



# EOLA of OHIO TEMPLATES

**OFFICE OF THE SUPERINTENDENT**  
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**REVISED GUIDELINE - VOL. 36, NO. 2 - JANUARY 2018**

## CRIMINAL HISTORY RECORD CHECK

A criminal background check is required of each applicant recommended for employment in a non-teaching position as well as for all current non-teaching employees on a periodic basis depending upon their position with the District.

The following procedure applies to any non-teaching employee, including individuals employed by a private company under contract with the Board of Education to provide essential school services in accordance with Policy 8142, and all substitutes and persons employed on a part-time basis such as coaches or activity supervisors.

Special rules relating to employees engaged in the operation of a vehicle for student transportation (bus/van drivers) and non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit), are set forth below.

A criminal background check is not required of any currently-employed staff member who is a candidate for another position in the District, unless otherwise required by law and/or Policy 4121.





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With regard to criminal background checks, the following procedures are to be used:

- A. An applicant or current non-teaching employee, as appropriate, must be informed that a criminal history record check must be obtained at the expense of the applicant or current employee and timely submitted to the District. Prospective employees shall be informed of the requirement for a criminal background check either by direct communication or by information on the application form and shall submit same at the time of application. Current non-teaching employees not engaged in the operation of a vehicle for student transportation (bus/van drivers) must undergo a criminal background check every five (5) years. **Bus and van drivers must complete a background check every six (6) years.** An applicant for the position of bus/van driver will bear the cost of the initial check of his/her complete driving record. The cost for subsequent semi-annual checks on drivers will be borne by the District. The applicant should indicate on the request that the criminal history record check is being required by R.C.3319.39.
- B. The prospective or current non-teaching employee may submit or ask the District to obtain from the Bureau of Criminal Identification and Investigation (BCII) the results of a criminal history records check conducted by BCII providing the application is within twelve (12) months of the date the check was done. After January 1, 2010, a current non-teaching employee will not be required to undergo a subsequent criminal history records check conducted by BCII if the employee: 1) has previously had a BCII criminal records check (for employment or licensure purposes); and 2) provides proof of continuous Ohio residency for the preceding five (5) years. Under such circumstances, the current non-teaching employee will only be required to undergo a criminal history records check through the Federal Bureau of Investigation (FBI).
- C. The prospective or current non-teaching employee is to submit a set of fingerprints on an authorized format prescribed by the BCII which will also be submitted to the FBI for criminal history information.





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- D. Costs related to obtaining the criminal history record check are to be borne by the applicant or employee.
- E. When the certified report is submitted by an applicant or employee, a photocopy is to be made for possible insertion in the person's confidential personal file, should s/he be employed, and the original returned to the applicant or employee.
- F. The Superintendent shall determine whether or not to consider disqualification of a prospective or current non-teaching employee based on the records check.
- G. All information received from the record check shall be kept confidential by the person receiving the report and is to be shared only with the Superintendent. If a prospective employee is subsequently hired, the record check shall be kept in his/her confidential file. If not employed, it shall be returned to the prospective employee. All information received from the criminal record checks of current employees shall be kept in his/her confidential file.





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### Offenses

No person will be hired, and current non-teaching employees will be released from employment if it is determined that s/he has pled guilty to or been convicted of any of the following listed offenses, unless such individual has met the rehabilitation standards of R.C. 3319.39(E) at the time of the hiring and/or upon discovery of such plea or conviction:

- A. aggravated murder, murder, voluntary manslaughter, involuntary manslaughter
- B. felonious assault, aggravated assault, assault
- C. failing to provide for a functionally impaired person
- D. aggravated menacing
- E. patient abuse or neglect
- F. kidnapping, abduction, child stealing, criminal child enticement
- G. rape, sexual battery, corruption of a minor, gross sexual imposition, sexual imposition, importuning, voyeurism, public indecency, felonious sexual penetration, compelling prostitution, promoting prostitution, procuring prostitution, disseminating matter harmful to juveniles, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, illegal use of minor in nudity-oriented material or performance
- H. aggravated robbery, robbery
- I. aggravated burglary, burglary
- J. abortion without informed consent, unlawful abortion, interference with custody
- K. endangering children
- L. contributing to the delinquency of children, unruliness





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- M. domestic violence
- N. carrying concealed weapons, having weapons while under disability, improperly discharging firearm at or into a habitation or school
- O. corrupting another with drugs
- P. trafficking in drugs
- Q. illegal manufacture of drugs or cultivation of marijuana
- R. funding of drug or marijuana trafficking
- S. illegal administration or distribution of anabolic steroids
- T. drug possession offenses (that are not a minor drug possession offense)
- U. placing harmful objects in or adulterating food or confection
- V. a felony
- W. an offense of violence
- X. a theft offense (as defined in R.C. 2913.01)
- Y. a drug offense (as defined in R.C. 2925.01, that is not a minor misdemeanor)
- Z. possession of a controlled substance
- AA. violation of municipal ordinance





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#### **Offenses for Bus/Van Drivers ONLY**

- A. vehicular manslaughter (as defined by R.C. 2903.06, 2903.08 and 2903.09);**
- B. terrorism;**
- C. operating a Motor Vehicle Under the Influence;**
- D. reckless operation;**
- E. driving under suspension;**
- F. driving under OVI suspension.**

#### **School Bus Drivers**

The administrator in charge of transportation shall obtain a satisfactory BCII report prior to hiring an individual as a new school bus or school van driver, along with an FBI background check (i.e., an FBI background check will also be required prior to hiring new employees). The required satisfactory criminal records checks shall be completed and received by the District prior to permitting the individual to operate a vehicle used for student transportation. Satisfactory shall be defined by the same standards applied to other public school employees. Such records shall be maintained for a minimum of six (6) years.

