

# POLICY

## Queen Anne's County Public Schools

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| POLICY TITLE:<br><b>Criminal Background Checks on Employees and Volunteers</b> |  |
| ADOPTION/EFFECTIVE DATE:<br><b>May 1, 2013</b>                                 |  |
| POLICY/PROCEDURE MANUAL SUMMARY CATEGORY:<br><b>Personnel</b>                  |  |
| Amendment:   |  |

### I. Purpose

To establish the requirement for a criminal background check for new employees, volunteers and other people who will work with Queen Anne's County Public Schools (QACPS) students.

### II. Policy Statement

Pursuant to Section 5-561 of the Family Law Article of the Annotated Code of Maryland and COMAR 12.15.02, all prospective employees, including full-time, part-time and substitute employees who have uncontrolled access to children, shall be considered eligible for employment only after the criminal records checks required by Maryland law have been completed.

All prospective employees are required to apply for a full fingerprint background check and submit the required disclosure statement to the Queen Anne's County Board of Education (the "Board") prior to the first day of employment, pursuant to Sections 5-562 and 5-563 of the Family Law Article of the Annotated Code of Maryland. The results of the check are not a prerequisite for someone to begin work. No person shall have a vested interest or right to any contractual employment relationship until the Board receives a copy of the criminal records check and disclosure statement, and the results of which are found by the Board to be satisfactory for the employment of said individual.

The criminal records check processing fee will be the responsibility of the employee. Waiver of a fee policy may be made in the sole discretion of the Board.

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Pursuant to Section 6-113 of the Education Article of the Annotated Code of Maryland, the Board may not knowingly hire or retain any individual who has been convicted of a crime involving: (i) a sexual offense in the third degree under Section 3-307 of the Criminal Law Article; (ii) a child sexual abuse under Section 3-602 of the Criminal Law Article; or (iii) a crime of violence under Section 14-101 of the Criminal Law Article.

The Board reserves the right to refuse employment or the ability to volunteer for convictions, probations before judgment and nolo contendere for crimes it deems serious in nature. The Board reserves the right to consider time when reviewing the age of convictions, probations before judgment and nolo contendere.

If a record check is positive and the individual involved does not agree with the check, the individual may direct his/her protest to the Director of the Criminal Justice Information System Central Repository.

Depending on the duties required, some volunteers will be required to undergo a full criminal background check.

Employees who were hired prior to October 1, 1986 are not required to submit to the federal criminal background check.

If there is a break in employment and the employee has never completed a federal background check application, he/she may be required to submit to the federal check. The minimum check required will be the completed disclosure statement and consequent statewide check.

If the break in employment is six (6) months or more, the employee shall be required to complete the federal and state background check.

The information contained in the criminal records check shall be kept confidential.

### **III. Definitions**

None

### **IV. Implementation**

The Superintendent is authorized to develop regulations and procedures to implement this policy.