



Reference Check Policy for Applicants for Employment, Contractors, Employees of Contractors, and Volunteers

Pursuant to the School Personnel Act, Health Leadership must check references for any applicants for employment. For the purposes of this policy, “applicant” means an applicant for employment, an individual who is being considered as a contractor, a contractor's employee or an individual who wants to be a school volunteer.

As part of the application process, an applicant must provide:

1. a list of the applicant’s current and former employers that were schools or that employed the applicant in a position involving unsupervised contact with children or students. The list shall include the name, address, telephone number and other relevant contact information for each of the applicant's listed employers;
2. a written statement describing whether the applicant:
 - a. has ever been under investigation for, or has been found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offense, including those offenses prohibited in Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A or 52 NMSA 1978, unless the allegations were false or unsubstantiated;
 - b. has ever been under investigation for, or found to have violated, any ethical rule or policy approved by a former employer that previously employed the applicant, unless the allegations were false or unsubstantiated; or
 - c. has ever had a professional license or certificate denied, suspended, surrendered or revoked due to a finding of child abuse or ethical misconduct or while allegations of child abuse or ethical misconduct were pending or under investigation; and
3. a written authorization that authorizes disclosure of information requested under this policy.

Health Leadership will provide a form as part of the application process for applicants to disclose the above information.

For each applicant, Health Leadership will conduct a review of the applicant's employment history and contact the applicant's current and former employers and request:

1. the applicant’s dates of employment; and

2. a written statement describing whether the applicant:
 - a. has ever been under investigation for, or has been found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offense, including those offenses prohibited in Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A or 52 NMSA 1978, unless the allegations were false or unsubstantiated;
 - b. has ever been under investigation for, or found to have violated, any ethical rule or policy approved by a former employer that previously employed the applicant, unless the allegations were false or unsubstantiated; or
 - c. has ever had a professional license or certificate denied, suspended, surrendered or revoked due to a finding of child abuse or ethical misconduct or while allegations of child abuse or ethical misconduct were pending or under investigation.

During the review of the applicant's employment history, Health Leadership will request applicant's current or former employer to disclose any other information the applicant's current or former employer deems pertinent and substantive to the prospective employee's suitability for employment in a position that includes unsupervised contact with children or students.

Health Leadership will document its efforts to:

1. verify the information provided under this policy; and
2. obtain from an applicant's current or former out-of-state employer the information required under this policy.

This documentation will be placed in an applicant's personnel file if he or she is offered and accepts employment at Health Leadership. For contractors and employees of contractors, this documentation will be maintained in the contractor's procurement file. For volunteers, this documentation will be maintained in a separate volunteer file. Records will not be maintained for applicants who are not offered or do not accept an offer of employment.

Health Leadership may terminate an individual's employment or contract or rescind an applicant's offer of employment or offer of a contract if the applicant is offered or commences employment after the effective date of this policy and information regarding the applicant's history of child abuse or ethical misconduct that is determined to disqualify the applicant from employment or a contract is subsequently obtained by Health Leadership.

An applicant who provides false information or willfully neglects to disclose information required under this policy shall be subject to discipline including termination or denial of employment. Health Leadership will also report any applicant who provides false information or willfully neglects to disclose information required under this policy to the Licensure Bureau of the New Mexico Public Education Department.

Adopted by the Health Leadership High School Governing Council on: 8/25/21