

MINA Charter School (MCS)

Background Check Employees

Applicants must notify the Lead Administrator 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 Lead Administrator not 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 Lead Administrator no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for licensed positions and classified positions that would place the candidates in a school building or other environments where they would interact regularly with students. Such positions include, but are not limited to, teachers, substitute teachers, driver training teachers, bus drivers, clerical staff, custodians, teacher assistants, assistant principals and lead administrators. Criminal history checks must be conducted in accordance with state law and any procedures established by the Lead Administrator. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The Lead Administrator or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity.

If a final candidate is found to have been convicted (including entering a plea of guilty or nolo contendere) of a criminal offense, other than a minor traffic violation, the Lead Administrator will determine 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. Before the Lead Administrator may exclude a final candidate based on his or her past criminal convictions, the Lead Administrator must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to [G.S. 110-90.2](#), [42 U.S.C. 9858f](#), and [45 C.F.R. 98.43](#).

The board has determined that every position with the school system regardless of whether the position is located in a 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 subject to the provisions of policy , will be hired for any position.

In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy.

Adopted & Approved by MCS: 11/26/2019

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