



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215
Procedure No.

August 18, 2016
Date

I. **PURPOSE:** To provide procedures to ensure that a criminal history background check and child protective service clearance is conducted on any person authorized to have contact with students and prior to the individual having contact with any student(s). Such persons include, but are not limited to employees, contractors, volunteers, interns and mentors.

II. **DEFINITIONS:**

A. **CHILD PROTECTIVE SERVICE CLEARANCE CHECK:**

Child Protective Service clearances are completed through PGCPS and involve the submission of an applicant’s information to Prince George’s County Department of Social Services to confirm if the applicant is the subject of an investigation or has been found indicated, substantiated or unsubstantiated in a child abuse or neglect case. The search will include review of the Maryland Children's Electronic Social Services Information Exchange (“MD CHESSIE”), a statewide-automated case management system; the Department’s Client Information System (CIS), or the Central Registry, a component of the CIS or other confidential computerized database that contains information regarding child abuse and neglect investigations.

B. **COMMERCIAL –BASED STATE CRIMINAL HISTORY CHECKS:**

Commercial background checks completed through PGCPS involve a comprehensive court records search throughout the State of Maryland, based on written information provided by the applicant. No fingerprints are taken.

C. **FINGERPRINT-BASED NATIONAL and STATE CRIMINAL HISTORY CHECKS:**

Pursuant to Federal and Maryland law, PGCPS conducts a national and state fingerprint background check on all individuals who will have direct contact with children under the supervision of PGCPS. The process must be completed through PGCPS and involve a full fingerprint supported criminal records check through the CJIS (Criminal Justice Information System), a State of Maryland legal database. Criminal background results are usually received by PGCPS from the State of Maryland and FBI within seven working days. Employees and volunteers only need to undergo the full fingerprint background check one time, subject to the exceptions provided in Section IV. of this Procedure.

III. **GENERAL REQUIREMENTS**

A. All applicants being considered for employment with Prince George’s County Public Schools (PGCPS) must undergo a fingerprint background check and results must be received prior to the first day of employment with PGCPS.



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215

Procedure No.

August 18, 2016

Date

- B. Effective July 1, 2016, all newly hired employees, volunteers, contractors, interns and mentors must undergo a child protective service clearance prior to beginning work or engaging in any authorized activities involving PGCPS students.
- C. **Self-reporting requirement:** While employed, employees must immediately report to their supervisor and the Employee and Labor Relations Office: (1) any subsequent arrests and/or criminal charges, whether in Maryland or outside of the state; and (2) if they are the subject of an investigation involving child abuse or neglect. Failure to do so may result in separation of employment.

IV. **PROCEDURES:**

A. **RETIRED/REHIRED EMPLOYEES:**

- 1. Employees who were originally hired within PGCPS prior to October 1, 1986 are considered “grandfathered” and were exempted from the fingerprinting requirement for the duration of their employment with PGCPS.

Any “grandfathered” employee who retires from PGCPS and is subsequently rehired in any capacity within PGCPS must undergo a fingerprint background check and child protective service clearance before returning to work for PGCPS. This is true, even if the time lapse from retirement to time of rehire is only one (1) day.

- 2. Any “grandfathered” employee who was fingerprinted for childcare while employed with PGCPS and who subsequently retired, is not required to be re-fingerprinted or undergo a new background check provided that the time lapse from retirement to re-employment is less than 180 calendar days and the fingerprinting event that was conducted listed PGCPS as the Agency of Record.

Example: A person, who while employed with PGCPS, was fingerprinted so that he/she could substitute as a substitute teacher within another school system, or perform coaching duties for a Parks and Recreation Facility, would still be required to be fingerprinted for PGCPS before being permitted to be rehired, unless they can produce documentation that they have undergone a background check in the State of Maryland within 180 days.

B. **CURRENT EMPLOYEES:**

- 1. Any current employee who was hired before October 1, 1986 is “grandfathered” and therefore, not required to submit fingerprints. If such an employee has any break in service that results in a rehire, the employee must undergo a fingerprint background check and child protective service clearance before returning to work for PGCPS. This is true, even if the time lapse from resignation to time of rehire is only one (1) day.



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215

Procedure No.

August 18, 2016

Date

2. Effective July 1, 2016, all newly hired employees must undergo a fingerprint background check and child protective service clearance prior to beginning work with PGCPS.

C. SUBSTITUTE AND TEMPORARY EMPLOYEES:

1. All persons hired as a substitute or temporary employee must undergo a fingerprint background check and child protective services clearance prior to their first day of employment.
2. Any substitute teacher that was previously fingerprinted for childcare at a school district other than PGCPS may or may not be eligible to transfer their clearance to PGCPS. (See section on Employees Returning and Those Previously Fingerprinted)
3. Any substitute or temporary employee hired by PGCPS who subsequently remains listed as an available substitute for a period greater than 365 days AND does not actively work within that period of time, must be complete a new fingerprint background check and child protective service clearance before resuming active employment with PGCPS.

