



WSD Policy B20

PERSONNEL RECRUITMENT, SELECTION, APPOINTMENT, AND BACKGROUND CHECKS

ADOPTION DATE: 8/14/2024

Policy

It is the policy of the Winooski School District (District) to select for employment only persons who have the skills and other qualifications necessary to fulfill job requirements while complying with the provisions of federal and state law regarding the recruitment, selection, and employment of school district employees. The District shall make reasonable efforts to recruit candidates from diverse backgrounds to enhance the educational experience of students.

Persons subject to criminal record checks and abuse registry checks under this policy include all those recommended for full-time, part-time, or temporary employment in the school district, including student teachers, and those contractors and employees of contractors who may have unsupervised contact with students and are subject by law to criminal record, including hate crimes, abuse registry, report checks prior to or in the course of employment.

The Superintendent may request a name and date of birth or fingerprint-supported check of the criminal record of any current employee who has previously undergone a check at any time during the course of the record subject's employment in the capacity for which the original check was required.^[1]

The district shall ensure that adults employed in the schools maintained by the district receive orientation, information, or instruction on the prevention, identification, and reporting of child abuse as required by state law. The district will also provide opportunities for parents, guardians, and other interested persons to receive the same information.^[2]

The Winooski School District will ensure that employees receive training in non-discrimination, bias, and anti-racism.

Definitions

1. The term "**criminal record**" as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(1).^[3]

¹ See 16 V.S.A. § 256(a)(2).

² See 16 V.S.A. § 563a.

³ "Criminal record" means the record of: (A) convictions in Vermont, including whether any of the convictions listed in 13 V.S.A. § 5401(10) (sex offender definition for registration purposes); and (B) convictions in other jurisdictions recorded in other state repositories or by the Federal Bureau of Investigation (FBI). 16 V.S.A. § 252(1).

2. The term “**unsupervised**” as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(4).^[4]
3. The term “**abuse registry**” as used in this policy shall include the Vermont Child Protection Registry maintained by the Vermont Department for Children and Families and the Vulnerable Adult Abuse Registry maintained by the Vermont Department of Disabilities, Aging and Independent Living.
4. The terms “**employ**” or “**employment**” as used in this policy shall, as the context requires, apply to individuals who are, or are being considered for, full-time, part-time or temporary employment in the school district, including student teachers and those contractors and employees of contractors who may have unsupervised contact with students.

Recruitment

1. The Board seeks to strengthen recruitment of educators within historically excluded groups.
2. All personnel will be recruited by the district's administrative staff under the immediate direction of the Superintendent.
3. Written or electronic applications will be required of candidates for employment. The application will include a warning to the applicant that falsification of information on the application or during the application process will be grounds for dismissal if the applicant is hired. The district will make reasonable efforts to give equitable access to the application process.
4. After the initial written or electronic application process is complete, applicants selected for an interview will be required to provide a statement identifying any criminal charges brought against the applicant, including the date of each charge, the court where the charge was filed and the disposition of the charge. The statement shall also include a warning to the applicant in bold print that falsification of information or the omission of information on the statement may constitute grounds for dismissal if the applicant is hired. In reviewing a criminal background check, the district will consider issues of historical inequity. Any job offer shall be made contingent on the candidate successfully completing the school district's background check process.

Selection

1. It is the policy of the Board to select employees on the basis of fitness to serve our unique populations, professional qualifications, and critical job requirements. The District shall not consider protected characteristics, like race, religion, national origin, gender, gender identity or sexual orientation, in connection with hiring decisions but will not impede the voluntary disclosure of this information if the applicant, unprompted, wishes to express it as part of their application and if the applicant believes these characteristics are an asset in their profession. Employees will be

⁴ “Unsupervised” means not in the presence of a responsible adult in the employ of or under the direction of the independent school or school district. 16 V.S.A. § 252(2).

selected in a manner that does not unlawfully discriminate.^[5] The Superintendent shall require that all applicants, as a condition of employment consideration, cooperate fully with background investigations, supplying references and releases so the district can contact previous employers. Applicants the Superintendent is prepared to recommend for employment will be expected to provide fingerprints, releases, and other information necessary to conduct background investigations. The costs of such checks will be borne by the prospective employee. All offers of employment shall be contingent on the candidate's successful completion of the background investigation process and a finding that the information provided by the applicant during the pre-employment process was accurate, complete, and truthful.

