

Book	Policy Manual
Section	Issue 3 of 2021 August PDQ (Revised)
Title	Criminal Records Check
Code	GBQ
Status	From OSBA

Criminal Records Check

The Board shall request from the Superintendent of the Bureau of Criminal Investigation (BCI) criminal records checks of all candidates under final consideration for employment or appointment in the District. The BCI criminal records checks include information from the Federal Bureau of Investigation (FBI), unless the individual can demonstrate that he/she has been a resident of the state for the preceding five years and has previously been subject to a BCI check, in which case only an FBI check is required.

At the time of candidates' initial application for employment, applicants are given a separate written statement informing them that each must provide a set of fingerprint impressions as part of the criminal records check process and that the Board uses a criminal records check as part of the initial hiring process and at various times during the employment career. The Board may employ persons on the condition that the candidate submit to and pass a BCI criminal records check in accordance with State law. Any person conditionally hired who fails to pass a BCI criminal records check is released from employment.

An applicant for employment may provide a certified copy of a BCI criminal records check to the District in compliance with State law. The District may accept this criminal records check in place of its own records check if the date of acceptance by the District is within one year after the date of issuance by the BCI.

State law requires subsequent criminal records checks every five years for all school employees except bus drivers. For currently employed bus drivers, a new report is required every six years.

Any and all information obtained by the Board or persons under this policy is confidential and shall not be released or disseminated. Criminal records checks are not public records for purposes of the Public Records Law. Any applicant not hired because of information received from the records check shall be assured that all records pertaining to such information are destroyed.

[In accordance with State law, the District may require additional background checks for any applicant for employment or a prospective volunteer.](#)

Volunteers

The District notifies current and prospective volunteers who have or will have unsupervised access to students on a regular basis that a criminal records check may be conducted at any time.

Contractors

Criminal records checks are required for contractors who meet the following four criteria: (1) the contractor is an employee of a private company under contract with the District to provide "essential school services"; (2) the contractor works in a position involving routine interaction with a child or regular responsibility for the care, custody or control of a child; (3) the contractor is not licensed by the Ohio Department of Education and (4) the contractor is not a bus driver.

LEGAL REFS:

ORC 109.57
 ORC 109.572
 ORC 109.575
 ORC 109.576
 ORC 2953.32
 ORC 3301.074
 ORC 3314.19
 ORC 3314.41
 ORC 3319.088
 ORC 3319.089
 ORC 3319.22
 ORC 3319.222
 ORC 3319.29
 ORC 3319.291
 ORC 3319.303
 ORC 3319.311
 ORC 3319.313
 ORC 3319.315
 ORC 3319.39
 ORC 3319.391
 ORC 3319.392
[ORC 3319.393](#)
 ORC 3327.10
 OAC 3301-83-06

CROSS REFS.: EEAC, School Bus Safety Program
 GBL, Personnel Records
 GCBB, Professional Staff Supplemental Contracts
 GCD, Professional Staff Hiring
 GCPD, Suspension and Termination of Professional Staff Members
 GDBB, Support Staff Pupil Activity Contracts
 GDD, Support Staff Hiring
 GDPD, Suspension, Demotion and Termination of Support Staff Members

IIC, Community Instructional Resources (Also KF)
IICC, School Volunteers
KBA, Public's Right to Know
LEA, Student Teaching and Internships

NOTE: Districts must initiate the five-year cycle by requesting criminal records checks by September 5, 2008. State law identifies a number of individuals to submit to criminal records checks for initial and renewal of licenses, certificates or permits; and every five years if holding an eight-year professional teaching certificate or permanent teaching certificate. These individuals are persons with professional educator licenses, teachers' certificates, educational aid permits, educational paraprofessional licenses, conditional teaching permits for those seeking alternative educator licenses, intervention specialists, treasurers, business managers and those with pupil activity program permits who do not have valid educator licenses, certificates or permits.

With respect to contractors, "essential school services" are those services that are provided by a private company under a contract with the District that the District's Superintendent has determined are necessary for the operation of the District and that would need to be provided by employees of the District if the services were not provided by the private company.

If a contractor meets the definition and is covered by State law, the District may not allow that contractor to work in the District unless the contractor's employer provides documentation of a criminal records check or the District adopts certain safety measures to safeguard students. The contractor's employer may provide proof that the person has (1) been subject to a criminal records check in the five years prior to the date for the proposed work and (2) the criminal records check indicates they have not been convicted of or pleaded guilty to any offense listed in Ohio Revised Code Section (RC) 3319.39(B)(1). Instead of a criminal records check for a contractor who meets the definitions above, the District may require an employee of the District to be present in the same room with the student or within a 30-yard radius of the student if they are outside.

[House Bill 110 \(2021\) enacted RC 3319.393, allowing districts to further discern the background of an applicant or potential volunteer through additional criminal records checks.](#)

THIS IS A REQUIRED POLICY

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