



Policy Type: Required

Policy Title: Criminal Background Checks and Arrest Reporting

Effective: November 13, 2025

The purpose of this policy is to protect the safety, health, and security of Lakeview Academy students, employees, and property. This policy is intended to ensure that all students are instructed and served by public school teachers, employees, board members, and volunteers who have not performed acts or violated laws that could, or would, result in endangering students.

Definitions

Applicant, Candidate, or Potential Employee: All persons seeking employment or appointment for compensatory work with Lakeview Academy.

Licensed Educator: Has the meaning given that term in Utah Administrative Code (UAC) R277-516.

Employee: A person being compensated by Lakeview Academy or a person employed by a company being compensated by Lakeview Academy for services rendered, including part-time and contract employees.

BCI: Utah Department of Public Safety, Bureau of Criminal Identification, a state agency.

Board Member: A person who serves on the Board of Trustees of Lakeview Academy.

Crimes Against a Person: Includes assault, kidnapping, murder, manslaughter, reckless endangerment, abuse of a child or vulnerable adult, stalking, hazing, making a terroristic threat, and any other offense identified in UCA Title 76, Chapter 5.

Criminal History Report: A report or record generated by the Bureau of Criminal Identification after a search of State of Utah criminal history files and/or other state and federal databases designated by law or by Lakeview.

Driving Record Report: Traffic-related offenses contained in the Utah Division of Motor Vehicle databases.

Background Check or Background Investigation: As allowed by law, a review of criminal or other public records to obtain information on an applicant or employee that may include, but is not limited to, criminal history reports and driving records reports.



School: Lakeview Academy, for whom this policy applies.

Individuals Subject to Background Checks

Applicants (potential employees or candidates 18 or older) must submit to a criminal background check and review as a condition of employment, appointment, or assignment.

Volunteers (18 or older) with significant unsupervised access to students in connection with the volunteer's assignment must submit to a criminal background check as a condition of service (see PALS level two). Until the background check is submitted and returned, the volunteer must remain under the supervised observation of a school employee.

A representative (individual, employee, and/or agent) of a company or organization having established an arrangement or agreement with the school to provide services to the school (such as food service vendors with casual access to students), or services with direct student access must submit to a criminal background check. The organization or representative shall pay the cost of the background check. Information obtained from the background check may be used as a basis to refuse access of the representative to the school, or students, at the sole discretion of the school. Failure to comply with this provision shall be basis for termination of the arrangement or agreement with the company or organization.

A background check shall be required for the renewal of any Utah educator license in accordance with UCA R277-501. Members of the Board of Trustees must submit to a criminal background check as a condition of appointment. Until the background check is submitted and returned, the member must follow visitor guidelines (see Parent Assisted Learning System (PALS) Volunteers/Visitors policy)

Where reasonable cause exists, the school may require an existing employee or volunteer to submit to a criminal background check at any time.

Conducting the Background Check

Applicants, board members, and volunteers shall complete applicable forms as a condition of employment, appointment, or assignment. The forms require self-disclosure of criminal misconduct or violations of the law, including pending charges, diversion agreements and pleas in abeyance. The information obtained from the background check and the forms will be compared for accuracy and completeness. Any misstatement, omission, or misinformation on the forms is grounds not to hire or for dismissal.

Employees, applicants, board members, or volunteers who decline to submit to a background check cannot be employed by the school; are subject to termination of employment,



revocation of volunteering privileges, or removal from the Board of Trustees.

Employees, applicants, board members, or volunteers who have criminal histories that may put students or members of the school community at risk, and/or fail to report an arrest, charge, or conviction may not be offered employment; are subject to termination of employment, revocation of volunteering privileges, or removal from the Board of Trustees.

A criminal conviction does not necessarily preclude employment or volunteering activities with the school. The school has the sole and absolute discretion to determine whether the outcome of a criminal background check will result in administrative action to; terminate employment, not offer employment, or not authorize volunteering activities. Similarly, the dismissal of a criminal offense or arrest does not necessarily preclude the school from taking administrative action against an employee, board member, or volunteer.

The school will immediately suspend an employee, board member, or volunteer from student supervision responsibilities pending the outcome of any investigation upon receipt of information concerning alleged offenses. Suspensions are generally without pay.

Review and Investigation

The school may consider both criminal and/or administrative findings. The safety and security of students will be the foremost consideration. The school shall consider each circumstance on a case-by-case basis and use the following factors to determine an applicant's, current employee's, board member's or volunteer's suitability to work in the school.

1. Type of conviction.
2. Relevance of any conviction to the individual's position.
3. A history of multiple convictions that suggests a pattern of criminal behavior or bad judgment.
4. Amount of time that has passed since a conviction and/or the completion of a sentence.
5. Frequency and severity of the conviction(s) or disposition(s).
6. Age of the individual at the time of the conviction or disposition.
7. Evidence of rehabilitation.
8. Other aggravating or mitigating information.

