

RECORDS INVESTIGATION

The Stillwater Public Schools Board of Education believes that it has a responsibility to employ only those persons who are qualified in every respect. The board further believes that it should avail itself of means and methods provided by the legislature to assist in the selection of employees. Therefore, it is the policy of this board of education that a national criminal history record check shall be conducted of all prospective employees. The board of education is not required to obtain a new criminal history record check for an individual who has obtained certification from the Oklahoma State Department of Education within the previous twelve (12) months. A national criminal history record check is defined at 74 O.S. § 150.9 and requires a check of criminal history records entailing the fingerprinting of the individual and submission of the fingerprints to the United States Federal Bureau of Investigation (FBI) for the purpose of obtaining the national criminal history record of the person from the FBI. In addition, the district shall conduct and conduct an annual search of the Oklahoma Sex Offender and Mary Rippy Violent Crime Offender Registries with respect to all employees who offer or provide services to students.

The district may use the services of a third-party vendor who is a member in good standing with the National Association of Professional Background Screeners to perform any and all employment screenings, background checks, and credit checks.

Criminal Record Search of Prospective Employees

Applicants shall be advised of the following during the first employment interview:

- The district requires a record search of every prospective employee as a condition of employment;
- To enable the district to request the search and obtain the results, the applicant must complete and sign the provided authorization and release form (DABB-E1);
- The district will only request a criminal record search if the superintendent recommends employment of the applicant;
- If the superintendent recommends employment of the applicant, the district will pay for the search fee;
- If the superintendent recommends employment of the applicant, the applicant must submit to being fingerprinted, provide a social security number, and provide any other information necessary to facilitate the record search; and
- The applicant, if placed on duty prior to receipt of the search results, will be classified as a temporary employee until the district is notified that the search is clear of any felony conviction within the past ten (10) years.

All criminal record searches will be made in compliance with the Federal Fair Credit Reporting Act.

If the results of the record search:

- are not received by the district within sixty (60) calendar days of the first day of employment, or,
- reveals any prior felony offense conviction within the past ten (10) years, or
- reveals a conviction that shows a tendency to be a danger to the health/safety of students, or,
- reveals a conviction that indicates a potential conflict with the duties to be performed by the applicants, or
- reveals a false response to one or more of the questions in the employment process,

the applicant shall be deemed to have resigned his or her employment.

RECORDS INVESTIGATION (Cont.)

The administration will review the facts and circumstances of each situation and decide whether to recommend the resignation be accepted. Such resignation may be accepted by the board of education at any time. Under these circumstances, the applicant waives any due process procedures that might be available under federal and state law and district policies and procedures. The sixty (60) day temporary employment period shall begin on the first day the prospective employee reports for duty.

Criminal Record Searches of Current Employees

The district will also request a record search of the name, fingerprints, social security number or other relevant information of any current employee if, at any time during employment, the board of education or superintendent requests a search of that employee's felony record.

In addition, the Stillwater Public Schools may use the services of a third-party vendor that is a member in good standing with the National Association of Professional Background Screeners to perform any and all employment screenings, background checks, and credit checks.

Any teacher employed prior to May 19, 2020, who does not have an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined above on file with the school district shall complete the criminal history background checks upon the next renewal of his or her Standard Teaching Certificate. Any other employee employed by the district prior to May 19, 2020, who does not have an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation as well as a national criminal history record check as defined above on file with the school district shall have until July 1, 2022, to complete the criminal history background checks.

Criminal Record Searches of Substitutes

The district may, in its discretion, require a national criminal history record search for substitutes of the same type and using the same standards applicable to prospective employees, or it may obtain a current records search, if available, from an Oklahoma school district that employed the substitute in the year preceding prospective employment.

Any person seeking employment as a substitute who has been employed as a full-time teacher by the district for ten (10) or more consecutive years immediately preceding application for employment as a substitute, and who left full-time employment with the district in good standing, is not required to have a national criminal history record check for as long as the person remains employed as a substitute for consecutive years by the district.

Any person applying for employment as a substitute teacher shall only be required to have one such national criminal history records check for the school year. Upon request of the substitute teacher, that felony records search results may be sent to any other school district in which the substitute teacher is applying to teach. The board of education may choose whether to require a national criminal history record check from a prospective substitute teacher who has been employed by the school district in the last year.

Any person employed as a full-time teacher by a school district in Oklahoma in the five (5) years immediately preceding an application for employment as a substitute teacher may not be required to have a national criminal history record check, if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was last employed stating the teacher left in good standing **and whether the teacher was the subject of any allegation of inappropriate behavior with a student.**

RECORDS INVESTIGATION (Cont.)

Any person who has been employed as a full-time teacher by a school district who applies for employment as a full-time teacher in another school district may not be required to have a national criminal history background check completed if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was employed stating the teacher left in good standing **and whether the teacher was the subject of any allegation of inappropriate behavior with a student.**

Any person who has been employed as a substitute teacher by a school for a minimum of five (5) years preceding an application to be employed as a full-time teacher may not be required to have a national criminal history record check completed if the teacher can produce a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was employed as a substitute teacher stating that the teacher left in good standing **and whether the teacher was the subject of any allegation of inappropriate behavior with a student.**

REFERENCE: 70 O.S. §5-142