

Missoula County Public Schools
Personnel 5122

Criminal Background Investigations

It is the policy of the Board that any finalist recommended for hire to a paid position or appointed as a volunteer with the District involving unsupervised access to students in schools, as determined by the Superintendent, shall be required to submit to a comprehensive criminal background investigation conducted by an appropriate entity prior to consideration of the recommendation for employment by the Board or appointment by the administration. Any offer of employment or appointment shall be contingent upon the results of the comprehensive criminal background check, which must be acceptable to the Board and/or the administration in its sole discretion. Unsupervised access to students means that the finalist recommended for hire or the appointed volunteer will have contact with students while not in the presence of an individual who has passed a comprehensive criminal background investigation.

The following applicants for employment, as a condition of employment, shall be required as a condition of any offer of employment to authorize, in writing, a comprehensive criminal background investigation to determine if he or she has been convicted of certain criminal or drug offenses:

- a certified teacher seeking full- or part-time employment within the District;
- education support personnel seeking full- or part-time employment within the District;
- an employee of a person or firm holding a contract with the District if the employee is assigned to the District and is given unsupervised access to students;
- substitutes (both classified and certified);
- a volunteer who is given unsupervised access to students.

Finalists recommended for hire as substitute teachers who are not licensed must submit to a fingerprint-based criminal background check. The District will accept the report of a previous fingerprint-based background check completed within the six (6) months before for the non-licensed substitute teacher applicant if it is submitted by a Montana university or college where the applicant is currently or was formerly enrolled in an accredited Montana professional educator program or from a public or nonpublic state-accredited school that previously employed the applicant.

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent or his/her designee, who shall decide whether the applicant shall be declared eligible for appointment or employment. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

Legal Reference:

§ 44-5-301, MCA	Dissemination of public criminal justice information
§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
§ 44-5-303, MCA	Dissemination of confidential criminal justice information

§ 10.55.716, ARM Substitute Teachers

Policy History:

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