

Board of Education

POLICY GBJC

Las Cruces Public Schools

Related Entries: GBJC-R
Responsible Office: Chief Human Resource Officer

EMPLOYMENT: HIRES, INVESTIGATIONS, VERIFICATIONS AND EXAMS

1. PURPOSE

To establish a process ensuring that candidates for employment, volunteers, contractors, or contractor's employees who may have unsupervised access to students on school premises meet the standards required by LCPS, the School Personnel Act, and other applicable laws.

11. BACKGROUND

- A. The Las Cruces Public Schools Board of Education is committed to a safe learning and working environment for its students and employees. Therefore, the school district shall obtain fingerprint-backed criminal history reports from the Federal Bureau of Investigation (FBI), conduct a thorough background investigation, to include reference checks, education and work history verifications, and may require other skills assessments and/or medical examinations that are properly validated under the Uniform Guidelines on Employees Selection Procedures (UGESP) and are job-related and consistent with business necessity.
- B. The Board is equally committed to ensuring that substitutes, volunteers and others who have unsupervised access to students on school premises undergo the necessary investigations and/or verifications, as per state law.

111. POSITION

- A. This policy applies to all applicants for employment, and when applicable, to volunteers, contractors, and contractor's employees.
- B. The hiring of all LCPS employees, except for the Superintendent, shall be the responsibility of the Superintendent of Schools, in accordance with state statute 14(B)(3)NMSA 1978.
 - 1. The hiring of the Superintendent is the responsibility of the Board of Education, §22-5-4(B) NMSA 1978 (see LCPS Policy BBA: Board Powers and Responsibilities).

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2 Employee job offers shall be extended only by the Superintendent or his/her designee.

- C. As a condition of employment, certain employees or candidates must hold a valid

license in order to work for LCPS pursuant to the School Personnel Act [NMSA 1978, §22-1 OA-1et seq.] and rules adopted by the Public Education Department.

- D. Background investigations must be conducted on all school employees, including, but not limited to, substitutes, in accordance with the School Personnel Act [NMSA 1978, §22-10A-5] and other applicable laws. Convictions of felonies or misdemeanors contained in the Federal Bureau of Investigation (FBI) criminal history report shall be used in accordance with the Criminal Offender Employment Act [NMSA 1978, §28-2-11] provided that other information contained in the FBI record, if supported by independent evidence, may form the basis for the employment decisions as authorized pursuant to the School Personnel Act.
- E. Background checks are required of an applicant who has been offered employment, a volunteer, contractor or a contractor's employee with unsupervised access to students on school premises.
- F. School premises include:
1. The buildings and grounds, including playgrounds, playing fields and parking areas, and any school bus of a public school, whether owned by the school district or under contract, in or on which school or school-related activities are being conducted under the supervision of the local school board; or
 2. Any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which school-related activities and school-sanctioned activities are being performed.
- G. An FBI criminal background investigation for employment, which includes mandatory fingerprinting, shall be at the expense of LCPS and is a condition of further consideration for all categories of employment. Volunteers, contractors, and contractor employees may be required to pay the expense of the FBI fingerprint background report.
- H. Employment may be contingent upon a skill assessment that is job-related, provides results that are appropriate for the District's purpose, and is consistent with business necessity. All skills assessments shall be properly validated under the Uniform Guidelines on Employee Selection Procedures (UGESP)_as well as post-offer physical/health examinations. Medical examinations shall be at the employee's expense.

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- I. All applicants for employment with the school district shall be required to read and sign an Agreement, Authorization, Waiver, and Release Form, which are part of the school district's certified and classified application packets.
- J. The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy.

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IV. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



Board of Education, President

December 17, 2019

Date Approved

History: Formerly Policy #208 (Background Investigation, Examination and Tests); Revised 7.22.98; Revised 10.17.00; Revised 09.18.01; 10.19.10, Revised 12.17.19

Legal Reference: NMSA 1978, §22-5-4, 22-5-14, 22-10A-1 et seq. and 22-2-1