

C T I S M M A R

Title: Revision of Policy O 002 Regarding Criminal Fingerprint History Checks For Employment Applicants and Individuals Handling Fiscal Matters in Charter Schools

Type of Executive Summary:

- Action
- Action on First Reading
- Discussion
- Information

Policy Implications:

- Constitution \_\_\_\_\_
- General Statute # \_\_\_\_\_
- SBE Policy # EEO-U-002
- SBE Policy Amendment
- SBE Policy (New)
- APA # \_\_\_\_\_
- APA Amendment
- APA (New)
- Other \_\_\_\_\_

Presenter(s): Ms. Katie Cornetto (SBE Attorney) and Mr. Jack Moyer (Director, Office of Charter Schools)

Description:

This is a revision of State Board Policy EEO-U-002. The policy deals with criminal fingerprint history checks of applicants for employment, and individuals handling fiscal matters in charter schools pursuant to NCGS 115C-238.29K. The revision assists the State Board in investigation and inquiry consistent with state and federal law.

Resources:

SBE staff attorney and Office of Charter School

Input Process:

SBE Staff Attorney, The Attorney General's Office and The Office of Charter Schools

Stakeholders:

The Department of Public Instruction, Charter school board of directors, administration, teachers, parents and students

Timeline For Action:

Action on First Read

Recommendations:

The State Board Staff Attorney and the Office of Charter Schools recommend the SBE approve the policy changes.

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Audiovisual equipment requested for the presentation:

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)  
Specify: \_\_\_\_\_
- Audio Requirements (computer or other, except for PA system which is provided)  
Specify: \_\_\_\_\_
- Document Camera (for transparencies or paper documents – white paper preferred)  
\_\_\_\_\_

Motion By: \_\_\_\_\_ Seconded By: \_\_\_\_\_  
 Vote: Yes \_\_\_\_\_ No \_\_\_\_\_ Abstain \_\_\_\_\_  
 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Postponed \_\_\_\_\_ Revised \_\_\_\_\_

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\*Person responsible for SBE agenda materials and SBE policy updates: Janice Ham, 807-3491

**Policy Identification**

**Priority:** Effective and Efficient Operations

**Category:** Charter Schools Administration

**Policy ID Number:** EEO-U-002

**Policy Title:** Policy regarding criminal fingerprint history checks for employment applicants and individuals handling fiscal matters in charter schools

**Current Policy Date:** ~~12/04/1997~~, 06/04/2009

**Other Historical Information:** 12/04/1997

**Statutory Reference:** 115C-238.29K

**Administrative Procedures Act (APA) Reference Number and Category:**

~~The State Board of Education will conduct criminal history checks as authorized by statute of charter school personnel, responsible for the fiscal affairs of the school. In addition, the State Board may conduct criminal history checks of any charter school personnel or directors when the State Board deems it necessary to protect the financial integrity of the school or when necessary to protect the health and safety of students or employees. the State Board may conduct further investigation and inquiry consistent with state and federal law.~~

Appropriate staff of the Office of Charter Schools, in consultation with legal counsel, will determine whether to invite a charter school employee applicant into the Superintendent's Ethics Advisory Committee (SEAC) for an interview. The SEAC will determine whether to recommend an applicant for employment in the charter school and will forward its recommendation to the State Superintendent for a final decision.

~~The State Board may consider the refusal of an individual to submit to a finger print check in determining whether:~~

- ~~1. To grant final approval of the Charter application;~~
- ~~2. To recommend to the charter school that the individual be denied employment; and/or;~~
- ~~3. To revoke the Charter of the charter school.~~

The costs for conducting criminal fingerprint history checks shall be borne by the charter school.