

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

BACKGROUND CHECK POLICY

The New Mexico School for the Arts (the “School”) is a New Mexico public high school. It is the intent of the School to adhere to all applicable laws and regulations governing background checks on persons who have unsupervised access to students of the School. This Background Check Policy is adopted for the purpose of taking reasonable steps to safeguard the students of the School.

Policy

Satisfactory background checks are required of the following persons:

- (1) all members of the Governing Council of the School within a reasonable time of their election to the Council,
- (2) all prospective employees who have been offered employment with the School prior to signing an employment contract or otherwise beginning employment with the School,
- (3) all contractors and employees of contractors of the School who have unsupervised access to students of the School prior to commencement of a contract with the School, and
- (4) all volunteers who have unsupervised access to students of the School prior to have access to students.

Persons in category (1) above will submit a background check only, administered by the Department of Public Safety. Persons in categories (2) through (4) must complete the more in-depth check that is managed by the Department of Public Safety and Public Education Department, complete the appropriate application and pay for the cost of the background check, except that fingerprint identification is not required from persons serving on the Governing Council who will not have unsupervised access to students. The Chair of the Governing Council will review the background check results for members of the Governing Council and the Head of School. The Head of School will review background check results for all other persons who must submit a background check application.

Misuse of Confidential Records by Employees

The intentional misuse of confidential Criminal History Record Information (CHRI) will not be tolerated. Any employee who intentionally misuses or destroys CHRI without proper written authorization will face disciplinary actions up to and including suspension or termination depending upon the circumstances of the misuse. Intentional misuse of CHRI will result in the immediate loss of access to CHRI records and CogentID. Any employee who intentionally misuses CHRI records or CogentID could also face state or federal criminal prosecution and could be subject to civil liability.

Any intentional misuse of CHRI shall be reported to the Department of Public Safety within twenty-four (24) hours of the discovery of the misuse. The report shall include the name of the

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person suspected of the intentional misuse, the allegations of the intentional misuse, and the date(s) the alleged misuse is suspected.

Retention and Security of CHRI records

CHRI records will be secured in a locked, fireproof cabinet in the Business Office. Access to the cabinet will be given only to personnel authorized to view CHRI. At no time is the general public to have unescorted access to the Business Office or the records. The Business Office will be locked anytime it is unattended.

CHRI records will not be transmitted to any other authorized agency via the internet. Records will only be transmitted through fax, U.S. Mail, or other recognized carrier or agent.

CHRI records will not be stored on any computer, server or electronic device. The CHRI spreadsheet will be stored on the computer of the Business Manager and will not contain any identifiable information except for the name of the person fingerprinted. The spreadsheet will show no criminal history of any person. This document will only show whether a criminal history report is clear and it will not contain the term "needs review". The CHRI document will then be reviewed by the Head of School to determine whether the person in question is clear for employment or other activities on school property and signify the review with initials and date on the report. The spreadsheet will indicate the date and results of the review.

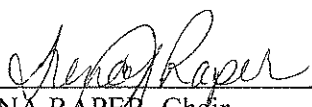
Any person who has a disqualifying result will meet with the Head of School. The Head of School will advise the applicant of the disqualifying result to check the accuracy of the report. If the applicant believes the information to be incorrect, the applicant must notify the reporting agency or court for correction. No applicant that has been disqualified will be employed or allowed access to school property until written, certified documents are presented that prove the disqualifying conviction is incorrect on the CHRI.

CHRI records will be retained indefinitely.


This Background Check Policy was amended by the Governing Council of the New Mexico School for the Arts, effective April 13, 2016.

NEW MEXICO SCHOOL FOR THE ARTS

ATTEST;



TRINA RAPER, Chair
of the Governing Council



PAULA TACKETT, Secretary
of the Governing Council

Legal Reference: 22-10A-5, NMSA 1978
28-2-1 et seq., NMSA 1078