2. The Superintendent shall request a criminal record check through the Vermont Criminal Information Center (VCIC) on any candidate the Superintendent intends to appoint or is prepared to recommend for appointment. Requests will be made for fingerprint-supported criminal records from the FBI as well as criminal records from the state of Vermont and any state in which the Superintendent knows the applicant has resided, or been employed. The Superintendent shall maintain such records in accordance with state law.
3. The Superintendent shall also request information through any available abuse registry to determine whether there are any substantiated abuse/neglect charges and sex offense against an applicant before appointing or nominating a candidate for employment. The Superintendent shall maintain such records in accordance with state law.^[6]
4. Employment conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions about criminal activity or prior employment. In any event the Superintendent shall forward the information received from VCIC to the person about whom the request was made and inform the person of their rights to challenge the accuracy of the record and to determine the disposition of the record under 16 V.S.A. §§ 255(f), (g).
5. Providing a safe learning environment for students is a primary consideration in district employment decisions. The District will base such decisions on all relevant information, qualifications, and circumstances. Unfavorable background check information is not an automatic bar to employment, nor is a background check with no unfavorable information a guarantee of employment. However, no person convicted of a sexual offense requiring registration on the Vermont comprehensive sex offender registry shall be employed by the school district.^[7]

Appointment

⁵ See, e.g. 21 V.S.A. § 495, et seq. (Fair Employment Practices) and 9 V.S.A. § 4500, et seq. (Public Accommodations Act).

⁶ 16 V.S.A. § 255

⁷ 16 V.S.A. § 255

1. The appointment of licensed employees will be made by the Board subject to the nomination of candidates by the Superintendent of Schools.^[8]
2. Subject to any pre-employment screening processes approved by the Board,^[9] the Superintendent shall appoint all non-licensed employees to be employed by the school district.^[10]
3. Contracts of employment or other notification of employment will be conditional pending receipt of criminal records check information and evaluation of that information.
4. Upon completion of a criminal records check, the Superintendent shall:
 1. notify the person subject to the check about the district's protocol for maintenance of criminal history files, and
 2. ask the person subject to the check to indicate if the record should be maintained or destroyed after the retention period specified in the District's user agreement with VCIC.
5. Employees who have been employed for fewer than two years in Vermont public schools are considered probationary teachers and may be offered a probationary contract.
6. All offers of employment may be withdrawn based on the criminal records check report or upon a finding that the information provided by the applicant during the pre-employment process was inaccurate, incomplete, or untruthful.

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<i>Legal Reference(s):</i>	<i>16 V.S.A. §§251 et seq. (Criminal record checks)</i>
	<i>16 V.S.A. §255 (Public and independent school employees; contractors)</i>
	<i>16 V.S.A. §242(3) and 563 (12) (Responsibility for hiring)</i>
	<i>Act 1 of 2009 (Adjourned Sess.)</i>
	<i>Act 108 of 2010</i>
<i>Cross Reference:</i>	<i>Notice of Non-Discrimination</i>
	<i>District Equity Policy</i>
	<i>Substitute Teachers</i>

⁸ 16 V.S.A. § 242(3)(A)

⁹ The term "Pre-employment screening processes" as used in this policy is intended to refer to background checks other than required criminal record and abuse registry checks, interviewing processes or other methods of assessing a candidate's qualifications prior to appointment by the Superintendent. Pre-employment screening processes involving participation by employee groups, Board members or other interest groups are not required, but are frequently used.

¹⁰ 16 V.S.A. § 242(3)(B)