’s criminal record, if any, or any other background check as the District deems necessary to satisfy itself of the quality and competence of the prospective employee’s credentials including submitting the personal identifying information to the Bureau of Criminal Identification within the Department of Public Safety and retaining the personal identifying information for ongoing monitoring.

Criminal Background Check

The Superintendent or the Superintendent’s designee shall require any prospective employee or volunteer who will be given significant unsupervised access to a student in connection with the volunteer’s assignment or, where reasonable cause exists, a current employee or volunteer to submit to a criminal background check and shall require the person to provide personal identifying information including: current name, former names, nicknames and aliases; date of birth; address; telephone number; driver license number or other government-issued identification number; Social Security number; and fingerprint identification for that purpose.

The applicant, volunteer, or employee shall sign a waiver indicating that a criminal history background check will be conducted and that the information will be made available to persons involved in the hiring or background investigation of the employee

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~~and used for the purpose of assisting in making an employment or promotion decision, be given written notification that a background check has been requested. The Superintendent or Board shall consider only those convictions, which are job-related for the applicant, employee or volunteer.~~

Unless a criminal background check is done as part of an employee's continued licensing with the state, an employee shall submit to criminal background checks every six years or more frequently based upon the employee's assignment.

The District ~~will pay the cost of~~ may require an applicant's ~~to pay the cost of a background check~~ except that if the following are true, the District will require an applicant to pay the costs of the background check as a condition for consideration for employment; ~~as a condition for consideration for employment or appointment if the applicant:~~

1. The applicant has passed an initial review; and
2. The application is one of a pool of no more than five candidates for a position

The District may require an employee to pay the cost of a periodic criminal background check required for continued employment.

An applicant, volunteer, or employee shall be extended an opportunity to review the information received as provided under and respond to any information received as a result of the criminal background check; ~~to respond to or explain any information received as a result of the criminal background check.~~

In making decisions regarding criminal history information, the District shall consider rules established by the State Board of Education and

1. Any convictions, including pleas in abeyance;
2. Any matters involving a felony; and
3. Any matters involving an alleged:
 - a. Sexual offense;
 - b. Class A misdemeanor drug offense;
 - c. Offense against the person under Title 76, Chapter 5, Offenses Against the Person;
 - d. Class A Misdemeanor property offense that is alleged to have occurred within the previous three years; and
 - e. Any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years

If the District ~~denies~~ disqualifies a person from employment ~~or terminates an employee~~ because of information obtained through a criminal background check, the person or employee ~~shall be given written notice of the reasons for denial or dismissal and extended an opportunity to respond to the reasons;~~ may request a review of the information received

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and the reasons for the disqualification and be extended an opportunity to respond to the reasons.

Information obtained pursuant to a criminal background check is confidential and may only be disclosed as provided herein.

By September 1, 2018, the District shall, for each non-licensed employee and volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment, collect personal identifying information including: current name, former names, nicknames and aliases; date of birth; address; telephone number; driver license number or other government issued identification number; Social Security number; and fingerprints and submit that personal identifying information to the Bureau of Criminal Identification within the Department of Public Safety. ~~The District shall submit to the Department of Public Safety a complete list of non-licensed employees, including names, dates of birth, and social security numbers.~~

~~Utah Code Ann. § 53A-3-410~~ Utah Code Ann. § 53A-15-1501 et seq. (2015)

~~Utah Admin. Code Rules R277-520-112~~ (June 7, 2012)

~~Utah Admin. Code Rules R277-516-4~~ (December 8, 2009)

~~Utah Admin. Code R277-501-6.~~