

CRIMINAL RECORDS CHECK

The Board recognizes that it is not only important to employ highly qualified and competent personnel, but also individuals who are good, moral, and law-abiding citizens.

Accordingly, the Superintendent, or his/her designee(s), shall cause all applicants for employment to undergo criminal records checks conducted by the Bureau of Criminal Identification and Investigation (BCI) at the time of their initial employment and at the intervals required by law as set forth below.

The following shall apply:

- A. Each applicant shall be provided with a separate written statement when the applicant first applies notifying him/her that he/she is required to provide a set of his/her fingerprint impressions and that, as a precondition to employment, a criminal records check is required to be conducted and satisfactorily completed.
- B. Each applicant shall be notified, when he/she first applies, of the amount of the criminal records check fee and that, unless the fee is pre-paid to the Board, he/she will not be considered for employment with the Board. The fee will only be paid by the applicant if he/she comes under final consideration for employment with or appointment by the Board.
- C. Except as provided below in Section L., a criminal records check shall be requested from the Ohio Bureau of Criminal Identification and Investigation (BCI) for each applicant under final consideration. The request shall include a request that the BCI obtain information from the Federal Bureau of Investigation ("FBI") as part of the criminal records check for the applicant. The Board may accept a certified copy of any records issued by the BCI presented by an individual applying for employment with or appointment by the Board in lieu of requesting such information itself. In such case, however, the Board shall only accept a certified copy of such records within one (1) year after the date of issuance by the BCI.
- D. Except as provided below in Section L., each applicant for a position with or appointment by the Board is responsible for completing the criminal records check by submitting fingerprints and information via the WebCheck® system maintained by BCI, unless the applicant lives more than seventy-five (75) miles from the nearest WebCheck® facility or the applicant's fingerprints cannot be captured on a WebCheck® screen. If the applicant fails to submit the necessary information for the criminal records check, he/she shall not be employed or appointed by the Board.

- E. Each applicant for a position with the Board may be employed or appointed conditionally, at the sole discretion of the Board, until the criminal records check is completed and the Board receives the results of the criminal records check. If the results of the criminal records check indicate that the applicant has been convicted of or pleaded guilty to any crime listed in O.R.C. §3319.39(B)(1)(a) or an existing or former law of Ohio, another state, or the United States that is substantially equivalent to any of the offenses listed in O.R.C. §3319.39(B)(1)(a), or if the applicant has applied for a position as a teacher, any crime listed in O.R.C. §3319.31 in addition to those set forth in O.R.C. §3319.39(B)(1)(a), the applicant shall be immediately released from employment with the Board.
- F. Subsequent criminal records checks of employees shall be requested from the BCI for every person hired by the Board, other than a person hired for a position that requires a license issued by the Ohio State Board of Education, according to the following schedule:
1. For a person in a position other than for the operation of a vehicle for pupil transportation, every five years after the date of hire; and
 2. For a person hired to operate a vehicle used for pupil transportation, at the time of initial application for a certificate and every six years thereafter at the time of renewal.
- Effective January 1, 2010, any subsequent criminal records check shall be made for information from the FBI only if the employee presents proof that he or she has been a resident of Ohio for the five years immediately prior to the date of the criminal records check.
- G. Prior to taking an adverse action against an applicant or employee based in whole or in part on a criminal record check, the applicant or employee will be given a written pre-adverse action disclosure statement which will include a copy of the criminal record check and the Federal Trade Commission's notice entitled "A Summary of Your Rights Under the Fair Credit Reporting Act."
- H. After taking an adverse action, the applicant or employee will be given a written adverse action notice which includes the name, address and telephone number of BCI, a statement that BCI did not make the decision to take the adverse action and cannot give specific reasons for it, the individual's right to dispute the accuracy or completeness of any information furnished by BCI and the individual's right to an additional free criminal record check from BCI upon request within sixty days.
- I. The Board will take into consideration administrative rules adopted by the State Board of Education specifying the circumstances under which a person who has been convicted of a disqualifying offense may be employed; provided the person meets the rehabilitation standards set forth in the rules.

- J. The report of a criminal records check conducted by the BCI pursuant to paragraph C. of this policy is not a public record and shall not be made available to any person other than the applicant, a court, a hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.
- K. Any private or public company must request a criminal records check for any person hired to work in the District prior to initial assignment to the District and at the same intervals specified herein for Board employees. The company must provide the results of the criminal records check to the Board prior to the initial assignment of such persons to work in the district and promptly after receiving results from subsequent criminal records checks.
- L. An applicant who, within a two-year period prior to the date of the application, was the subject of a criminal records check prior to being hired by the district for short-term employment, shall not be required to undergo a criminal records check if the applicant meets the following conditions:
1. The applicant is applying to be an instructor of adult education; and
 2. The duties of the position for which the applicant is applying do not involve the routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the district will be present in the same room or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

LEGAL REFS: O.R.C. §§3319.39; 3319.391; 3319.392; 3327.10; 109.57; 109.572

Revised: October 25, 2011

NOTICE OF CRIMINAL RECORDS CHECK

In accordance with the federal Fair Credit Reporting Act, you are hereby notified that, as an applicant for employment in the Toronto City School District, you are required to provide a set of your fingerprints and that, as a precondition to employment, a criminal records check will be used as part of the initial hiring process and at various times during your employment career.

I hereby acknowledge receipt of the foregoing notice and authorize the Toronto City School District to obtain the criminal records check referred to therein.

Signature of Applicant

Date