

BACKGROUND CHECKS

The School District is committed to the selection of quality staff and to providing a safe environment for students and staff. As part of that commitment, the district will obtain background checks on school employees and may obtain background checks on school volunteers or employees of contracted vendors pursuant to this policy and in accordance with state law.

EMPLOYEE CRIMINAL BACKGROUND CHECKS

Any offer of employment is contingent upon the satisfactory outcome of a criminal background check. The district has the sole discretion to determine whether the outcome of a criminal background check is satisfactory. In making a determination, the district:

1. Shall adhere to all applicable state laws that disqualify an individual from employment by a school district; and
2. May consider the conviction of any crime of moral turpitude; and
3. May consider any criminal conviction, including convictions not disclosed by an applicant.

An individual may be granted employment on a temporary basis pending the receipt of the results of a criminal background check. In the event that a temporary employee is determined to have an unsatisfactory background check, employment will be immediately terminated without notice or hearing.

This policy shall not apply to persons performing services for the district under the authority of the South Dakota High School Activities Association. This policy applies to all other employment agreements, whether written or oral.

INDEPENDENT CONTRACTORS AND VOLUNTEERS

Any organization that contracts with the district for service shall be required to certify to the district, in writing, that individuals employed by the service provider have been subjected to a criminal background check. At the discretion of the superintendent, this requirement may be waived if individuals employed by the service provider do not have contact with students.

The district may, at its discretion, require a criminal background check on any volunteer.

FINANCIAL BACKGROUND CHECKS

Any individual employed as the district's business official shall, prior to employment, be subject to a financial background check. A financial background check may include a credit check, financial delinquencies, corporate interests and any other examination of the individual's financial trustworthiness.

At the discretion of the superintendent or a designee, individuals applying for financially sensitive positions may be subject a financial background check prior to employment.

ADDITIONAL BACKGROUND CHECKS

The Superintendent is charged with developing recruiting and hiring procedures that ensure all district employees have been subject to relevant background checks, including education and employment history.

CONFIDENTIALITY

Information received as the result of this policy shall remain confidential and shall not be released to any other individual or entity without the written request of the employee.

Legal References: SDCL 13-10-12 (Criminal background investigation)
SDCL 13-10-13 (Criminal conviction as factor in hiring decision)
SDCL 13-10-14 (Persons continuously employed exempt)
SDCL 13-10-15 (Suspension or resignation for criminal conviction)
SDCL 13-10-16 (Conviction defined)
SDCL 22-1-2 (19) (Definition of "Immediate family")
SDCL 22-1-2 (25) (Definition of "Moral turpitude")
SDCL 22-24B-1 (Sex crimes defined)

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