

## **Non-Licensed Public Education Employee, Volunteer, and Board Member Background Check and Reporting Policy**

**Purpose:** The purpose of this policy is to ensure the safety and well-being of students and maintain the integrity of the educational environment within the American Academy of Innovation by implementing comprehensive background checks and establishing clear arrest reporting requirements for all employees, volunteers, and board members. This policy aims to create a secure learning environment that protects students, staff, and the broader AAI community.

### **Policy:**

#### *Background Check Requirements:*

(1) Scope: This policy applies to all non-licensed public education employees, volunteers, and AAI board members.

(2) Background Check and Ongoing Monitoring: (a) All non-licensed public education employees, volunteers, and charter school board members shall be required to submit to a comprehensive background check and ongoing monitoring through registration with the systems described in Section 53G-11-404 as a condition of employment or appointment. (b) The background check and monitoring shall be conducted by the Operations Manager or their designated representative.

(3) Privacy Risk Mitigation Strategies: (a) AAI shall implement appropriate privacy risk mitigation strategies to ensure that it only receives notifications for individuals with whom AAI maintains an authorizing relationship (b) The strategies are designed to safeguard the confidentiality of personal information and comply with relevant privacy laws and regulations (c) Current strategies include (i) Data Minimization: Collect and retain only the minimum amount of personal information necessary for conducting background checks and maintaining the safety of students. Avoid gathering extraneous data that is not relevant to the background check process (ii) Encryption and Secure Storage: Encryption of all sensitive data during transmission and storage to prevent unauthorized access. Use of secure data storage systems and physical access controls to limit access to authorized personnel only and (iii) Access Controls and Role-Based Permissions: the consistent use of role-based access controls to ensure that only individuals with a legitimate need to access personal information

can do so. Therefore, access to sensitive data is restricted to the authorized personnel responsible for conducting and monitoring background checks and relevant decision-makers.

(4) Background Check Process Based on Duties: (a) The background check process for each individual shall be determined based on their specific duties and responsibilities within the organization. (b) The Operations Manager or their designated representative shall consider the nature of their role and potential interactions with students or sensitive information to determine the scope of the background check.

*Arrest Reporting Requirements:*

(1) Reporting Scope: This section applies to all non-licensed public education employees, volunteers, and charter school board members, including those who drive a motor vehicle as an employment or volunteer responsibility.

(2) Reporting Offenses: (a) Non-licensed public education employees, volunteers, and AAI board members shall report the following: (i) All convictions, including pleas in abeyance and diversion agreements (ii) Any matters involving arrests for alleged sex offenses (iii) Any matters involving arrests for alleged drug-related offenses (iv) Any matters involving arrests for alleged alcohol-related offenses (v) Any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5.

(3) Timeline for Reporting: (a) All Non-licensed Public Education Employees, Volunteers, and AAI Board Members shall report the aforementioned matters promptly to the Executive Director and their Direct Supervisor (b) Reports must be made to the appropriate party within seven (7) days of the individual's awareness of the arrest or conviction.

(4) Immediate Suspension for Certain Alleged Offenses: (a) In cases of alleged sex offenses or other offenses that may endanger students during the period of investigation, the accused individual shall be immediately suspended from student supervision responsibilities until the investigation concludes. (b) For alleged offenses involving alcohol or drugs, the accused individual shall be immediately suspended from supervising and transporting students or operating/maintaining public education vehicles during the period of investigation.

(5) Adequate Due Process: (a) The accused employee shall be provided with adequate due process consistent with Section 53G-11-405 during the investigation.

(6) Review and Decision-Making Process: (a) AAI shall adhere to current policy regarding policy violation, investigation, review, decision making, and appeals.

(7) Timelines and Procedures for Record Maintenance: (a) AAI shall designate a central repository or database for storing records of arrests and convictions (b) AAI shall classify records based on their sensitivity and level of confidentiality (c) AAI shall store physical records in locked filing cabinets or secure rooms with limited access (d) Records that fall under the purview of this policy shall be retained by AAI in accordance with state and federal laws (e) The records shall include final administrative determinations and actions following the investigation.

**Contact Persons:** Operations Manager, Business Administrator, Executive Director

**Statutory Reference:** [53G-11-404](#), [R277-316](#)