

## **NAFCS/State of Indiana requirements for employee and contractor background checks**

### **Indiana Code Prohibits schools from hiring individual with the following background information:**

(b) Subject to section 10(k) of this chapter and subsection (f), a school corporation, charter school, state accredited nonpublic school, or entity may not employ or contract with, and shall terminate the employment of or contract with, an individual convicted of any of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Aggravated battery (IC 35-42-2-1.5).
- (6) Kidnapping (IC 35-42-3-2).
- (7) A sex offense (as defined in IC 11-8-8-5.2).
- (8) Carjacking (IC 35-42-5-2) (repealed).
- (9) Arson (IC 35-43-1-1).
- (10) Public indecency (IC 35-45-4-1(a)(3), IC 35-45-4-1(a)(4), and IC 35-45-4-1(b)) committed:
  - (A) after June 30, 2003; or
  - (B) before July 1, 2003, if the person committed the offense by, in a public place, engaging in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5).
- (11) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2) and IC 35-46-1-4(b)(3)).
- (12) Child selling (IC 35-46-1-4(d)).
- (13) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3. If an entity described in subsection (a)(4) obtains information that an individual employed by the entity who works at a particular school corporation, charter school, or state accredited nonpublic school has been convicted of an offense described in this subsection, the entity shall immediately notify the school corporation, charter school, or state accredited nonpublic school of the employee's conviction.

### **District Board Policy**

employ or contract with an individual convicted of any of the following offenses if a majority of the members elected or appointed to the governing body of the school corporation, or the equivalent body for a charter school, approves the employment or contract as a separate, special agenda item, or if the school administrator of a state accredited nonpublic school informs the administrator's appointing authority of the hiring:

- (1) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5.
- (2) Reckless homicide (IC 35-42-1-5).
- (3) Battery (IC 35-42-2-1).
- (4) Domestic battery (IC 35-42-2-1.3).
- (5) Criminal confinement (IC 35-42-3-3).
- (6) Public indecency (IC 35-45-4-1(a)(1) or IC 35-45-4-1(a)(2)) committed:
  - (A) after June 30, 2003; or

(B) before July 1, 2003, if the person committed the offense by, in a public place, engaging in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5).

(7) Contributing to the delinquency of a minor (IC 35-46-1-8).

(8) An offense involving a weapon under IC 35-47 or IC 35-47.5.

(9) An offense relating to controlled substances under IC 35-48-4, other than an offense involving marijuana or paraphernalia used to consume marijuana.