**WALWORTH POLICY 513**

**CRIMINAL BACKGROUND CHECKS**

The Board shall develop and implement procedures to obtain and review criminal background checks of all persons recommended for employment, employed in the District regardless of the category or type of position, or as volunteers. Arrest and conviction records will not be used or considered in making employment decisions unless the convictions are substantially related to the circumstances of the particular job or volunteer activity.

A. Pre-Employment and Volunteer Procedure

The arrest and conviction record of all persons recommended for employment or as volunteers must be obtained and reviewed by the administration prior to finalizing the decision to employ. All offers of employment are contingent upon the results of the criminal background check that are deemed satisfactory to the District.

1. Scope of Conviction Report

The conviction report as it pertains to recommendation for employment will include convictions or pending violation of the law other than minor traffic violations. Conviction means the final judgment on a verdict or a finding of guilty, a plea of guilty or a plea of no contest, in any state or federal court of competent jurisdiction in a criminal case, regardless of whether the appeal is pending or could be taken. Conviction does not include a final judgment, which has been expunged by pardon, reversed, set aside or otherwise rendered invalid. In accordance with state law, pending charges or convictions will not be used or considered unless they are substantially related to the circumstances of the particular job.

2. Application Disclosure Statement

The application form shall require individuals to indicate all convictions or pending violations of the law other than minor traffic violations. If the person, who has been recommended for employment or volunteer activity, refuses to cooperate in fully completing the disclosure form or is found to have provided false, inaccurate or incomplete information on the disclosure form, the person will be disqualified from consideration for employment or may be considered for dismissal. Likewise, in the case of volunteers, such prospective volunteer may be disqualified from consideration for the volunteer activity or no longer be allowed to volunteer for the District.

B. Crime Records Check

The Wisconsin Department of Justice will provide the information necessary to complete a crime records check for each applicant recommended for employment as detailed above and for active employees/volunteers as requested by the District as referenced below. The District Administrator may require that any employee or volunteer submit to additional background checks in order to remain employed in the District. The District will reimburse the Wisconsin Department of Justice for this service. The Walworth Police Department may be utilized to obtain crime records not available through the Department of Justice. The administration shall establish the procedures necessary to obtain the required criminal background checks and carry out the other provisions of this policy. Such procedures shall entail establishing a process for obtaining criminal records for jurisdictions, outside of Wisconsin, but within the United States.

C. Driver Record Checks

The District shall also conduct driver record checks as required by law for persons employed or under contract to transport students for the District who do not hold a valid school bus endorsement. A person must be free of any disqualifying driving violations in order to be authorized to transport students. If after the background check and driver record check is conducted the person is convicted of a disqualifying offense, he/she shall be required to inform the District of any motor vehicle accident in which he/she was the driver, any suspension or revocation of operating privileges, and any conviction or operating privilege revocation that would disqualify him/her from providing student transportation. The person shall not be allowed to transport students for the time period specified.

D. Employee and Volunteer Notification Requirements

Any current District employee or current volunteer who has been charged with or convicted of a misdemeanor or felony shall report that fact to the District Administrator without delay. Failure to report under this policy may result in disciplinary action, up to and including termination or the ending of volunteering activities with the District. District employees shall, as part of the employee handbook, be required to authorize the District’s criminal background disclosure form in order to remain employed in the District.

E. Employee and Volunteer Rights

1. Persons recommended for employment and employees will be provided a copy of

the conviction report upon request. Persons requesting copies of the conviction report will reimburse the District for the cost of providing the copies. Persons recommended for employment and employees have the right to attach any statement or explanation to the conviction report. The disclosure report and conviction report will be maintained in files separate from the persons’ personnel file for as long as the persons are employed by the District and as prescribed by the records retention schedule adopted by the District.

2. In determining whether to screen an applicant or employee/volunteer for possible

exclusion or other adverse employment action based on pending charges or a criminal conviction, the District will consider the nature of the allegations or the crime/conduct, the time elapsed, and the nature of the job. Before an applicant or employee/volunteer would be excluded from employment based on pending charges or a criminal conviction, the District will conduct an individualized assessment as follows:

a) The District will notify the individual that he/she has been identified for

possible exclusion because of a criminal conviction;

b) The District will offer the individual an opportunity to demonstrate that

the exclusion should not be applied due to his/her particular

circumstances; and

c) The District will consider whether the additional information provided by

the individual, if any, warrants an exception to the proposed exclusion based upon a conclusion that applying the proposed exclusion under the specific circumstances would not reflect legitimate job-related concerns, or that applying the conclusion would be otherwise inconsistent with state or federal law. For example, state law prohibits an employer from denying employment to an individual based upon a pending charge or a misdemeanor conviction except where the circumstances of the charge/conviction are substantially related to the circumstances of the job; and

d) If the criminal background check comes back with a record in it, the

Matter will be referred to legal counsel for appropriate advice.

The Walworth Jt. District #1 does not discriminate in admissions to any school, class, program, or activity on the basis of sex, race, national origin, creed, pregnancy or marital status, sexual orientation, or physical, learning, emotional, or mental disability. All discrimination complaints shall be processed in accordance with established procedures.

