

The District is charged with responsibility for the health, safety, welfare and supervision of children in a variety of settings—including some settings in which students should be considered vulnerable. As part of meeting this significant responsibility, and in consideration of other important factors related to safety and due diligence, pre-employment criminal background checks shall be conducted for all persons recommended for employment in the District, regardless of the category or type of position. No one may begin employment with the District until the criminal background check is completed and verified by the *Director of Human Resources*. All offers of employment are contingent upon the results of the criminal background check that are deemed satisfactory to the District.

If the District learns through a criminal background check or any other means that an applicant or employee has a past conviction or has (or had) a pending charge which the individual failed to disclose as required on the District's employment application or under any other applicable District policy or directive, the District may take adverse action against the applicant or employee, including but not limited to refusing to employ the person, revoking an offer of employment, or terminating the individual's employment.

The District shall also conduct criminal background checks and 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.

At its discretion and even when not required by law, the District may also periodically conduct criminal background checks of current District employees to the extent permitted by law.

Any current District employee who has been charged with or convicted of any Class A misdemeanor, any felony, any crime against children, or any crime involving a victim who is a minor shall report that fact to the Director of Human Resources without delay. Failure to report under this policy may result in disciplinary action, up to and including termination.

In determining whether to screen an applicant or employee 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 would be excluded from employment based on pending charges or a criminal conviction, the District will conduct an individualized assessment as follows:

1. The District will notify the individual that he/she has been identified for possible exclusion because of a pending charge or a criminal conviction;
2. The District will offer the individual an opportunity to demonstrate that the exclusion should not be applied due to his/her particular circumstances; and

3. 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.

The administration shall establish the procedures necessary to obtain the required criminal background checks and carry out the other provisions of this policy.

### Legal References:

#### Wisconsin Statutes

<a href="#">Section 111.31</a>	[fair employment and nondiscrimination]
<a href="#">Section 111.321</a>	[prohibited bases of employment discrimination]
<a href="#">Section 111.335</a>	[arrest or conviction record; exceptions and special cases]
<a href="#">Section 115.31</a>	[staff misconduct reporting to the state superintendent]
<a href="#">Section 121.555(3)</a>	[criminal background check and driver record check requirements related to transporting students]
<a href="#">Section 973.25</a>	[certificates of qualification for employment for individuals convicted of a crime]

#### Federal Law

<a href="#">42 U.S.C. § 2000e et seq.</a>	[Title VII of the Civil Rights Act of 1964, as amended – employment discrimination]
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### Cross References:

WASB PRG 533.1 Sample Policy 3

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