ECU Lab School

CRIMINAL HISTORY RECORD CHECK

The ECU Lab School seeks to provide a safe, secure learning and working environment for its students, staff, visitors and constituents. To that end, it is the policy of the ECU Lab School that all employment offers for Lab School personnel are subject to the Chancellor’s or his/her designee’s receipt of a satisfactory criminal history record check report, in order to facilitate informed hiring decision.

As used in this policy:

“Criminal History” means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an applicant (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that the applicant does not have the integrity or honesty to fulfill their duties as School Personnel.

“School Personnel” means any of the following:

(a) A member of the ECU Lab School Advisory Board;
(b) Staff of the ECU Lab School; and
(c) An independent contractor or employee of an independent contractor of the ECU Lab School if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, or local or other funds, who has significant access to students or who has responsibility for the fiscal management of the Lab School.

It is the policy of the ECU Lab School that every applicant for a School Personnel position shall have a criminal history record check completed prior to beginning employment. The Chancellor or his/her designee shall apply this policy uniformly in requiring all applicants for School Personnel positions to complete a criminal history record check of varying types as follows:

(a) Tier I School Personnel shall complete a criminal history record check as follows:
   (i) Be fingerprinted and provide any additional information required by the Department of Public Safety to a person designated by the Chancellor or to the local sheriff or the municipal or University police, whichever is more convenient for the person; and
   (ii) Sign a form consenting to the check of the criminal record and to the use of fingerprints or other identifying information required by the repositories.

Tier I School Personnel are individuals who will have direct interaction with students and/or may be charged with the supervision of those students. Tier I School Personnel include, but shall not be limited to, all ECU Lab School Advisory Board members, teachers, the Principal, and other staff members; any individual (volunteer, graduate assistant, etc.) who will be in direct supervision of students without the presence of a Tier I approved individual; interns who will have independent supervision of students; and Integrated Health Service providers who will have direct contact with students.
The fingerprints of the applicant shall be forwarded to the North Carolina State Bureau of Investigation for a search of the North Carolina State Criminal History record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national Criminal History record check.

The Department of Public Safety shall provide to the Chancellor or his/her designee the Criminal History from the State and National Repositories of Criminal Histories of any School Personnel for which the Chancellor requires a Criminal History record check.

(b) Tier II School Personnel shall give consent to and shall complete a criminal history record check consistent with the criminal history check that any ECU affiliated faculty member or volunteer would complete at the time of hire. Any ECU student engaged in a practicum field experience at the Lab School shall utilize the criminal history record check required for University students in service learning groups. Tier II School Personnel are individuals who will have interaction with students, but will be under the supervision of a Tier I approved individual. These individuals include ECU faculty conducting research or observations, or those co-teaching at the Lab School with a Tier I approved individual, and ECU practicum students under the direct supervision of a Tier I approved individual.

(c) Tier III School Personnel shall give consent to and shall complete a criminal history record check consistent with the criminal history check that other ECU employees complete at the time of hire. Tier III School Personnel are Individuals who will not have direct interaction with ECU Lab School students and are serving in an observatory capacity. These individuals include, but are not limited to, volunteers who may assist with clerical tasks at the Lab School. Any volunteer who assists with clerical tasks at the Lab School who may have access to students shall be considered Tier II, not a Tier III, School Personnel.

In all circumstances, the Chancellor shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors.

The Chancellor or his/her designee may grant conditional approval of an application while the Chancellor or his/her designee is checking a person’s Criminal History and making a decision based on the results of the check.

An applicant for a School Personnel position shall not be required to be checked for Criminal History if the applicant has received a license within six (6) months of employment that required a Criminal History check equivalent to the Criminal History check required for Tier I School Personnel under this policy.

The Chancellor shall not require an applicant to pay for any fingerprinting or Criminal History record check authorized under this policy.

The Chancellor shall review the Criminal History he/she receives on an applicant and determine whether the results indicate that the applicant (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that the applicant does not possess the integrity or honesty to fulfill their duties as School Personnel. The Chancellor shall use that information when making employment decisions and decisions with regard to independent contractors. The Chancellor shall make written findings with regard to how he/she used Criminal History when making employment decisions and decisions with regard
to independent contractors. The Chancellor may designate these duties to the Principal.

The Chancellor, or the Principal if designated by the Chancellor, shall provide to the North Carolina State Board of Education the Criminal History it receives on an applicant who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the Criminal History and determine whether the applicant’s certificate or license should be revoked in accordance with State of North Carolina laws and rules regarding revocation.

As provided by N.C. Gen. Stat. § 116-239.12(g), there shall be no liability for negligence on the part of the Chancellor, East Carolina University, the ECU Lab School Advisory Board, the Subcommittee, the Department of Public Instruction, or the State Board of Education, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this policy. The immunity established by this section shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this section shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

Any applicant for Lab School employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a Criminal History record check under this policy shall be guilty of a Class A1 misdemeanor.

Legal Reference: University of North Carolina Laboratory Schools, Criminal History Record Checks, N.C.G.S. § 116-239.12