Any statement of an applicant, employee, board member, or volunteer on applications, personnel records, forms, and documents submitted to the school that is later deemed to be a misstatement, omission, or misinformation when verified with the results of a background check is grounds to not offer employment, termination of employment, revocation of volunteering privileges, or removal from the Board of Trustees.



If a person is denied employment/appointment to the Board of Trustees or is dismissed from employment/appointment to the Board of Trustees because of information obtained through a criminal background check, the person will receive written notice of the reasons for denial or dismissal and have an opportunity to respond within five working days. Volunteers who are denied volunteering privileges, or who have volunteering privileges revoked, will receive written notice of the decision.

Information obtained from BCI in a background check is confidential within the guidelines of the Government Records and Access and Management Act (GRAMA).

Payment for Background Check

The school shall pay for the background check of any non-licensed employee, volunteer, or Board member. The cost of fingerprinting for outside agencies (not associated with the afore mentioned purposes) is \$50. The Director may reimburse fees associated with background checks at the Director's discretion.

Required Reporting of Arrest

A licensed educator (as defined in UCA 53G-11-301), any and all other employees, and volunteers of the School (as defined in R277-516-4) who are cited, charged and/or arrested with the following alleged offenses must report the incident(s) to Lakeview Academy's Director within 48 hours, using the *Educator Notification of Arrest* form provided on the Utah State Board of Education (USBE) website:

1. Any matters involving an alleged felony, or relevant misdemeanor offenses.
2. Any matters involving minors.
3. Any matters involving alleged sex offenses.
4. Any matters involving alleged drug-related offenses.
5. Any matters involving alleged alcohol-related offenses.
6. Any matters for which the subject is currently under court ordered probation.
7. Any matters involving alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

The employee, board member, or volunteer shall report to the school Director, any convictions, including convictions identified above, any pleas in abeyance, and any diversion agreements within 48 hours, upon receipt of notice of conviction, plea in abeyance, or diversion agreement using the *Educator Notification of Arrest* form provided on the USBE website.



The Director shall report arrest, conviction, or offense information to the Lakeview Academy Board of Trustees/designee, as legally allowed by law, on all employees, board members, and volunteers.

The Director shall also report arrest, conviction, or offense information received from **Licensed Educators** to the Educator Licensing Department of the Utah State Office of Education (USBE or Utah Professional Practices Advisory Commission (UPPAC)) within 48 hours through forms found on the USBE website (UPPAC page of the Educator Licensing Department).

The employee shall report for work following an arrest and notice to the Director unless directed not to report for work by administration. Volunteers may report for volunteering activities following an arrest and notice to the Director unless directed not to report for volunteering activities by administration.

The school shall suspend employees immediately under the following circumstances:

1. Employees shall be suspended from supervising students during investigations for alleged sex offenses and other alleged offenses which may endanger students.
2. Employees who transport students or who operate or maintain public education vehicles shall be suspended during investigations of allegations for alcohol or drug violations.

The school shall provide due process for individuals who complete required criminal background checks consistent with UCA §53G-11-405. The procedures include:

1. An individual's right to respond to any criminal history information received by the school.
2. An individual's right to request a review of information received and the reasons for disqualification from employment or release from employment.
3. Notice to the individual of the right to request a review of information and reasons for disqualification or release for/from employment.

The school shall maintain background check information securely and train all employees who have access to background check and employment information about their professional responsibility to treat all records and information confidentially and the potential consequences for such failure.

The school may take employment or disciplinary action, up to and including: not offering employment, termination of employment, revocation of volunteering privileges, or removal from the Board of Trustees. Offenses relevant to all school assignments include, but are not limited to, the following.

1. Any matters involving an alleged felony, or relevant misdemeanor offenses.
2. Any matters involving minors.



3. Any matters involving alleged sex offenses.
4. Any matters involving alleged drug-related offenses.
5. Any matters involving alleged alcohol-related offenses.
6. Any matters for which the subject is currently under court ordered probation.
7. Any matters involving alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

Additional References

1. Utah Code Annotated (UCA) § 53G-11-405 - Due process related to background check information
2. UCA § 53G-5-407 and 408 - Criminal Background Checks on School Personnel
3. UCA § 53E-3-410 - Criminal Background Checks on School Personnel
4. UCA § 53E-6-401 and 402 - Background Checks
5. Utah Administrative Code (UAC) R277-501 - Educator Licensing Renewal and Timelines
6. UAC R277-481 - Charter School Oversight, Monitoring and Appeals
7. UAC R277-516 - Education Employee Required Reports of Arrests

Certification

The undersigned officers and/or directors of Lakeview Academy certify that this Criminal Background Checks and Arrest Reporting policy was duly adopted on November 13, 2025, and replaces all previous Criminal and Background Check and Arrest Reporting policies.

Signature:

Print Name:

Title:

Signature:

Print Name:

Title: