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**SECTION: G - Personnel**  
**POLICY TITLE: Employment Background Checks**  
**FILE NO.: GBN**  
**DATED: December 10, 2025**

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**1. PURPOSE AND PHILOSOPHY**

- 1.1. Nebo School District is committed to providing a safe and secure educational and working environment for students and employees. As part of this effort, the District requires criminal Background Checks of Licensed Educators, Non-licensed Employees, Contract Employees, and Volunteers pursuant to Utah laws, rules, and regulations, and in accordance with this policy.

**2. DEFINITIONS**

- 2.1 “**Background check**” means the process by which the Criminal History Report of an applicant or employee is retrieved. The process typically includes, but might not be limited to, taking the applicant’s or employee’s fingerprints and submitting them to the Bureau.
- 2.2 “**Bureau**” is defined in [UTAH CODE ANN. § 53G-11-401](#) and means the Bureau of Criminal Identification within the Department of Public Safety.
- 2.3 “**Contract employee**” is defined in [UTAH CODE ANN. § 53G-11-401](#) and means an independent contractor or employee of a staffing service or other entity who works for the District under an independent contract or a contract between the staffing service and the District.
- 2.4 “**Criminal history report**” is a document generated by the Bureau of Criminal Identification after a search of the State of Utah’s criminal history files and/or other state and federal databases designated by applicable law or by the District.
- 2.5 “**License applicant**” is defined in [UTAH CODE ANN. § 53G-11-401](#) and means:
  - 2.5.1 an individual applying to the Utah State Board of Education (USBE) for a license; or
  - 2.5.2 an individual applying to USBE for reinstatement of an expired, lapsed, suspended, or revoked license.
- 2.6 “**Licensed educator**” means an individual employed by the District who holds a valid Utah educator license from the Utah State Board of Education (USBE), including a professional educator license, associate educator license, or LEA-specific license, as those terms are defined in the Nebo School District Certified Employee Handbook. Licensed educators include

school teachers, administrators, psychologists, counselors, specialists, etc. Licensed educators may or may not be employed in a position that requires an educator license. Licensed educators also include individuals who are student teaching or interning.

- 2.7 **“Non-licensed employee”** is defined in [UTAH CODE ANN. § 53G-11-401](#) and means an individual employed by the District who does not hold a current Utah educator license issued by the Utah State Board of Education.
- 2.8 **“Personal identifying information”** is defined in [UTAH CODE ANN. § 53G-11-401](#) and means the following:
  - 2.8.1 current name, former names, nicknames, and aliases;
  - 2.8.2 date of birth;
  - 2.8.3 address;
  - 2.8.4 telephone number;
  - 2.8.5 driver license or other government-issued identification number;
  - 2.8.6 social security number; and
  - 2.8.7 fingerprints.
- 2.9 **“Rap back system”** is defined in [UTAH CODE ANN. § 53G-11-401](#) and means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.
- 2.10 **“Volunteer”** means an individual who has been authorized under [Nebo School District Policy KB, Volunteers](#) to donate time and services to the District and who has been given significant unsupervised access to a student in connection with the volunteer’s assignment.
- 2.11 **“WIN Database”** is defined in [UTAH CODE ANN. § 53G-11-401](#) and means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.

### 3. **BACKGROUND CHECKS OF NON-LICENSED EMPLOYEES, CONTRACT EMPLOYEES, AND VOLUNTEERS**

- 3.1. Utah law requires nationwide background checks and ongoing monitoring of all non-licensed employees, contract employees, and volunteers ([UTAH CODE ANN., § 53G-11-402](#)). Accordingly, the District requires each applicant for employment as a non-licensed employee or contract employee, as well as each potential volunteer (herein referred to cumulatively as the “prospective employee”) to submit to a background check prior to employment or service in the District. Procedures for each are as follows:
  - 3.1.1. Consistent with [Nebo School District Policy GCD, Hiring Practices](#), applicants for employment as non-licensed employees who are recommended to the Department of Human Resources by the hiring principal or supervisor for authorization to employ shall submit to a background check prior to commencing employment.
  - 3.1.2. Prospective contract employees may not commence employment under the contract until the background check has been completed and authorization granted by the Department of Human Resources.
  - 3.1.3. Volunteers who will be given significant unsupervised time with one or more students may not commence volunteer service until the background check has been completed and authorization granted by the Department of Human Resources.

