



**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 or serve as representatives of 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 representatives of the District.

##### **DEFINITIONS**

1. For the purposes of this policy,
  - a. "Staff" refers to all District paid employees, to include full-time, part-time and temporary;
  - b. "Representative of the District" refers to individuals who do not meet the definition of staff or a volunteer but who may have access to students. This may include, but is not limited to, student teachers, contractors
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.
3. "Corporal punishment" refers to the intentional infliction of physical pain upon or the physical restraint of a student for disciplinary purposes.

##### **POLICY**

1. 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.
2. As the 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 are selected. Background checks help protect the safety of students and strengthen public confidence related to adult interactions with students.

3. The District shall ensure the process of vetting employment applications is fair and equitable and does not illegally discriminate against any person.
4. Criminal and Civil Background Checks - Staff
  - a. 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.
    - i. 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.
    - ii. Background checks are a condition of employment. Offers of employment may be rescinded based on failure to pass a background check.
  - b. Background checks shall include the person's name, date of birth, gender, race, and Social Security number.
  - c. Background Check with Fingerprinting
    - i. 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.
    - ii. 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.
    - iii. 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.
  - d. Information obtained through a background check shall:
    - i. Be maintained by the District's School Police Department; and
    - ii. Remain confidential, to the extent possible under state and federal laws and regulations.

- e. 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.
  - f. 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.
5. Mandatory Reporting of Abuse or Neglect of a Child or Vulnerable Person
- a. Staff, 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. As a result, and in accordance with Nevada state law, all District staff members are mandatory reporters of child abuse and/or neglect. This includes certain offenses involving sexual misconduct, corporal punishment, and/or luring of a minor.
  - b. Any District staff member 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.
  - c. Staff 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 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.
  - d. The District shall ensure that all staff are aware of their responsibilities as mandatory reporters and develop procedures to provide guidance to staff related to the timely and appropriate reporting of potential concerns.
  - e. 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:
    - i. suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

- ii. Have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

**LEGAL REQUIREMENTS & 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
  - c. Board Policy 1500, Volunteers
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

**REVISION HISTORY**

Date	Revision	Modification
2/13/2018	1.0	Adopted
10/15/2019	2.0	Revised: removed references to Volunteers (to BP 1500, Volunteers)