



**Responsible Office:** Office of Human Resources

## **BOARD POLICY 4510**

### **PROTECTION OF STUDENTS -**

#### **BACKGROUND CHECKS and MANDATORY REPORTING**

##### **PURPOSE**

The Board of Trustees (“Board”) is committed to the protection of students in the care of the Washoe County School District (“District” or “WCSD”) and is committed to the ideal that only individuals of good character shall be employed by, serve as representatives of or volunteers for the District. Good character refers to acts and/or conduct that would cause a person to have confidence in an individual's honesty, fairness and respect for the rights of others. The Board seeks to ensure that appropriate and clear procedures are established mandating background checks and fingerprinting of individuals who regularly spend time with students, as well as mandatory reporting protocols related to child abuse and/or neglect. This policy applies to all employees whether full-time, part-time, or temporary as well as individuals who serve as volunteers or other representatives of the District.

##### **POLICY**

1. For the purposes of this policy,
  - a. “Staff” refers to all District paid employees, to include full-time, part-time and temporary;
  - b. “Volunteer” refers to any person, aged 18 or older and who is not a District student, who helps or assists a school or the District, regardless of compensation or benefit, with activities, athletics, functions, programs, and/or tasks, including, but not limited to, in a classroom, on school grounds, at a school/District sanctioned activity, at a school/District-sponsored event, or on a school/District-sponsored trip.
    - i. A parent/guardian who is visiting the classroom of his/her student by interacting with students or assisting staff is not considered a volunteer for the purposes of this policy. (See Board Policy 1505, Visitors to District Property, and the accompanying administrative regulation)

## 2. Guiding Principles

### a. Criminal and Civil Background Checks

- i. The District is committed to hiring the most qualified candidates for employment. Additionally, the District maintains volunteer and community partnership programs and opportunities to provide additional support and assistance to schools.
- ii. As safety of students and staff is of primary concern, the District shall utilize criminal and civil background checks as one part of the rigorous process by which staff and volunteers are selected. Background checks help protect the safety of students and strengthen public confidence related to adult interactions with students.
- iii. The District shall ensure the process of vetting employment and volunteer applications is fair and equitable and does not illegally discriminate against any person. Immigration status of potential volunteers will not be considered as part of the background check process.

### b. Mandatory Reporting

- i. Staff and volunteers, by virtue of close proximity to and/or frequent interaction with students, are in a position to assist in identifying the potential abuse and/or neglect of children.
- ii. As a result, and in accordance with Nevada state law, all District staff members and volunteers are mandatory reporters of child abuse and/or neglect. This includes certain offenses involving sexual misconduct, corporal punishment, and/or luring of a minor.

## 3. Governing Practices

### a. Criminal and Civil Background Checks - Staff

- i. In order to provide for the safety and security of students, staff and visitors to District properties, employees shall submit to and pass a background check, to include fingerprinting, as described in this policy.
  1. For the purposes of this section, the term "employee" includes "conditional hires" or individuals who are extended an offer of employment pending successful completion of a background investigation.

2. Background checks are a condition of employment. Offers of employment may be rescinded based on failure to pass a background check.
- ii. Background checks shall include the person's name, date of birth, gender, race, and Social Security number.
- iii. Background Check with Fingerprinting
  1. A background check with fingerprinting may include a search against the state and national sex offender registries, the active "wants and warrants" list, restraining orders, FBI terrorist list, and individuals currently on probation or parole.
  2. Staff who require licensure through the Nevada Department of Education ("NDE") shall comply with the criminal background check and fingerprinting procedures of the NDE. This generally includes a background check with fingerprinting every five years, or in accordance with the individual's licensure requirements. Such staff includes but is not limited to teachers, counselors and school administrators.
  3. Staff who do not require licensure through the Nevada Department of Education ("NDE"), shall submit to a criminal background check and fingerprinting conducted by the District every five years. Such staff includes but is not limited to educational support personnel, non-school administrators, school police, and departmental staff.
- iv. Information obtained through a background check shall:
  1. Be maintained by the District's School Police Department; and
  2. Remain confidential, to the extent possible under state and federal laws and regulations.
- v. Qualified applicants and current employees whose criminal history background check reveals a violation of District policy may appeal the criminal history restrictions to employment through a process of review through the School Police Department, in conjunction with the Office of Human Resources.
- vi. The Superintendent, through the Office of Human Resources and School Police Department, shall cause to have created procedures

related to background checks and fingerprinting for staff. See Administrative Regulation 4511.

