

**Policy Name: Classified Personnel
Criminal Background Check****Policy Code: 8.13C****Date Adopted: R/A 5/21/12**

The Board of Directors of the school district shall require as a condition for initial employment or noncontinuous reemployment in a classified staff position any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks, the latter to be conducted by the FBI. The checks shall conform to the applicable federal standards and shall include the taking of fingerprints. The applicants shall be responsible for the payment of any fee associated with the criminal records checks.

(b) No person in a classified staff position shall be eligible for employment if that person has pleaded guilty or nolo contendere to or has been found guilty of any of the following offense by any court in the State of Arkansas or similar offense by a court in another state or of any similar offense by a federal court. No person who provide services as a substitute teacher, shall be eligible for employment, whether initial employment, reemployment, or continued employment, by a local school district if that person has pleaded guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or similar offense by a court in another state or of any similar offense by a federal court:

1. Capital murder, as prohibited in 5-10-101.
2. Murder in the first degree and second degree, as prohibited in 5-10-102 and 5-10-103.
3. Manslaughter, as prohibited in 5-10-104.
4. Battery in the first degree and second degree, as prohibited in 5-13-201 and 5-12-202.
5. Aggravated assault, as prohibited in 5-13-204.
6. Terroristic threatening in the first degree, as prohibited in 5-13-301.
7. Kidnapping, as prohibited in 5-11-102.
8. Rape, as prohibited in 5-14-103 and 5-14-105.
9. Sexual abuse in the first degree, second degree, third degree, and fourth degree, as prohibited in 5-14-124 - 5-14-127;
10. Incest, as prohibited in 5-26-202.
11. Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child, as prohibited in 5-27-303, 5-27-305, 5-27-402 and 5-27-403.
12. Distribution to minors, as prohibited in 5-64-406.
13. Manufacture, deliver, or possess with intent to manufacture or deliver any controlled substance, as prohibited in 5-64-401.
14. Criminal attempt, criminal solicitation, or criminal conspiracy, as prohibited in 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection (c).
15. Sexual indecency with a child, as prohibited in 5-14-110.
16. Endangering the welfare of a minor in the first degree, as prohibited in 5-27-203.
17. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, as prohibited in 5-27-304.
18. False imprisonment in the first degree, as prohibited in 5-11-103.
19. Permanent detention or restraint, as prohibited in 5-11-106.
20. Permitting child abuse, as prohibited in subdivisions (a) (1) and (a) (3) of 5-27-221.
21. Negligent homicide, as prohibited by 5-10-105(a).
22. Assault in the first degree, as prohibited by 5-13-205.
23. Coercion, as prohibited by 5-13-208.
24. Public sexual indecency, as prohibited by 5-14-111.
25. Indecent exposure, as prohibited by 5-14-112.
26. Endangering the welfare of a minor in the second degree, as prohibited by 5-27-204.
27. Computer child pornography as prohibited 5-27-605
28. Computer exploitation of a child in the first degree as prohibited in 5-27-605

- 29. Felony theft as prohibited in 5-36-106 and 5-36-203**
- 30. Robbery as prohibited by 5-12-102 and 5-12-103**
- 31. Breaking or entering as prohibited by 5-39-202**
- 32. Burglary as prohibited by 5-39-201**
- 33. Forgery as prohibited by 5-37-201, and**
- 34. Any felony not listed in this subsection (b) and involving physical or sexual injury, mistreatment, or abuse against another.**

(f) (1) The employment of eligibility provisions of subdivision (b)(1) of this section may be waived by the State Board of Education upon request by:

- A. The board of the local school districts;**
- B. An affected applicant for employment.**

(2) Circumstances for which a waiver may be granted shall include, but not be limited to the following:

- A. The age at which the crime was committed;**
- B. The circumstances surrounding the crime;**
- C. The length of time since the crime;**
- D. Subsequent work history;**
- E. Employment references;**
- F. Character references; and**
- G. Other evidence demonstrating the applicant does not pose a threat to the health or safety of school children or school personnel.**

(3) No waiver shall be granted if the state board determines that the offense was a violent, physical, or sexual offense.

(f) (1) The superintendent of each school district shall report to the state board the name of any person currently employed by the local school district who:

- (A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in the subsection (b) of this section;**
 - (B) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education; or**
 - (C) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division.**
- (2) The failure of a superintendent to report information as required by this subsection (f) may result in sanctions imposed by the state board.**