

Charter Committee Criminal Disclosure & Candidate Eligibility Policy

I. POLICY STATEMENT

The Institute is committed to ensuring that its mission to authorize high-quality charter schools that elevate educational opportunities through innovation and creativity is supported through the assurance that each prospective new school is governed and directed by a strong, diverse, and qualified planning committee (the “Committee”). The Institute is also committed to taking meaningful action to protect the safety of the students, families, and communities supporting the formation of each Institute charter school.

This policy sets forth Institute standards pertaining to the criminal history not allowable in Committee composition, and identifies the procedures for safeguarding these expectations. These standards align with the South Carolina Ethics Reform Act and the Standards of Conduct promulgated through State Board of Regulation 43-58 by the State Board of Education.

II. STATEMENT ABOUT CRIMINAL HISTORY CHECKS AND DISCRIMINATION.

Information provided or discovered through any criminal history background check process will be used solely for the purpose of evaluating a committee member’s eligibility to serve on the Committee or participate in the development of an Institute charter school.

The criteria that warrants candidate disclosure include the following committee responsibilities:

- a. Responsibility for the care, safety, and/or security of students and school personnel;
- b. Responsibility for handling or managing public taxpayer monies; and
- c. Responsibility for recruiting and selecting school personnel, vendors, and contractors.

Information will not be used to discriminate against a committee candidate on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, national origin, genetic information, marital/familiar status, disability, military, veteran status, or any other protected status.

Further, the criminal history disclosure requirements and criminal history checks conducted under this policy do not replace the background and reference checking requirements established and adopted by each approved Institute charter school that

pertain to participation as a member of the school board or staff, or as a volunteer at the school.

III. DEFINITIONS.

A Committee Candidate is: an individual who has served or is planning to serve on the official planning committee affiliated with an Institute charter school application (“Committee”). Activity conducted prior to the Planning Committee’s submission of the Letter of Intent to the Institute is not under the purview of the Institute or this policy. Committee members wishing to formally represent a charter school Applicant with the Institute after the Letter of Intent deadline must comply with this policy. This includes participation in any available Institute trainings, applicant interviews, board hearings, transition planning, and the pre-opening work of an approved charter school.

A criminal history background check is: a search for any felony or misdemeanor charges, convictions, or pleas which are acknowledgements of responsibility (e.g., plea of guilty, no contest or nolo contendere) and which have not been annulled or sealed prior to the submission of the Letter of Intent. Unless identified in Section V below, criminal convictions or pleas will not automatically disqualify a committee candidate from eligibility to participate in the application process unless they are related to the activities and work required of committee members that include student and community engagement, financial management, and charter start-up operations.

IV. CRIMINAL HISTORY DISCLOSURE PROCEDURE

In order to be eligible to serve as a member of the Committee and lead or participate in the development of an Institute charter school, an individual must complete the Institute Committee Disclosure form and consent to a SLED criminal background check. This form must be submitted alongside the Letter of Intent, due no later than November 3rd of each calendar year.

The Institute will review all Committee candidate disclosure forms, and consider whether any pending charges, convictions, or information revealed in the form disqualifies a candidate from participating in the Institute application process as a member of the planning committee. The information obtained through this process is confidential, and will be shared only with those Institute personnel managing the application process, the Applicant Chair, and the Institute Board where necessary.

In making a determination, the appropriate parties will consider, among other relevant information, the nature and seriousness of the offense(s), the number and type of offense(s), the amount of time that has elapsed since the offense(s), the relatedness of

the offense(s) to the responsibilities of the position, and the accuracy and completeness of the information provided.

V. CRIMES OR CONDUCT DISQUALIFYING A CANDIDATE FROM ELIGIBILITY TO PARTICIPATE ON THE PLANNING COMMITTEE.

The following crimes and/or conduct disqualifies an individual Candidate from eligibility to serve on the Committee:

- a. Touching or pursuing a personal, inappropriate relationship with a student or minor;
- b. Disregarding appropriate boundaries of a student, including but not limited to inappropriate texting and other communications, with a student or minor;
- c. Crimes related to fraud or theft, including embezzlement, wire fraud, or forgery;
- d. Crimes of violence, including but not limited to homicide, assault, battery, criminal domestic violence;
- e. Crimes related to offenses against morality and decency (including criminal sexual conduct, criminal sexual conduct with a minor, indecent exposure, lewd act upon a child, prostitution, or sexual exploitation of a minor, child pornography);
- f. Violating state or federal education laws;

If a candidate would be ineligible to volunteer at a school based on information in the criminal history background check or disclosure form, the candidate is ineligible to serve on the Committee.

VI. APPELLATE PROCESS

If a candidate is determined to be not qualified for committee participation, or is dismissed from participation, because of information obtained through the disclosure process, or if the Institute or Applicant independently receive relevant information that was not disclosed, the person shall receive written notice of the reasons for disqualification and shall have an opportunity to appeal the decision and to request further review.

The candidate must submit a written request for appeal to the Institute including the grounds for appeal within 5 business days of receiving the denial or dismissal so as not to delay the Application review process.

Within five business days of receipt of the candidate's appeal, a hearing shall be conducted before a panel of three members of the Institute, consisting of the Superintendent, the Director, and the Chief of Authorization at the Institute (the "Panel").

The Panel shall provide its findings in writing to the Candidate and Applicant Chair and shall present its findings as a recommendation to the Institute Board for final approval at the subsequently scheduled public meeting of the Institute Board of Directors.

The Candidate may not participate on the Committee during the pendency of the appeal, unless and the Institute grants the appeal and authorizes the Candidate's participation.

The Institute reserves the sole discretion to approve the Candidate's limited participation in the Committee with conditions and limitations on the Candidate's participation in certain Committee activities. If granted limited participation approval, the Candidate shall comply with all conditions and limitations placed by the Institute. In the event the Candidate violates any conditions or limitations, upon written notice by the Institute the Candidate will be ineligible for future participation on the Committee.

VII. NOTICE OF DUTY

All committee candidates, committee members, and transitioning board members have an ongoing responsibility during their service to make the Institute aware of any information that impacts or changes their reported criminal history. Any relevant charges or pleas should be reported to the Institute for consideration.