

**BALL STATE UNIVERSITY
OFFICE OF CHARTER SCHOOLS'
POLICY REGARDING
CRIMINAL HISTORIES**

July 24, 2009

A. INTRODUCTION

By August 1 of the year in which the Charter School is scheduled to commence operations, the Organizer shall submit its proposed policy regarding criminal history checks for members of the Organizer's governing body, and for the Charter School's administrators, teachers, other staff, volunteers, contractors and employees of contractors providing services to the Charter School. The proposed policy shall be consistent with applicable law, the Charter, and with this Ball State University (the "University") Charter School Policy Regarding Criminal Histories. The proposed policy submitted by the Organizer shall contain the following provisions:

B. PROVISIONS REGARDING GOVERNING BODY OF ORGANIZER

1. The proposed policy shall provide that no member of the Organizer's governing body shall have been convicted of any offense set forth in I.C. 20-26-5-11(b), any successor statute, or of any offense substantially equivalent to any of the offenses listed in I.C. 20-26-5-11(b) in which the judgment of conviction was entered under the law of any other federal or state jurisdiction, unless the Director of the Office of Charter Schools expressly waives such prohibition in writing.
2. The proposed policy shall provide that the Organizer will obtain, within sixty (60) days of the effective date of the execution of the Charter, an expanded criminal history check, as defined in I.C. 20-26-2-1.5, on each current member of the Organizer's governing body, after obtaining any necessary consent from the individual member. Any individual that has been convicted of any of the following acts shall be prohibited from serving on the Organizer's governing body, unless the Director of the Office of Charter Schools expressly waives such prohibition in writing:
 - a. Any offense set forth in I.C. 20-26-5-11(b), any successor statute, or of any offense substantially equivalent to any of the offenses listed in I.C. 20-26-5-11(b) in which the judgment of conviction was entered under the law of any other federal or state jurisdiction; or
 - b. The offense of theft, misappropriation of funds, embezzlement, misrepresentation, or fraud in any jurisdiction.
3. The proposed policy shall provide that the Organizer will obtain, at least fourteen (14) days prior to the approval of any prospective new member of the Organizer's

governing body, an expanded criminal history check on the prospective new member, after obtaining any necessary consents from the prospective member. Any individual that has been convicted of any of the following acts shall be prohibited from serving on the Organizer's governing body, unless the Director of the Office of Charter Schools expressly waives such prohibition in writing:

- a. Any offense set forth in I.C. 20-26-5-11(b), any successor statute, or of any offense substantially equivalent to any of the offenses listed in I.C. 20-26-5-11(b) in which the judgment of conviction was entered under the law of any other federal or state jurisdiction; or
- b. The offense of theft, misappropriation of funds, embezzlement, misrepresentation, or fraud in any jurisdiction.

**C. PROVISIONS REGARDING CHARTER SCHOOL ADMINISTRATORS,
TEACHERS, OTHER STAFF, VOLUNTEERS, CONTRACTORS AND
EMPLOYEES OF CONTRACTORS**

1. The Organizer's proposed policy must also apply to each of the following individuals and entities:

- a. any person employed or seeking employment with the Charter School;
- b. any person employed or seeking employment with an entity with which the Charter School contracts for services;
- c. any individual that is contracted, or who seeks to enter a contract, to provide services to the Charter School; and
- d. any individual volunteering or seeking to volunteer with the Charter School,

if the individual is likely to have direct, ongoing contact with children within the scope of the individual's employment, or within the scope of performing under a contract providing services to the Charter School.

2. The Organizer's proposed policy shall be consistent with I.C. 20-26-5-10 which is made applicable to charter schools by I.C. 20-24-8-5, and shall provide for the obtaining of an expanded criminal history check, as defined in I.C. 20-26-2-1.5, of the individuals identified in Section C.1 of this Policy in the manner and to the full extent provided for by I.C. 20-26-5-10. In this regard, consistent with I.C. 20-26-5-10, the proposed policy should provide for obtaining the expanded criminal history checks on individuals identified in Section C.1 of this Policy before or not later than three (3) months after the individual's association with the Charter School as either an employee, an employee of a contractor, an individual contractor, or a volunteer who is likely to have direct, ongoing contact with children within the scope of the individual's employment, or within the scope of performing under a contract providing services to the Charter School.

3. The Organizer's proposed policy must provide that any individual subject to the proposed policy that has been convicted of any of the following acts shall be prohibited from employment with the Charter School or with an entity contracting with the Charter School to provide services, or from contracting individually with the Charter School to provide services, unless the Director of the Office of Charter Schools expressly waives such prohibition in writing:
 - a. Any offense set forth in I.C. 20-26-5-11(b), any successor statute, or of any offense substantially equivalent to any of the offenses listed in I.C. 20-26-5-11(b) in which the judgment of conviction was entered under the law of any other federal or state jurisdiction.
4. The Organizer's proposed policy must provide that any individual subject to the proposed policy may be required at the time the individual applies for employment or seeks to contract with the Charter School to answer questions concerning the individual's criminal history. The proposed policy must further provide that the failure to answer honestly questions asked about the individual's expanded criminal history will constitute grounds for the termination of the individual's employment or contract.
5. Consistent with I.C. 20-26-5-11(c), the Organizer's proposed policy must provide that any individual subject to the proposed policy shall notify a designated position with the Charter School in the event the individual is, during the course of the individual's employment or performance of a contract, convicted of any offense set forth in I.C. 20-26-5-11(b), any successor statute, or of any offense substantially equivalent to any of the offenses listed in I.C. 20-26-5-11(b) in which the judgment of conviction was entered under the law of any other federal or state jurisdiction.
6. The Organizer's proposed policy must provide that any individual subject to the proposed policy may not be required by the Charter School to obtain an expanded criminal history check more than one (1) time during a (5) year period.

D. PROVISIONS REGARDING RESULTS OF CRIMINAL HISTORY CHECKS

1. The Organizer's proposed policy must provide that the results of criminal history checks must be submitted to the Office of Charter Schools upon written request of the Director of the Office of Charter Schools. In this regard, the Ball State University Office of Charter Schools shall be identified in the consent provided by the individual subject to the proposed policy as an authorized party to receive a copy of the results of the expanded criminal history check, or of any subsequently reported conviction as required by I.C. 20-26-5-11(c).
2. The Organizer's proposed policy must provide that the results of the expanded criminal history checks will be used in accordance with I.C. 10-13-3-29.