

SUPPORT STAFF CERTIFICATION AND CREDENTIALING REQUIREMENTS

(Fingerprinting Requirements)

An applicant offered employment and a contractor or contractor's employee, or a school volunteer who will have unsupervised contact with children or students on school premises shall be required to provide fingerprint cards or electronic fingerprints to obtain a federal bureau of investigation criminal history record. The public school shall pay the cost of applicants offered employment. A school volunteer, contractor or contractor's employee may be required to pay the cost of obtaining criminal history records.

The candidate's fingerprints shall be submitted, along with the form required immediately upon being selected as a finalist for possible employment. The form shall be considered a part of the application for employment. Convictions of felonies or misdemeanor involving moral turpitude if directly related to employment which are contained in the criminal history investigation record shall be used to deny, suspend or revoke employment in accordance with the Criminal Offender Employment Act. However, if the conviction does not directly relate to employment, completion of probation or parole supervision or expiration of a period of three (3) years after final discharge or release from imprisonment without subsequent conviction shall create a presumption of sufficient rehabilitation. Other information contained in the investigation record, if supported by independent evidence, may also form the basis for the employment decisions for good and just cause. A candidate's conviction of trafficking in controlled substances, criminal sexual penetration or related sexual offenses or child abuse regardless of rehabilitation shall warrant denial, suspension or revocation of employment. Records of arrest not followed by conviction or misdemeanors *NOT* involving moral turpitude may not be used, distributed or disseminated regarding public employment.

A person who makes a false statement, representation, or certification in any application for employment with the School District may be denied employment or terminated.

Reasons for a decision not to employ an individual based upon conviction of any indicated crime or misdemeanor involving moral turpitude shall be provided to the candidate. An appeal of denial, suspension or revocation of employment based upon the Criminal Offender Employment Act may be requested in accord with the grievance procedure provided in policy.

The administration may also conduct a background investigation of current employees if it becomes aware of facts, circumstances, or conduct that indicate(s) an individualized reasonable suspicion that undisclosed aspects of the employee's background might disqualify him or her to continue in employment with the District.

A person not directly involved in the employment decision affecting the specific applicant shall not be permitted unauthorized access to criminal history record information or background information. All fingerprint or criminal history records are to be confidential records and are to be maintained as personnel records in accord with the "Rights to inspect public records, exceptions."

The Superintendent shall report to the Public Education Department any known conviction of any felony or misdemeanor involving moral turpitude of School District personnel, a school employee, a school volunteer, a contractor or and contractor's employee.

Adopted: September 15, 2021

LEGAL REF.: 14-2-1 NMSA
22-10A-5 NMSA (1978)
28-2-1 NMSA *et seq.*
6.60.8.7 NMAC
6.60.8.8 NMAC
6.60.8.9 NMAC
School Personnel Act (new section 1&2)

CROSS REF.: GBK - Staff Grievances
GDF - Support Staff Hiring
GDG - Part-Time and Substitute Support Staff Employment
IJOC - School Volunteers