- D. COACHES (Paid and Unpaid):** All coaches, coaching assistants, referees, officials and any others assisting in an athletic program must complete a fingerprint background check and child protective services clearance before participating in any form of activity within the school.

E. INTERNS AND STUDENT TEACHERS:

1. Student teachers and interns not paid in any capacity by PGCPS are still required to undergo a fingerprint background check and child protective services clearance by PGCPS.
2. Those who may be interested in applying for employment with PGCPS upon completion of their internship AND who were previously fingerprinted may fall under the section entitled: "Employees Returning and Those Previously Fingerprinted."

F. INDEPENDENT CONTRACTORS, SUBCONTRACTORS, VENDORS, OUTSOURCED AGENCY EMPLOYEES and OUTSOURCED TEMPORARY STAFFING:

1. Those individuals who are paid outside the PGCPS payroll system, have an MOU, or have been granted a subcontract through an authorized vendor or contractor who has a current agreement to provide services by the Department of Purchasing and Supply Services, must undergo a fingerprint background check and child protective services clearance. This must be done 15 business days prior to beginning work in or around PGCPS property or engaging in any



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215

Procedure No.

August 18, 2016

Date

authorized activities involving PGCPS students. The cost associated with the fingerprint background is absorbed by the individual, unless the contract negotiated with PGCPS dictates otherwise.

2. Independent Contractors/Subcontractors/Vendors: Those individuals who are hired and paid outside the school system where no uncontrolled access to students is anticipated (e.g., construction workers completing a project over a school break) do not need to be fingerprinted.

However, PGCPS may require these personnel to undergo a Commercial Background Check and child protective service clearance. The cost for such report is absorbed by the applicant/contractor/subcontractor/vendor, unless the contract negotiated between PGCPS and the agency or vendor dictates otherwise

3. Outsourced Staffing: Personnel working within PGCPS through an agency such as Kelly or Account Temps will be processed as follows:
 - a. Those who are paid outside the school payroll system and have uncontrolled access to children or who are assigned duties in a school where unsupervised contact with children is likely, are required to complete the fingerprint background check and child protective service clearance.
 - b. Those who are paid outside the school payroll system and will work at facilities where no contact with children is anticipated are not required to be fingerprinted. However, they will complete the child protective service clearance and Commercial Background Check. The cost for such report is absorbed by the applicant/employee unless the contract negotiated between PGCPS and the agency dictates otherwise.

G. VOLUNTEERS:

1. All volunteers – such as mentors , interns, tutors and chaperones - must undergo a fingerprint background check and child protective service clearance at least **14 days** in advance of the day field trip, overnight trip or activity on or off school property.
2. A fingerprint background check must be initiated through the PGCPS Fingerprinting Office before performing duties and the child protective services clearance must be initiated through Human Resources.
3. Any parent/guardian who needs assistance covering the cost of a fingerprint background check, and whose child(ren) qualify for free and reduced priced meals, may request waiver of the background check fee by providing a copy of their eligibility letter from the PGCPS Department of Food and Nutrition Services.



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215

Procedure No.

August 18, 2016

Date

4. Exceptions:

- a. Volunteers do not have to complete a fingerprint background check if they are escorted and under the supervision of a PGCPS **at all times** while on campus for a one-time event, such as parents/guardians volunteering for career day, book fairs, school dances, etc.
- b. Those who are exempted from completing the fingerprint background check above, however, must still undergo a commercial background check and provide a copy of their government issued identification to be scanned into the Raptor Visitor Management System, as required by Administrative Procedure 0500, when visiting school property.

H. **EMPLOYEES RETURNING AND THOSE PREVIOUSLY FINGERPRINTED:**

1. Any person formerly employed by PGCPS who was previously fingerprinted by PGCPS and applies for rehire is not required to be fingerprinted if the break in service is less than 12 months.
2. Any person formerly employed by PGCPS with a break in service of more than 12 months must complete a fingerprint background check and child protective service clearance.
3. Any applicant who was previously fingerprinted for “Child Care” for another school system is required to undergo a complete fingerprint background check and child protective service clearance if the previous investigation (fingerprinting date) is older than six (6) months (180 calendar days).
4. Any applicant who was previously fingerprinted for “Child Care” for another school system and underwent a background investigation less than 180 days before being offered employment by PGCPS may be eligible to transfer their background check results to PGCPS. The applicant is required to appear in person at the PGCPS Fingerprinting Office and complete a 180-day transfer form.

