

POLICY AND PROCEDURE: BACKGROUND INVESTIGATIONS

La Academia Dolores Huerta Charter Middle School

La Academia Dolores Huerta (LADH) employees, individuals considering employment, contractors and contractor employees, volunteers, and any other individuals having unsupervised student contact, are subject to work history, education history, and reference investigations. Each applicant offered employment with LADH will be subject to a criminal background investigation, which includes mandatory fingerprinting, as a condition of further consideration of employment.

The applicant's employee offer is contingent upon their background check clearance. The applicant is not permitted to report for duty, receive compensation, or have access to LADH facilities until clearance has been obtained. LADH will reimburse applicants offered employment upon clearance and contract finalization for a background check.

Contractors, contractor employees, and volunteers will be required to pay for their background check.

LADH will accept background checks from other schools/districts if the background check was conducted within 2-years from the time prospective employees, contractors, and volunteers apply for position/job/volunteer opportunity.

Criminal convictions shall not automatically bar an applicant from obtaining employment with LADH but pursuant to the Criminal Offender Act, NMSA 1978, Sections 28-2-4 and 28-2-5, and NMSA 1978, Section 22-10A-5, may be the basis for refusing employment or volunteer positions. In compliance with federal and state statute and regulations, LADH may determine to deny employment, contract employment, or volunteerism based on any conviction of a crime of moral turpitude. Automatic denials shall result from convictions of child abuse, criminal sexual penetration, or drug trafficking/distribution regardless of rehabilitation. Other potential denials include patterns of arrests/convictions, failure to disclose, the existence of an open or pending case, convictions of charges that might impact the specific position, or failure to contact LADH upon request for explanation and dispositions within given timeframe. Any individual who is denied access to employment or student access may challenge the validity of the background check. If the status of the background check changes, he or she may request another review by the LADH Head Administrator.

Criminal History Record Information (CHRI)/Background Checks:

- 1.) LADH will use Gemalto Cogent New Mexico Online Criminal History Record Information (CHRI), through NM Department of Public Safety, to obtain perspective employee and volunteer background checks.
- 2.) LADH Business Manager/Human Resources (HR) Manager will serve as the contact for the CHRI system.
- 3.) Retention of CHRI Records:
 - (a.) LADH Employees:
 - (1.) Criminal background checks for LADH employees will be kept in the employee's file.
 - (2.) Only the HR Manager, Head Administrator, Head Administrator designee(s), and the employee can have access to the employee's file.

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La Academia Dolores Huerta Charter Middle School

(3.) Employee records will be kept in a locked, fireproof cabinet within LADH's main office or the Head Administrators office.

(4.) LADH Volunteers and Contractors: CHRI/criminal background check information will be kept in a locked, fireproof cabinet within LADH's main office or the Head Administrators office.

4.) Tracking CHRI Background Check Records:

(a.) A file shall be maintained that includes:

(1.) a list of individuals for whom background information is kept to include: 1.) date CHRI/ criminal background check information was obtained; 2.) reason for the background check; 3.) identify if there was a state "hit"; FBI "hit"; and/or if employment/volunteering was denied because of background check results.

(b.) A copy of his/her background check may be requested by the individual in writing. Upon written request from the individual, LADH may send a copy of a background check directly to another public school if the background check is less than two years old.

(c.) Each dissemination of a CHRI record shall be tracked, indicating to whom it was sent, the date and a copy of the signed release by the individual who requested the release of their record.

