

A. Purpose

To outline the process for conducting criminal background investigations of candidates for employment with Frederick County Public Schools (FCPS).

B. Background

1. In accordance with the requirements of the Family Law Article of the Maryland Annotated Code, all employment candidates and persons with unsupervised access to students are required to be fingerprinted for a criminal background check.
2. Prior to employment with FCPS, a candidate for employment must undergo a criminal background check, including submitting a written statement or affirmation disclosing the existence of any criminal convictions, probation before judgment dispositions, not criminally responsible dispositions, or pending criminal charges without a final disposition.

C. Definitions

None.

D. Procedures

1. **Requirement**
 - a. All new employees will be required to have a criminal background check. This procedure includes submission of a signed disclosure form and fingerprint check form.
 - b. These forms will be forwarded for review by the Maryland Criminal Justice Information System (CJIS) and the Federal Bureau of Investigation (FBI).
 - c. There will be no fee assess for the criminal background checks for candidates of employment with FCPS. Fees for criminal background checks for contractors are set by the Human Resources Department.
2. **Process Timeline**
 - a. New employees cannot begin work until both the fingerprinting and disclosure forms are completed.
 - b. Both procedures will be done in the Human Resources Department during posted hours.
 - c. A copy of the results of the background check will be filed in the employee's personnel folder.
 - d. Contracted bus drivers and other contract service providers who have regular, direct and unsupervised access to children cannot begin service without undergoing the same process as new employees. Contractors are responsible for payment of the full cost of the criminal background check.

- e. Before allowing a substitute to work, candidate must receive clearance from the Human Resources Department.

3. Due Process

- a. Any criminal background check report received with a criminal history will result in a mandatory due process meeting with a representative from the Human Resources Department.
- b. Continuation of the employment or contract relationship will be dependent on the circumstances of the criminal behavior as reflected in court and police records and the employee's or candidate's explanation.
- c. Employees who have intentionally misrepresented criminal behavior on their employment application(s) will be immediately discharged.
- d. Supervisor requests to retain persons in spite of a record of criminal history are subject to approval or disapproval by the Director of Human Resources.

4. **Student Teachers.** Maryland law eliminates the need for a student teacher to receive multiple background checks if the Maryland Department of Public Safety and Correctional Services, upon receiving a written request from a student teacher, submits a printed statement regarding a criminal history records check when the background check was completed within the previous 365 days.

E. Related Information

1. Maryland Statutes

- a. [Md. Code Ann., Fam. Law § 5-550](#)
- b. [Md. Code Ann., Fam. Law § 5-551](#)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Office of Human Resources
Adoption Dates	07/01/94
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