I. **PRINCE GEORGE’S COUNTY POLICE OFFICERS, SHERIFFS OR OTHER MUNICIPAL OFFICERS PERFORMING SCHOOL SECURITY DUTIES AS SECONDARY EMPLOYMENT IN POLICE UNIFORM:**

1. Those personnel assigned to fulfill law enforcement duties as School Resource Officers (SROs) within PGCPS by the Prince George’s County Police Department, Sheriff’s Department, or other Municipal Department and paid by that agency are not required to be fingerprinted or cleared for child protective service findings by PGCPS in order to perform duties as SRO.



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215

Procedure No.

August 18, 2016

Date

2. Prince George’s County Police Officers, Sheriff’s Department, and other Municipalities who perform additional security related duties for PGCPS in the area of school security, event security, or related functions in police uniform, and are paid by PGCPS are not required to undergo any additional background and fingerprinting checks process other than those requirements already imposed by the Prince George’s County Police Department, the Sheriff’s Department, and other Municipalities. A designee from the respective department is required to notify PGCPS when an officer has retired, resigned, or is no longer eligible to perform these duties imposed by their department.
3. Prince George’s County Police Officers, Sheriff’s, and other Municipalities who wish to perform other paid duties within PGCPS not related to school security, e.g. coaching or substitute teaching, must comply with the fingerprinting and background check requirements for the desired position.

J. **ADULTS WHO INTERACT WITH STUDENTS IN OFF SITE ARRANGEMENTS**

Students may attend classes in dual enrollment programs on college campuses, or participate in internships off school grounds at an external agency. Each program or internship will require a Memorandum of Understanding. The agency must have a criminal background check as part of its own hiring practice. This background check will serve as meeting the requirements of this administrative procedure.

In addition, employees from the participating agency who teach or supervise PGCPS students under the program or internship shall be required to complete a child protective services clearance.

V. **INELIGIBILITY**

- A. Any individual convicted of or currently charged with the following crimes are ineligible for employment with PGCPS or to serve as a volunteer:
 - 1) A crime involving third or fourth degree sexual offense under § 3-307 or § 3-308 of the Criminal Law Article or an offense under the laws of another state that would constitute a violation of § 3-307 or § 3-308 of the Criminal Law Article if committed in Maryland;
 - 2) A crime involving child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in Maryland;
 - 3) A crime involving a crime of violence as defined in § 14-101 of the Criminal Law Article, or an offense under the laws of another state that would be a



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215

Procedure No.

August 18, 2016

Date

violation of § 14-101 of the Criminal Law Article if committed in Maryland;
or

- 4) Identification as an alleged abuser or neglector following completion of a Child Protective Services investigation with a finding of “indicated” or “unsubstantiated” child abuse or neglect.

B. In addition to the crimes listed above, an individual may be found ineligible based on a conviction or pending criminal charge for other crime(s), depending on the nature and frequency of the charge(s); the time elapsed since the crime(s) or charge(s); and other factors that may weigh against hiring or assigning the individual to volunteer at PGCPS.

VI. REPORTING AND MONITORING PROCESS:

- 1. (a) It shall be the primary responsibility of school principals to ensure that any volunteer working at the school has completed the requisite background check under this Procedure, and principals must require a receipt documenting completion of the requisite background check.

(b) Principals shall retain on file a copy of the background check receipts and a list of those individuals eligible to participate in field trips and other activities.
- 2. In the event that PGCPS Human Resources determines there is a pending charge, conviction, or other concern disclosed through a background check or child protective service clearance, the respective office shall immediately notify the Chief of Human Resources of the charge, conviction, or concern.
- 3. As a general guideline, if volunteers have charges, convictions, or concerns that would render them ineligible for employment by PGCPS, they would also not be eligible to serve as a volunteer, vendor or subcontractor with PGCPS.
- 4. The Chief of Human Resources, or designee, shall have responsibility for contacting the volunteer to advise them of their ineligibility to provide volunteer services to PGCPS. Strict confidentiality must be maintained of all information disclosed through any Fingerprint Background Check, Commercial Background Check or Child Protective Service Clearance.

VII. LEGAL AUTHORITY: Annotated Code of Maryland, Education Article §6-113; Family Law Article § 5-561 and § 5-562; COMAR 07.02.07 *et seq.*; COMAR 12.15.02.03.

VIII. RELATED BOARD POLICIES AND PROCEDURES: Board Policy 0106, Volunteer Services. Administrative Procedure 0500, School Visitors; Administrative Procedure 4216.6,



ADMINISTRATIVE PROCEDURE

CRIMINAL HISTORY CHECKS

4215

Procedure No.

August 18, 2016

Date

Volunteer Services.

- IX. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** This Administrative Procedure originates with the Office of General Counsel and will be updated as needed.
- X. **CANCELLATIONS AND SUPERSEDURES:** This Administrative Procedure cancels and supersedes Administrative Procedure 4215, dated December 1, 2013.
- XI. **EFFECTIVE DATE:** August 18, 2016

Distribution: Lists 9, 10, and 11