

POLICY:BACKGROUND INVESTIGATIONS

J PAUL TAYLOR ACADEMY

www.jpaultayloracademy.org

Adoption date: July 1, 2017

J. Paul Taylor Academy employees, individuals considering employment, volunteers, and any other individuals having unsupervised student contact, are subject to work history, education history, and reference investigations. Each applicant will be subject to a criminal background investigation (See CHRI Policy), which may include mandatory fingerprinting, at the applicant or contractor's expense, as a condition of further consideration of employment. Background checks shall be maintained by the school for each of these individuals and in accordance to the schools CHRI policy. The school reserves the right to limit or deny any individual access to students within JPTA unless legal mandate states otherwise. The school may require a background check for other individuals interacting with students within the context of the school.

Volunteers must complete a Volunteer Request Form and have a photo on file with the school. The Form requires a signature that he or she will follow all designated JPTA rules and polices.

All offers of employment, volunteer positions, and all contracts with independent contractors whose employees have unsupervised student contact are contingent upon the satisfactory completion of background investigations. Criminal convictions shall not automatically bar an applicant from obtaining employment with J. Paul Taylor Academy 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. 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 Executive Director.

An applicant for employment who has been initially licensed (within 24 months) by the New Mexico Public Education Department ("NMPED") shall not be required to submit to another background check if 1) the NMPED has copies of the applicant's investigation records on file and 2) the NMPED is able to supply J. Paul Taylor Academy with a copy of the background investigation.

The Executive Director may also conduct the referenced background investigations of incumbent employees, volunteers, and contractors if he or she becomes aware of facts, circumstances, and/or conduct that give rise to a reasonable suspicion, that undisclosed aspects of the individual's background might disqualify him or her to continue employment with or services to the School. The Executive Director shall have the authority and responsibility for developing procedures related to the management of background investigations.

Criminal History Record Information (CHRI) / Background Checks

- I. J. Paul Taylor Academy shall maintain compliance with New Mexico Department of Public Safety Automated Fingerprint Identification System (AFIS) User Agreement regarding the Criminal History Record Information (CHRI)/criminal background checks.

- II. Purpose: Background checks shall only be used within the parameters of JPTA written policy (See: Background Investigations) and in compliance with any applicable state and federal laws and rules.
- III. AFIS and CHRI System Access:
 - a) The Executive Director shall serve as the Agency Head and Agency Contact for the CHRI system. The Executive Director may assign other CHRI users or designate a different Agency Contact.
 - b) Any employee who accesses the CHRI system shall have a background check on file and shall not have any felony convictions. Such convictions shall result in denial of CHRI access.
 - c) Prior to accessing the CHRI system, each employee granted access shall have completed all necessary NMDPS trainings, sign a "User Rules of Behavior Acknowledgement Form," and sign a statement that he or she has read and shall comply with the JPTA Criminal History Record Information (CHRI) / Background check policy (this policy). These signatures are to be kept on file with the CHRI information.
 - d) Only the Executive Director or his or her designee may access CHRI information through the Cogent ID system. The password that is used to access the Cogent ID CHRI information system shall be kept confidential by all employees who have CHRI access.
- IV. Retention of CHRI Records:
 - a) JPTA Employees:
 - 1. Criminal background checks that are associated with a JPTA employee shall be kept within that employee's file.
 - 2. Only the Executive Director, his or her designees, and the employee (View only or copy) have access to an employee's file.
 - 3. These records shall be locked in a fireproof file cabinet within the School's office.
 - 4. A certified teacher's file is kept on record for 55 years as JPTA is the "personnel department" for this individual. Subsequently, the background check is kept on file for the 55-year duration.
 - b) Non-JPTA Employees: CHRI/criminal background check information for non-JPTA employees shall be kept for no more than two years after the last school year in which that individual participates in any school activities." These records shall be kept by the Director in a locked fireproof cabinet within the School's office.
- V. Maintenance of CHRI Background Check Records:
 - a) Any CHRI or criminal background information that is to be removed/destroyed must be either shredded or incinerated by the Executive Director. This information shall be tracked.
 - b) No confidential CHRI/criminal background check information will be kept on a computer/digital device.
- VI. Tracking CHRI Background Check Records:
 - a) A file shall be maintained that lists any individual for whom background information is kept. This list shall indicate:
 - 1) The date that CHRI/ criminal background check information was obtained,
 - 2) the reason for the check,
 - 3) will not disclose any information from the background check, and
 - 4) the school shall track the number of individuals who have:
 - i. a state "hit,"
 - ii. FBI "hit,"

- iii. or are denied employment/volunteering because of their background check.
 - b) An individual may request in writing for a copy of his or her background check. Upon written request from an individual, he or she may ask JPTA to send a copy of a background check directly to another public school if 1) the background check is less than two years old and 2) the background check was obtained by JPTA (with JPTA's ORI number).
 - 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 a release of his or her record.
 - d) If JPTA receives a copy of a background check for whom the school has not requested or an individual whom we have no application, the record shall be destroyed within 1 week of receipt. A one-time reasonable effort shall be made to contact the individual.
- VII. Misuse of CHRI Background Checks: Background checks shall not be used for any reason other than that allowed by state statute or federal code. Such use outside this parameter is considered intentional misuse. If CHRI information is intentionally or unintentionally misused:
 - a) reasonable effort will be made to contact individual(s) whose information has been compromised,
 - b) any criminal activity shall be reported to local authorities,
 - c) any intentional misuse shall be reported to the Department of Public Safety,
 - d) any misuse by a school staff member will be investigated by the Executive Director or Governing Council and disciplinary action may be imposed accordingly.

J. Paul Taylor Academy CHRI Access Agreement

I, _____, hereby acknowledge the following:

- a. I have read and agree to all terms of the CHRI policy for J. Paul Taylor Academy
- b. I have completed all forms of the CHRI Review Account Enrollment Instructions and have signed all necessary forms.
https://cogentid.3m.com/nm/index_NM.htm

By Signing, you acknowledge the above and understand that these privileges may be revoked at any time by the School Director or by the Department of Public Safety.

Employee Signature

Date