For any school bus or school van driver who is recertifying, the employee will not be required to undergo a subsequent criminal history records check conducted by BCII if the employee: 1) has previously had a BCII criminal records check (for employment or licensure purposes); and 2) provide proof of continuous Ohio residency for the five (5) years period prior to the date upon which the new criminal records check is due. Under such circumstances, the current non-teaching employee will only be required to undergo a criminal history records check through the Federal Bureau of Investigation (FBI).





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In addition to the required criminal records checks, a copy of each new school bus driver's driving record must be obtained from the Ohio Department of Education prior to allowing the school bus driver to operate a school bus or school van for the first time. In accordance with State transportation regulations, the Superintendent shall request the administrator in charge of transportation to conduct at least a semi-annual review of each school bus driver's (i.e., current bus drivers and those newly hired bus drivers who remain employed with the Board) driving record through the Ohio Department of Education to determine that such drivers have:

- A. no more than six (6) points within the last twenty-four (24) month period;
- B. not been convicted of driving while under the influence of alcohol and/or a controlled substance during the past six (6) years (i.e., not been convicted of a violation of R.C. 4511.19);
- C. not received two (2) (or more) of the following serious traffic violations as defined in R.C. 4506.01~~(DD)(1)~~ through ~~(DD)(7)~~ **(II)** during last twenty-four (24) month period:
  - 1. a single charge of any speed in excess of the posted speed limit by fifteen (15) miles per hour or more;
  - 2. violation of R.C. 4511.20 (i.e., operation in willful or wanton disregard of the safety of persons or property) or R.C. 4511.201 (i.e., operation off street or highway in willful or wanton disregard of the safety of persons or property) or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;
  - 3. violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;





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4. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated for the passengers or type of cargo being transported;
5. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;
6. violation of R.C. 4511.33 (i.e., driving in marked lanes) or R.C. 4511.34 (i.e., space between moving vehicles) or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;
7. **violation while operating a commercial motor vehicle of a law of the state, any municipal ordinance, any county or township resolution, or any substantially similar law of another state or political subdivision of another state which prohibits texting while driving or using a handheld mobile device (except when a person is texting or using a mobile device to contact law enforcement or other emergency services);**





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- 7.8. violation of any other law of this state or ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Director designates such by rule; and
- D. no railroad crossing violations during the last year (i.e., twelve (12) month period);
- ( ) not received any violations that render the bus driver uninsurable by the District's Fleet Insurance Carrier;
- ( ) \_\_\_\_\_ [other].

The records obtained from the semi-annual records check will also be maintained for a minimum of six (6) years.

If a school bus driver has any of the above-referenced violations, s/he will be disqualified from operating a school bus. The bus driver will also be notified that his/her school bus certification will be reviewed by the Superintendent and his/her employment as a school bus driver may be terminated.

If a school bus driver has an interruption in driving a school bus or school van for a period of one (1) year or longer, s/he will not be permitted to resume operating a school bus or school van until a copy of the school bus driver's complete driving record has been obtained.

No driver who is convicted of a traffic violation or has his/her commercial driver's license (CDL) suspended will be permitted to operate a school bus or school van until the driver files a written notice of the conviction or suspension. Such written notice must be immediately filed with the Superintendent or administrator in charge of transportation, irrespective of whether the traffic violation occurred while operating a Board-owned vehicle or a private vehicle or during school or non-school hours. Failure to file the required written notice of conviction or suspension will result in the revocation of the driver's certificate and/or disciplinary action, up to and including termination.





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Further, no bus driver will be permitted to drive a school bus or school van unless s/he meets all other requirements contained in the rules adopted by the Ohio Department of Education prescribing qualifications of drivers of school buses and other student transportation. In addition, no bus driver will be permitted to drive a school bus or school van unless:

- A. information pertaining to the bus driver has been submitted to the Ohio Department of Education, including the name of the Board, name of the bus driver, driver license number, date of birth, date of hire, status of physical evaluation and status of training; and
- B. a criminal records check, including information from the Federal Bureau of Investigation, has been completed and received by the Superintendent.

#### School Bus Aides

Similar to other applicants, satisfactory BCII and FBI reports are required prior to the hiring of an individual as a school bus aide for pre-school and special needs children. In addition, the administrator in charge of transportation will obtain an updated, satisfactory BCII/FBI report for each school bus aide every six (6) years. Satisfactory shall be defined by the same standards applied to other non-certified public school employees. Such records shall also be maintained for a minimum of six (6) years.





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### Current Employees Licensed by the Ohio Department of Education

Non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit) who engage in conduct unbecoming the teaching profession under certain specific circumstances set forth in Policy 8141 and/or who it is determined have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein and described above, are subject to the mandatory State reporting requirements in addition to an action by the Board to terminate their employment.