

SUBJECT: BACKGROUND CHECKS and VERIFICATIONS

PURPOSE: To establish a process ensuring that employment candidates and school employees meet the standards of employment as required by Alma d'arte Charter High School and/or state statute.

BACKGROUND: The Governance Council is committed to a safe learning and working environment for the students and employees of Alma d'arte Charter High School. Therefore, Alma d'arte will conduct thorough background investigations, reference checks, education and work history verifications, and other tests or checks that are necessary for determining eligibility for employment or to ensure, as part of the pre-employment process, employees are capable of performing their duties as assigned.

The Governance Council is equally committed to ensuring that substitutes, volunteers, and others who have unsupervised contact with students, undergo the necessary background investigations and/or verifications, per state law.

POSITION:

- (A) This policy applies to all individual employees (faculty and staff), as part of the pre-employment process.
- (B) The hiring of all Alma d'arte employees, except for the CAO/Principal, shall be the responsibility of the CAO/Principal, in accordance with state statute (§22.5.14 NMSA 1978).
 - 1. The hiring of the CAO/Principal is the responsibility of the Governance Council.
 - 2. Employee job offers shall be extended only by the CAO/Principal or his/her designee.
 - 3. The length of employee contracts shall be determined by the CAO/Principal, including but not limited to short-term contracts or contracts longer than one year.
- (C) As a condition of employment, certain employees or candidates must hold appropriate and verified credentials in order to work for Alma d'arte (§22-10A-3; 22-10A-11.3 – 12; 22-10A-15; 22-10A-17 – 17.1, NMSA 1978).
- (D) Background investigations must be conducted on all school employees, including, but not limited to, substitutes, in accordance with state statute (§22-10A-5 NMSA 1978). Convictions of felonies or misdemeanors contained in the Federal Bureau of Investigation (FBI) record shall be used in accordance with the Criminal Offender Employment Act §28-2-1 NMSA 1978.

- (E) Background checks are required of an applicant who has been offered employment, a contractor or a contractor's employee with unsupervised access to students at Alma d'arte.
- (F) Background checks will be required of school volunteers.
- (G) An FBI criminal background investigation, which includes mandatory fingerprinting, shall be at the candidate's expense and is a condition of further consideration for all categories of employment.
- (H) All applicants for employment with Alma d'arte shall be required to read and sign a Criminal History Affidavit Form and an Agreement, Authorization, Waiver, and Release Form, which are part of Alma d'arte certified and classified application packets.

REQUIREMENTS:

- (A) Alma d'arte will act in accordance with NMSA §22-10A-5, NMSA 1978. Convictions of felonies or misdemeanors contained in the Federal Bureau of Investigation (FBI) record shall be used in accordance with the Criminal Offender Employment Act §28-2-1, NMSA 1978.
- (B) Criminal convictions shall not automatically bar an applicant from obtaining employment with Alma d'arte, but pursuant to the Criminal Offenders Act, NMSA 1978 §28-2-4 and §28-2-5, may be the basis for refusing employment. Information or copies from background checks shall not be disclosed except to persons directly involved in the certification or employment decision involving the applicant or employee. Alma d'arte will have the employee sign a release when giving or sending a copy of the requested report.
- (C) Offers of Employment
 1. Any offer of employment is contingent upon the satisfactory completion of all required background investigations, aptitude tests, and/or physical health examinations.
 2. All applicants for employment with Alma d'arte are subject to work history, education history, and reference investigations, including but not limited to substitutes and temporaries. Each such applicant who is a finalist for employment will be subject to a criminal background investigation, including mandatory fingerprinting, at the applicant's expense, as a condition of further consideration for employment. The applicant must pay for the background investigation at the time of hire by cashier's check, money order, or by authorizing payroll deduction.
 3. All applicants are subject to reference checks of the applicant's all past and most recent past employers. As a condition of submitting an application for employment with Alma d'arte and of consideration of the application by the CAO/Principal, the applicant will complete a release and waiver form releasing reference information from the applicant's past employers and waiving all claims against the applicant's past employers for providing such a reference.

The release and waiver can be included in Alma d'arte's employment application form or in a separate document. No application for employment can be considered by the CAO/Principal unless the applicant has executed the release and waiver and a reference check of the applicant's all past and most recent past employers has been completed and documented.

4. A job related test may be given to help determine aptitude or ability to perform a specific set of essential job functions. Such tests may be given to candidates for job changes and promotions, as well as to new applicants. Test results will be confidential.
 5. With regard to existing employees, Alma d'arte may conduct background investigations if Alma d'arte becomes aware of facts, circumstances, or conduct giving rise to a reasonable suspicion that the employee has a history that, if substantiated, may adversely affect his/her fitness to continue in employment with Alma d'arte.
 6. Automatic denials will result from convictions of child abuse or neglect, or criminal sexual penetration. Other potential denials include repetitive patterns of arrests/convictions, drug trafficking/distribution, failure to disclose, the existence of an open pending case, convictions of charges that might impact the specific position, or failure to contact the department upon request for explanation and dispositions within a given timeframe.
- (D) Existing employees may also be required to undergo post-accident testing. Tests may be required in situations when management believes that the judgment, coordination, human error or physical or mental ability may have been a contributing factor or when management has reasonable suspicion to believe that drugs or alcohol may have been involved. The employee will be suspended with pay until the results are received and/or the review is complete.
- (E) Pursuant to state law, the CAO/Principal will report to the New Mexico Public Education Department any know conviction or felony or misdemeanor involving moral turpitude of a school employee that results in any type of action against the employee. All administrators shall report any such information to the CAO/Principal.
- (F) Volunteers – All people requesting to volunteer at Alma d'arte are required to apply with the CAO/Principal. Any volunteer that will be unsupervised must go through the following: (See School Community – Use of Volunteers in School Policy # SC0011:
1. Complete a criminal history affidavit and state and federal background checks (cost paid by volunteer) and shall be subject to additional background investigations as determined appropriate by the school.
 2. Waiver Statements and Volunteer Information Sheet
 3. A Volunteer Clearance Form will be sent to the CAO/Principal when all requirements have been met.

School administrators are required to keep an up-to-date list of all volunteers in the school building and are responsible to make sure each volunteer has a complete file in the school office.

Exemptions from this procedure are: Parent/Guardian or family of a student at the school building visiting or providing food in the class less than four times per semester.

Legal Reference: §28-2-1 NMSA 1978; 20-10A-5; §22-5-14, 22-5-4, 22-10A-3; 22-10A-11.3 – 12; 22-10A-15; 22-10A-17 – 17.1, NMSA 1978

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