

Criminal Records Checks on Applicants and Employees

There are three ways for school systems to check the criminal records of employees or applicants for employment.

First, the school board's own employees or agents can check with the clerks of court in the various counties. Certified copies of conviction records from the clerk's office are public records, can be disseminated at will, and can be used with confidence as bases for employment decisions. There are no statutes directly regulating this method of criminal records checks. However, it is also the most inefficient method.

Second, the school system may engage the services of a reporting company that maintains its own database of criminal history information. This is the easiest method, but it has two potential drawbacks. The results are only as good as the information that the company has available to it, and the school system must comply with the requirements of the Fair Credit Reporting Act in using such reporting services. Lynne Fuller-Andrews discusses these requirements in "Credit Reports and Criminal Records Checks," starting on page 12.

Third, the school system may take advantage of special statutes permitting it, as a privileged employer, to request checks of the computerized criminal records systems maintained by the State Bureau of Investigation and Federal Bureau of Investigation. While this method is potentially the most complete and reliable, it involves a number of statutory limitations. Bob Joyce examines these limitations in "Special Provisions for Computerized Criminal History Checks," starting on page 17.

A survey conducted by the North Carolina School Boards Association in early 2000 showed that of the state's 117 school administrative units, all but 3 were conducting criminal background checks of some kind.

—*Editor's Note*