- 3.2. Each prospective employee must consent to an initial background check and to retention by the District of personal identifying information for ongoing monitoring through registration with the WIN Database rap back system and the rap back system maintained by the Federal Bureau of Investigation. Consent is given by completing the [Nebo School District Consent for Background Check and Ongoing Monitoring form](#). The form shall be submitted to the District along with the application for employment. Student employees under the age of eighteen (18) years are not required to be fingerprinted.
- 3.3. To facilitate completion of the background check, each prospective employee shall provide personal identifying information to the District as part of the application process.
- 3.4. The background check is a condition of employment or volunteering. Consistent with [UTAH CODE ANN., § 53G-11-402](#), the prospective employee shall pay all costs of the background check.
- 3.5. The District shall conduct the background check by submitting the prospective employee's personal identifying information to the WIN Database rap back system and the rap back system maintained by the Federal Bureau of Investigation. The rap back systems then return the criminal history report to the District. The criminal history report is reviewed only by those involved in making hiring decisions.
- 3.6. As required by [UTAH CODE ANN. § 53G-11-405](#), when making decisions regarding initial employment of prospective employees, the District shall consider the following:
  - 3.6.1. Any convictions, including pleas in abeyance;
  - 3.6.2. Evidence of conduct giving rise to matters involving a felony;
  - 3.6.3. Evidence of conduct giving rise to matters involving an alleged
    - 3.6.3.1. sexual offense;
    - 3.6.3.2. Class A misdemeanor drug offense;
    - 3.6.3.3. offense against the person as described in [UTAH CODE ANN., Title 76, Chapter 5, Offenses Against the Individual](#) (including but not limited to: assault and related offenses, criminal homicide, kidnapping, trafficking, smuggling, and sexual offenses);
    - 3.6.3.4. Class A misdemeanor property offense that is alleged to have occurred within the previous three years; and
    - 3.6.3.5. criminal offense of any other type if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.
- 3.7. If the prospective employee is disqualified as a result of the criminal history report, the District shall provide the disqualified applicant with written notice of the reasons for disqualification and the disqualified applicant's right to request a review of the disqualification. Additionally, the disqualified applicant may request a review of the information received and the reasons for disqualification consistent with [UTAH CODE ANN., § 53-10-108](#).
- 3.8. If a current employee is disciplined or terminated from their employment because of information obtained through a background check or ongoing monitoring, the employee shall receive written notice of the reasons for discipline or termination and have an opportunity to respond to the reasons for the discipline or termination in accordance with the procedures set forth in any applicable Utah law, rules, or regulations; employee handbooks; and District policies.

#### **4. BACKGROUND CHECKS OF LICENSED EMPLOYEES**

- 4.1. The State Board of Education requires all license applicants to submit to a criminal background check and ongoing monitoring as a condition for licensing or renewing a license. The District will receive notification of a new entry made against an individual from the bureau.

#### **5. REQUIRED REFERENCE CHECKS**

- 5.1. Before employing any individual or assigning any individual to a volunteer assignment which would give the individual significant unsupervised access to a student, the District must request information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the applicant or volunteer. The information must be requested from the most recent employer who employed the applicant or volunteer in a qualifying position, which means paid employment that required the applicant or volunteer to directly care for, supervise, control, or have custody of a child. The information will be requested in accordance with [Nebo School District Policy GCD, Hiring Practices](#).
- 5.2. In accordance with [UTAH CODE ANN. § 53G-11-410](#), before an individual may be employed by the district or given a volunteer assignment with significant unsupervised access to a student, the individual must sign a release authorizing the individual's previous employers, as described in paragraph 5.2, to disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the individual. An individual who does not sign a release described in this paragraph may not be hired or given an unsupervised volunteer assignment.

#### **6. REQUIREMENT TO SELF-REPORT ARRESTS AND CONVICTIONS**

- 6.1. In accordance with [UTAH CODE ANN. § 53G-11-406](#) and [UTAH ADMIN. CODE R277-217-4](#), an individual subject to the background check requirement under this policy who is arrested, cited, or charged with any of the following alleged offenses shall report the arrest, citation, or charge within forty-eight (48) hours or as soon as possible to the Superintendent or the Director of Human Resources:
- 6.1.1. any matters involving an alleged sex offense;
  - 6.1.2. any matters involving an alleged drug-related offense;
  - 6.1.3. any matters involving an alleged alcohol-related offense;
  - 6.1.4. any matters involving an alleged offense under [UTAH CODE ANN., Title 76, Chapter 5, Offenses Against the Individual](#). The offenses include, but are not limited to, crimes where a person has assaulted, harassed, abused, neglected, exploited, endangered, kidnapped, murdered, trafficked, raped, sexually assaulted, etc. another person(s);
  - 6.1.5. any matters involving an alleged felony offense under [UTAH CODE ANN. Title 76, Chapter 6, Offenses Against Property](#);
  - 6.1.6. any matters involving an alleged crime of domestic violence under [UTAH CODE ANN. Title 77, Chapter 36, Cohabitant Abuse Procedures Act](#);
  - 6.1.7. any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in this subsection;
  - 6.1.8. for employees who drive motor vehicles as an employment responsibility, any matters relating to arrests for violations of the vehicle code including, but not limited to, reckless driving, etc.
- 6.2. In addition to the reporting requirement in subsection 6.1, an individual shall also report any conviction or plea in abeyance for a felony or misdemeanor offense within forty-eight (48) hours

