



SECTION IV: EMPLOYEE POLICIES 4000

Background Check Policy

Employment with Oklahoma Virtual Charter Academy (“OVCA”) is contingent upon a national criminal history record check. Individuals will be considered a prospective employee until this criteria is met as outlined in the policy.

OVCA shall follow and enforce the applicable Oklahoma Background Check laws, rules and regulations as set forth by the Oklahoma state Department of Education in:

- Section 185. National Criminal History Record Check for School Personnel
- Section 244. School Support Employees – Conviction of Felony – Criminal Sexual Activity or Sexual Misconduct
- Section 250. Contractors Prohibited from Allowing Sex Offenders to Work on School Section Premises

“National criminal history record check” means a national criminal history record check as defined in section 150.9 of Title 74 of the Oklahoma statutes, and “Prospective employee” means an individual who has received an offer of temporary employment by a school district pending the results of the national criminal history record check.

- A. OVCA may permit temporary employment of prospective employees for a maximum of sixty (60) days pending receipt of results of national criminal history record check requests. The temporary employment of prospective employees shall terminate after sixty (60) days unless OVCA receives the results of the national criminal history record check. The sixty-day temporary employment period shall begin on the first day the prospective employee reports for duty. Prospective employees shall be notified of the requirement, the fee and the reimbursement policy when first interviewed concerning employment. OVCA shall promptly reimburse employees in full for the fee if employed by the school at the time the national criminal history record check request is made unless the person was employed pending receipt of results as set forth above.
- B. Any person who has been employed as a full-time teacher by a school district in the state of Oklahoma that applies for employment with OVCA as a full-time teacher may not be required to have a national criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years along with a letter from the school district in which the teacher was employed stating the teacher left in good standing.
- C. For any person applying for employment as a substitute teacher, a national criminal history record check shall be required for the school year unless the person was employed by OVCA in the immediately prior school year. Any person applying for employment as a substitute teacher in more than one school district shall only be required to have one national criminal history record check, and any applicant in such a position shall send a copy of said criminal history record to OVCA.

- D. Any person employed as a full-time teacher by OVCA in this state for ten (10) or more consecutive years immediately preceding an application for employment as a substitute teacher at OVCA may not be required to have a national criminal history record check for as long as the person remains employed for consecutive years by OVCA as a substitute teacher, if the teacher left full-time employment in good standing. If the teacher applies for employment as a substitute teacher in another school district, a national criminal history record check shall be required.
- E. OVCA shall not enter into a contract or hire a prospective employee to perform work on a full-time or part-time basis if the employee is convicted in this state, the United States or another state of any felony offense unless ten (10) years has elapsed since the date of the criminal conviction and it is a non-violent crime or the employee has received a presidential or gubernatorial pardon for the criminal offense. OVCA cannot employ a prospective employee who has been convicted of a felony, any crime involving moral turpitude or a felony violation of the narcotics laws of the United States or the state of Oklahoma, provided the conviction was entered within the preceding ten-year period (70-3-104.1). Any felony conviction results received on a prospective employee older than ten (10) years shall be brought to the attention of the Superintendent for final determination of continued employment.
- F. OVCA shall not enter into a contract with a business or person to perform work that would otherwise be performed by an OVCA employee if the individual or the business employee is convicted in any state court or federal court of a felony offense unless ten years has lapsed since the date of the criminal conviction or a presidential or gubernatorial pardon has been granted for the criminal offense.
- G. Every person or business performing services not otherwise provided for by law on the property of OVCA shall at the time of contracting be required to sign a statement declaring that no employee working on school premises under the authority of the business is currently registered or required to register under the provisions of the Oklahoma Sex Offenders Registration Act or the Mary Rippy Violent Offenders Registration Act.

It is the express intent of the Board of Education of OVCA (the "Board") that this policy apply to any person employed by the Board as well as any person employed by a contract management company that may perform services in the school, which, if the individual was an employee of the Board, the person would be required by law to comply with the requirements in this policy.

Reference: 70 O.S. §3-104.1; 70 O.S. §5-142; 70 O.S. §6-101.48; 74 O.S. §150.9