**LEGAL REFERENCES:** Wisconsin Statutes

Section 111.31 Fair employment and nondiscrimination

Section 111.321 Prohibited bases of employment discrimination

Section 111.335 Arrest or conviction record; exceptions

and special cases

Section 115.31 Staff misconduct reporting to the state

superintendent

Section 121.555(3) Criminal background check and driver

record check requirements related to transporting students

Federal Law

42 U.S.C. § 2000e et seq.

Title VII of the Civil Rights Act of 1964, as amended – employment discrimination

**CROSS REFERENCES:**  Policy 112-Non-discrimination

**POLICY ADOPTION:** June 15, 1995

**POLICY REVISIONS:** August 21, 2000

February 16, 2009

March 18, 2013

**STANDARDS AND EXPECTATIONS OF VOLUNTEERS**

Volunteer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The function of adult chaperones and other volunteers is to assist in the proper education of students’ through participation in a variety of experiences designed to enhance academic achievement, such as field trips, co-curricular/athletic events, and classroom activities. The following guidelines, developed by staff and administration, establish minimum standards and expectations. As a volunteer in the Walworth Jt. District #1, you are expected to be aware of and agree to and accept responsibilities on the following:

1. Each student is to be treated equally and impartially with respect and consideration.

2. Your role is to implement all decisions and rules made by the teacher, co‐curricular

advisor, or coach who is in charge of the educational experience.

3. All personal contact with students, administrators, officials, athletic directors, the

State School Athletic Association, the media, and the public shall be conducted in the

highest ethical and moral manner.

4. That meetings, events, field trips, competitions, or contests are extensions of the school

campus and that all school rules apply to students and school volunteers.

5. No child shall be left unattended at any time, unless directed by the supervising teacher.

**The volunteer shall:**

1. Uphold the policies and rules of the school and the school district regarding student behavior and his/her own conduct while supervising students on and off school grounds.
2. Not consume alcohol or any other illegal drugs, or any intoxicants, or use tobacco while

supervising or working with students.

1. Agree to abide by all field trip rules, student handbook rules, and staff conduct rules of Walworth Jt. District #1.
2. Model good character and decision‐making for all students at all times.
3. Maintain strict confidence about students and staff. This includes health issues, academic

performance and behavior, school problems, and student information in any form (including verbal and personal observations). The access to records by a volunteer shall be limited to legitimate educational interest, particular to the duty performed and under the supervision of a district employee acting as a volunteer supervisor.

1. Refrain from discussing school practices, individual students and personnel, or personal opinions regarding all children, adults, and situations observed by a volunteer unless there is a legitimate educational interest to protect the safety interests of individuals and the school. If you have a concern, please discuss it with the District Administrator or their designee.
2. Sign in and wear a designated volunteer badge while working at Walworth Jt. District #1.
3. Stop adults in the building who are not wearing badges and ask them to return to the school office to sign‐in and put on a volunteer or guest badge.
4. Make arrangements for personal child care needs while you volunteer.

**INFRACTIONS OF THESE EXPECTATIONS WILL RESULT IN TERMINATION OF ALL VOLUNTEER PRIVILEGES.**

**I have read the above standards and expectations and agree to accept responsibility as a volunteer within the Walworth Jt. District #1. I understand that failure to follow the state standards and expectations will result in termination of my volunteer privileges within the Walworth Jt. District #1.**

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**Signature Date**

**WALWORTH JT. DISTRICT #1 VOLUNTEER DISCLOSURE FORM**

It is the policy of Walworth Jt. District #1 to require all volunteers and prospective volunteers to complete the Disclosure Statement. Subsequently, Walworth Jt. District #1 will complete a criminal record check for conviction(s) and pending charges through the Wisconsin Department of Justice.

**PLEASE PRINT CLEARLY**

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Last First Middle

Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street City State Zip

E-Mail:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Number of Years at this address: \_\_\_\_\_\_\_\_\_\_ Date of Birth:\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_

Have you ever, in your lifetime, been convicted of or do you have any charges pending for felonies, misdemeanors and/or ordinance violations other than minor traffic violations? This includes all court addressed charges such as disorderly conduct, battery, worthless checks, etc.

▢ YES ▢ NO

If yes, you must provide date, location, nature, and circumstances of offense on a separate sheet. Failure to disclose this information may be grounds for non-approval.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Check the reason(s) for your interest in volunteering:

Chaperone a Class Outing/Dance ▢

 Helping Students in the Classroom ▢

 Helping with Clerical Needs ▢

Assisting with Class Party or Special Project ▢

Assist in the Lunchroom or Playground ▢

Specific Student or Specific Event \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I authorize Walworth Jt. District #1 to review my personal background. I consent to having Walworth Jt. District #1 conduct a criminal background check. I understand that any misrepresentation on this statement may result in immediate disqualification for any volunteer service within Walworth Jt. District #1. I understand that Walworth Jt. District #1 will verify the information I have provided above. I hereby release the District, its Board of Education and its agents, as well as all providers of information, from any liability related to furnishing and receiving information related to arrests and convictions.

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Volunteer Signature Date

Please return this form to Walworth Jt. District #1, 121 Beloit St. Walworth, WI 53184 Any questions, please contact our Main Office at (262) 275-6896 ext. 1204.

Walworth Jt. District #1 does not discriminate on admissions to any school, class, program, or activity on the basis of sex, religion, national origin, creed, pregnancy, marital status, parental status, sexual orientation, or physical, learning, emotional, or mental disability. All discrimination complaints shall be processed in accordance with established procedures.