

Title: Background Checks and Offense Reporting

Effective Date: 8/8/17

References: UCA §53A-15-1501 through 1511, Background Checks  
R277-516, Background Check Policies and Required Reports of Arrests for Licensed Educators, Volunteers, Non-licensed Employees, and Charter School Governing Board Members

### Purpose

Ignite Entrepreneurship Academy (IEA) desires to provide a safe school environment for students and all associated personnel. Accordingly, IEA adopts this policy for licensed and non-licensed school employees, volunteers (including board members), and contractors to ensure regular background clearance and reporting of specific offenses in accordance with Utah Law. The Utah State Board of Education requires all Utah educators to comply with federal, state, and local laws, maintain a safe learning environment, and exhibit appropriate professional conduct.

### Policy

1. **Conflict.** If any portion of this policy is found to conflict with current applicable laws to which IEA is subject, such law shall control and the portion of this policy to be found in conflict shall be void.
2. **Background Checks.** Background checks required by this policy shall be administered through and according to the requirements of the Utah Department of Public Safety, Bureau of Criminal Identification (BCI), including 10-print fingerprints (paper or LiveScan) submitted through the Utah, WIN, and FBI fingerprint databases with continuous rap-back services for the duration of the individual's employment or appointment with IEA.
3. **Employees and Board Members.** All potential IEA employees and Board members must submit to a criminal background check as a condition for employment or appointment. Utah educators holding a current license have met this requirement.
4. **Volunteers and Contractors.** Volunteers and Contractors with unsupervised access to students in connection with their assignment must submit to a criminal background check as a condition of service. Until the background check is complete, the volunteer or contractor must remain under the supervised observation of an IEA employee.
5. **Continuing Background Checks.** Where reasonable cause exists, IEA may require a current employee, board member, volunteer, or contractor to submit to a criminal background check at any time.
6. **Costs.** All persons subject to this policy will pay the applicable cost of background checks, except Board members and Volunteers, for whom the cost will be paid by IEA.
7. **Cooperation with Agencies.** IEA will cooperate with appropriate regulatory and oversight agencies, such as the Utah Department of Public Safety.

8. **Administration.** The Director, in coordination with the Human Resources manager, shall establish procedures consistent with this policy and applicable rules and laws for the effective administration and monitoring hereof, and shall train personnel on the provisions of this policy for self-reporting and ethical behavior of public education employees.

#### Offense Reporting and Responsibilities

1. **Self-Reporting.** An IEA licensed, non-licensed and contract employee, Volunteer, or board member who is arrested for, cited with, charged with or convicted (including, but not limited to, pleas in abeyance and diversion agreements) of any of the following offenses, must report all such arrests, citations, charges and convictions to the Director within 48 hours of occurrence:
  - a) Any matters involving arrests for alleged sex offenses;
  - b) Any matters involving arrests for alleged drug-related offenses;
  - c) Any matters involving arrests for alleged alcohol-related offenses;
  - d) Any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person;
  - e) Any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against the Property (applicable to licensed IEA employees only);
  - f) Any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act (applicable to licensed IEA employees only); and
  - g) Any matter involving an alleged crime under federal law or the laws of another state comparable to the violations listed above.
2. **Required Suspension.** Employees, volunteers and contractors will receive immediate suspension, with or without pay at the discretion of the Director, from student supervision responsibilities and interactions for alleged sex offenses and other alleged offenses which may endanger students or interfere with the orderly operation of the school during the period of investigation;

Employees, volunteers and contractors will receive immediate suspension, with or without pay at the discretion of the Director, from transporting students or public education vehicle operation or maintenance for alleged offenses involving alcohol or drugs during the period of investigation.

3. **Due Process.** IEA shall follow reasonable due process consistent with Utah Administrative Code §53A-3-410(10) to investigate, act upon, and report alleged offenses including:
  - a) a process to review arrest information and make employment decisions that protect both the safety of students and the confidentiality and due process rights of the accused;
  - b) internal timelines and procedures for maintaining records of arrests and convictions of non-licensed public education personnel, including final administrative determinations and actions following investigation;
  - c) Maintain records only as necessary to protect the safety of students with strict requirements for the protection of confidential personal information.

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Amended March 13, 2018