or as soon as possible upon receipt of notice of the conviction or plea in abeyance to the Superintendent or Director of Human Resources.

- 6.3. Unless directed otherwise, an employee who self-reports under this section shall report for work directly to the Director of Human Resources following the arrest or conviction.
- 6.4. As required by [UTAH ADMIN. CODE R277-217-4](#), the Superintendent or his/her designee shall report conviction, arrest, or offense information received from a licensed educator to USBE within forty-eight (48) hours of receipt of the information from a licensed educator.
- 6.5. The Director of Human Resources and the applicable department director shall review arrest and conviction information and make employment decisions that protect both the safety of students and/or employees and the confidentiality and due process rights of employees. Only job-related convictions shall be considered in employment decisions, in accordance with [Nebo School District Policy GCPD, Employee Conduct and Discipline](#).
- 6.6. Records of arrests and convictions shall be placed in the employee's personnel file upon receipt by the District and will:
  - 6.6.1. include final administrative determinations and actions following investigation; and
  - 6.6.2. be maintained only as necessary to protect the safety of students and/or employees and with strict requirements for the protection of confidential employment information, in accordance with [Nebo School District Policy EH, Records Access and Management / GRAMA](#).

## 7. DISTRICT RESPONSIBILITIES

- 7.1. The District shall provide appropriate training to licensed educators, non-licensed employees, contract employees, and volunteers about the provisions of this policy for self-reporting and ethical behavior.
- 7.2. If an individual is disciplined or terminated from their employment because of information obtained through a Background Check, the individual shall receive written notice of the reasons for discipline or termination and have an opportunity to respond to the reasons for the discipline or termination in accordance with the procedures set forth in any applicable Utah law, rules, or regulations; District policies; and Employee Handbooks.
- 7.3. When arrest/conviction information is received by the District regarding a Non-licensed Employee, the Superintendent or his/her designee shall review that information and assess the employee's employment status under applicable Utah law, rules, and regulations; District Policy; and any applicable Employee Handbook.
- 7.4. The District shall cooperate with the USBE in investigations of licensed educators.
- 7.5. The District may exempt a non-licensed employee, a contract employee, or a volunteer from ongoing monitoring if the individual is being temporarily employed or appointed.
- 7.6. The District is required to identify an appropriate risk mitigation strategy to ensure that the District only receives notifications for individuals with whom it has an authorizing relationship. To ensure notifications are not received for individuals no longer employed by the District, administrators and supervisors must notify the Human Resources Department anytime an employee's employment is concluded.

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### **EXHIBITS**

None

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### **REFERENCES**

UTAH CODE ANN. § 53E-6-401, et seq.  
UTAH CODE ANN. § 53G-11-401, et seq.

UTAH CODE ANN. § 76-5-101 through 504

Utah Admin. Code, R277-217

[Nebo School District Policy GCPD, Employee Conduct and Discipline](#)

[Nebo School District Policy EH, Records Access and Management / GRAMA](#)

[Nebo School District Policy KB, Volunteers](#)

Nebo School District Certified Employee Handbook

Nebo School District Classified Employee Handbook

Nebo School District Management Team Handbook

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## **FORMS**

Nebo School District Authorization and Consent for Reference Checks (Nimble)

Nebo School District Consent for Background Check and Ongoing Monitoring (v2015-10) (Qualtrics w/in Nimble)

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## **HISTORY**

**Revised: 10 December 2025** – updated legal citations; deleted outdated requirements; updated and consolidated reporting requirements; made technical changes.

**Committee Edit: 21 November 2022** – added new logo.

**Revised: 13 July 2016** – added required reference checks per HB 175 (2016); made technical changes.

**Revised: 7 October 2015** – added definitions; added section on non-licensed employees; added district responsibilities; updated consistent with changes to law.

**Revised: 14 October 2009** – renamed from “Employee Screenings,” reformatted, and substantially rewritten.

**Adopted or Revised:** 11 January 1995, titled “Employee Screenings.”

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