

1 **Bainville K-12 Schools**

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3 **PERSONNEL**

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5 Fingerprints and Criminal Background Investigations

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7 Board policy requires that any finalist recommended to be employed in a paid or volunteer
8 position with the District, involving regular unsupervised access to students in schools, as
9 determined by the Superintendent, shall submit to a name-based and fingerprint criminal
10 background investigation conducted by the appropriate law enforcement agency before
11 consideration of the recommendation for employment or appointment by the Board. The results
12 of the name-based check will be presented to the Board, concurrent with the recommendation for
13 employment or appointment. Any subsequent offer of employment or appointment will be
14 contingent on results of the fingerprint criminal background check, which must be acceptable to
15 the Board, in its sole discretion.

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17 The following applicants for employment, as a condition for employment, will be required, as a
18 condition of any offer of employment, to authorize, in writing, a name-based and fingerprint
19 criminal background investigation:

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21 • A certified teacher seeking full- or part-time employment with the District;
22 • An educational support personnel employee seeking full- or part-time employment with
23 the District;
24 • An employee of a person or firm holding a contract with the District, if the employee is
25 assigned to the District;
26 • A volunteer assigned to work in the District, who has regular unsupervised access to
27 students; and
28 • Substitute teachers.*

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30 Any requirement of an applicant to submit to a fingerprint background check will be in
31 compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If
32 an applicant has any prior record of arrest or conviction by any local, state, or federal law
33 enforcement agency for an offense other than a minor traffic violation, the facts must be
34 reviewed by the Superintendent, who will decide whether the applicant will be declared eligible
35 for appointment or employment. Arrests resolved without conviction will not be considered in
36 the hiring process, unless the charges are pending.

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39 **The requirement to fingerprint non-licensed substitutes may be waived in whole or in part by*
40 *the trustees, if the substitute has previous teaching or substitute teaching experience in an*
41 *accredited public school in Montana prior to November 28, 2002.*

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45 Legal Reference: § 44-5-301, MCA Dissemination of public criminal justice
46 information

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§ 44-5-302, MCA Dissemination of criminal history record
information that is not public criminal justice
information
§ 44-5-303, MCA Dissemination of confidential criminal justice
information – procedure for dissemination through
court
ARM 10.55.716 Substitute Teachers
Public Law 105-251, Volunteers for Children Act

Policy History:
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