b. Criminal and Civil Background Checks - Volunteers

- i. Volunteers must be officially registered with the District prior to engaging in the volunteer opportunity. This includes completion of a volunteer application, any applicable vetting, and approval of the application by the school or District.
- ii. Volunteers shall submit to a criminal and civil background check to include fingerprinting upon approval of the application and at least once every five years, or sooner as required by the District, under the following conditions. A background check with fingerprinting may include a search against the state and national sex offender registries, the active "wants and warrants" list, restraining orders, FBI terrorist list, and individuals currently on probation or parole. The following shall be subject to such background checks:
  1. A "regular volunteer" is defined as a volunteer who interacts with students, on average, at least once per week or four times in a four-week period. Regular volunteers include but are not limited to student teachers, unpaid coaches, advisors, tutors, and mentors.
  2. A field/activity trip chaperone where the trip is out of state (to include day trips) or is an overnight trip.
  3. Individuals who may work alone and/or unsupervised with a student(s).
  4. Third party contractors/vendors who provide direct services to students in a school or department.
  5. Upon request from the school principal, Office of Human Resources, or School Police.
- iii. Volunteers who are generally not subject to a criminal and civil background check include, but are not limited to the following. These individuals, at the District's discretion, may be subject to a check against the state and/or national sex offender registry.
  1. Individuals providing incidental volunteer service with no ongoing individualized interaction with a student(s) including those who speak at a class/assembly, judge academic competitions, give musical performance, participate in the

- “Principal for a Day” program, job-shadowing event or other one-time event provided where there is direct supervision of the activity/event by regular school employees;
2. Parents/guardians visiting their student’s classroom but not volunteering (i.e. interacting with students other than their own); and
  3. Parents/guardians, family members, or other authorized individuals visiting a school for the purpose of providing a student food, supplies, and/or medical care.
- iv. Background checks shall include the person's name, date of birth, gender, race, and Social Security number. However, immigration status shall not be considered as a reason to deny a volunteer application.
  - v. The school principal shall be responsible for ensuring the appropriate supervision of all student activities involving volunteers.
  - vi. Information obtained through a background check shall:
    1. Be maintained by the Department of School Police; and
    2. Remain confidential, to the extent possible under state and federal laws and regulations.
  - vii. Volunteer applicants whose criminal history background check reveals a violation of District policy may appeal the criminal history restrictions to volunteer opportunities through a process of review conducted by the School Police Department.
  - viii. The Superintendent, through the Office of Human Resources and School Police Department, shall cause to have created procedures related to background checks and fingerprinting for volunteers. See Administrative Regulation 4512.
- c. Mandatory Reporting of Abuse or Neglect of a Child or Vulnerable Person
- i. All District staff members and volunteers are mandatory reporters of abuse and/or neglect of a child.
  - ii. Any District staff member or volunteer who has reasonable cause to believe that a child has experienced abuse or neglect shall report such incident or belief to Child Protective Services, School Police, or an outside law enforcement agency immediately, and not later than 24 hours. This includes suspected sexual abuse or exploitation,

physical or mental injury of a non-accidental nature (i.e. corporal punishment), luring of a child, or negligent treatment or maltreatment of a child.

- iii. Staff and volunteers shall immediately report to School Police or an outside law enforcement agency any actual, suspected, possible, or potential inappropriate relationship, interaction, or communication, to include grooming behaviors, between a staff member or volunteer and a student. "Grooming" is generally defined as the process of creating an emotional connection with a child for the purpose of sexual abuse or exploitation.
- iv. The District shall ensure that all staff and volunteers are aware of their responsibilities as mandatory reporters and develop procedures to provide guidance to staff and volunteers related to the timely and appropriate reporting of potential concerns.
- v. The District encourages the reporting of the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person, specifically of those students in the District who are aged 18 or over who:
  1. suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or
  2. Have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

## **DEFINITIONS**

1. "Corporal punishment" refers to the intentional infliction of physical pain upon or the physical restraint of a student for disciplinary purposes. The term does not include the use of reasonable and necessary force:
  - a. To quell a disturbance that threatens physical injury to any person or the destruction of property;
  - b. To obtain possession of a weapon or other dangerous object within a student's control;
  - c. For the purpose of self-defense or the defense of another person; or
  - d. To escort a disruptive student who refuses to go voluntarily with the proper authorities. (See NRS 392.4633)

2. "Abuse or neglect of a child" refers to the physical or mental injury of a non-accidental nature; sexual abuse or sexual exploitation; or negligent treatment.

### **DESIRED OUTCOMES**

1. Through this policy and any accompanying governing documents the District shall:
  - a. Establish uniform procedures for the collection and management of staff and volunteer background checks, to include fingerprinting, and to inform staff and members of the community of these protocols; and
  - b. Establish uniform procedures for the mandatory reporting by staff and volunteers of suspected incidents of child abuse and/or neglect, to include certain sexual offenses, corporal punishment and luring of a child, and to inform staff and members of the community of these protocols.

### **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 4505, Standards of Professional Conduct
  - b. Board Policy 1505, Visitors to District Property
2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
  - a. Chapter 388, System of Public Instruction
  - b. Chapter 391, Personnel
    - i. NRS 391.033, Issuance of licenses; fingerprinting of applicants; provisional licensure authorized.
  - c. Chapter 392, Pupils
  - d. Chapter 432B, Protection of Children From Abuse and Neglect

### **REVIEW AND REPORTING**

1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the policy as well as an audit of the accompanying governing documents.
2. Administrative regulations, and/or other associated documents, will be developed as necessary to implement this policy.

**REVISION HISTORY**

Date	Revision	Modification
2/13/2018	1.0	Adopted