

POSITIONS AND POLICIES ON EDUCATION

Criminal History Check

FILE CODE

4112.5

Background Checks For Employees and Applicants

- A. **The NJSBA believes** all applicants for employment, as well as current employees who have never had a background check, whose position involves regular contact with pupils, should be required to have federal and state criminal background checks completed. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, BD 4/93, DA 11/96 SR, DA 5/97 CR (School Finance)]*
- B. **The NJSBA believes** local school districts should be permitted to hire an applicant on a provisional basis while the background check is being completed. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, BD 4/93, DA 11/96-SR, DA 5/97-CR (School Finance)]*
- C. **The NJSBA believes** boards of education should have the option to conduct preliminary criminal background checks pending the completion of checks performed by State authorities. Access to preliminary background check information would be obtained through the local law enforcement officials relevant to the board of education in question and would involve a search of federal and state law enforcement records. Information checked through preliminary procedures should be consistent with that obtainable under current law. *[Authority: DA 11/97-1]*
- D. **The NJSBA believes** that authorities responsible for performing background checks should report back to local school districts in a timely fashion. *[Authority: DA 6/94-6 ER, DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Background Checks of Bus Drivers

- A. **The NJSBA believes** that bus drivers should have background checks performed by state and federal authorities whenever a bus driver license is applied for or renewed. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, BD 4/93, DA 11/96-CR, DA 5/97-CR (School Finance)]*
- B. **The NJSBA believes** boards of education should not be held criminally liable for the approval or the assignment of drivers or substitute drivers of a school bus. *[Authority: DA 6/83-17, DA 11/96-SR, DA 5/97 CR (School Finance)]*
- C. **The NJSBA believes** that state and federal authorities should cooperate in completing background checks of bus driver applicants. *[Authority: DA 6/83-17, DA 11/96-SR, DA 5/97 CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Student Teachers

The NJSBA believes that all student teachers and interns should be required to have federal and New Jersey state criminal background checks completed before that student teacher or intern is assigned to a public school in the State of New Jersey. *[Authority: DA 5/03-1, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Employment Disqualification

The NJSBA believes any person currently under indictment or convicted of any criminal offenses, including any offenses involving driving while intoxicated, where such indictment or offense is related to the positions or intended positions of such persons in the school environment, must be disqualified from school employment. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	1600	Relations between other entities and the district
	4119.23	Smoking, drinking and use of drugs on school premises
	4217.50	Standards for staff discipline
	5141.4	Child abuse and neglect
	4212.2	Certification or licensing

Key Words: background checks, disqualification