

A. Purpose

To outline the process for conducting background checks and screenings of individuals being considered for employment with, or employed by, Frederick County Public Schools (FCPS), including individuals who have, or may have, direct and unsupervised access to students or who occupy designated positions requiring additional screening.

B. Background

1. In accordance with the requirements of the Family Law Article of the Maryland Annotated Code, all candidates for employment and individuals with direct and unsupervised access to students are required to submit to fingerprinting for the purpose of conducting a criminal history records check.
2. Prior to employment with FCPS, a candidate for employment must undergo a pre-employment screening, including submitting a written statement or affirmation disclosing any criminal convictions, probation before judgment dispositions, not criminally responsible dispositions, or pending criminal charges that have not yet reached a final disposition.
3. FCPS is committed to maintaining appropriate safeguards to protect students, employees, and public resources. Enhanced pre-employment and post-hire screening protocols for positions involving Financial Access or Access Controls support effective risk management and help assess the continued suitability of individuals entrusted with these responsibilities.

C. Definitions

1. “Access Controls” is defined to mean mechanisms or processes used to limit, manage, or monitor access to FCPS financial systems or financial data.
2. “Criminal History Records Check” is defined to mean a records check of the criminal history record information maintained by the Maryland Criminal Justice Information System (CJIS) Central Repository or the Federal Bureau of Investigation (FBI).
3. “Fair Credit Reporting Act” (FCRA) is defined to mean the federal law that promotes the accuracy, fairness, and privacy of consumer information and regulates the use of consumer reports, including employment background checks, for employment purposes.
4. “Financial Access” or “Sensitive Financial Information” is defined to mean the authority to manage, process, or control financial transactions, financial data, or financial systems, including but not limited to purchasing, budgeting, payroll, and accounting.

5. “Post-Hire Screening” is defined to mean an annual background screening process and participation in the Rap Back (Record of Arrest and Prosecution Background (Rap Back) service for existing employees occupying designated positions involving financial access.
6. “Pre-Employment Screening” is defined to mean the process conducted prior to employment to assess a candidate’s suitability for employment with FCPS through criminal history records checks, fingerprinting, required disclosures, employment history reviews, and other screening measures established by FCPS or required by law.
7. “Third Party Vendor” is defined, for the purposes of this Regulation, to mean an external organization contracted by FCPS to conduct background screening services in compliance with federal and state laws.

D. Procedures

1. Employment 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 CJIS and the FBI.
- c. The Department of Human Resources will review additional background results, which are above and beyond those required by state and/or federal law. These include the following:
 - i. Maryland State Department of Education (MSDE) The Educator Application and Credentialing Hub (TEACH).
 - ii. National Association of State Directors of Teacher Education and Certification (NASDTEC) Educator Identification Clearinghouse.
 - iii. Maryland Sex Offender Registry.
 - iv. National Sex Offender Public Website (NSOPW).
 - v. Maryland Criminal Justice Information System (CJIS) Central Repository.
- d. In accordance with Maryland Education Article § 6-113.2, FCPS conducts an employment history review for all candidates applying for positions that involve direct and unsupervised, or the potential to have, contact with minors. This process ensures transparency and helps school systems prevent the hiring or transfer of individuals with a history of misconduct involving students. Under this law:
 - i. FCPS must request employment history information from a candidate’s current and former employers, including former school employers and employers where the candidate held a position involving direct contact with minors within the previous ten (10) years.
 - ii. Former employers are required to provide information regarding child sexual abuse or sexual misconduct investigations, findings, and related employment actions involving the candidate.
 - iii. Candidates must provide written consent authorizing FCPS to obtain this information from current and former employers as part of the pre-employment screening process before employment can be finalized.

2. Enhanced Screening for Positions with Access to Sensitive Financial Information

- a. In response to identified vulnerabilities to safeguard FCPS financial assets, FCPS will implement Access Controls and enhanced pre-employment and post-hire screening protocols for designated positions involving Financial Access and access to sensitive financial information.
- b. The Fiscal Services Department will identify the positions within FCPS that involve access to sensitive financial information.
- c. Once the hiring manager has completed the screening and interview processes and identified the selected candidate for hire, prior to an offer of employment, the candidate will be invited to participate in the enhanced screening process.
- d. The enhanced screening process will be conducted by a third-party vendor and may include applicable background screening measures, including record searches, in compliance with the Fair Credit Reporting Act, the Maryland Job Applicant Fairness Act, and other applicable federal and state laws.

3. Process Timeline

- a. New employees cannot begin work until both the pre-employment screening and disclosure forms are completed.
- b. The required pre-employment screening and disclosure forms are required to be completed in the Human Resources Department during posted hours.
- c. A copy of the results of the background check will be filed in a secure, confidential electronic file.
- d. Before allowing any candidate or individual to work with students, the Human Resources Department must provide clearance.

4. Post-Hire Screening for Designated Financial Roles

- a. To support effective risk management and safeguard FCPS financial resources, FCPS will conduct post-hire screening for employees in positions involving financial access and access to sensitive financial information
- b. Employees will be notified upon hire of the post-hire screening and required to sign an acknowledgement of the process.
- c. The post-hire screening process will be conducted by a third-party vendor and may include applicable background screening measures, including record searches, in compliance with the Fair Credit Reporting Act, the Maryland Job Applicant Fairness Act, and other applicable federal and state laws
- d. Relevant findings may be shared with the Financial Reporting Department, as necessary, to support additional audit and oversight measures while maintaining confidentiality.

5. Post-Hire Due Process

- a. Any information identified through a post-hire screening that is relevant to an employee's continued suitability for employment shall result in a review of the matter by due process meeting with a representative from the Human Resources Department.
- b. Continuation of employment will depend on the information identified through the post-hire screening, the employee's explanation, and any other factors deemed relevant by FCPS.

- c. If a post-hire screening identifies that an employee intentionally misrepresented information regarding their criminal history or other relevant court records during the employment process or any post-hire screening, the employee is subject to disciplinary action, up to and including dismissal.
 - d. Supervisor requests to retain an employee when information identified through a post-hire screening raises concerns regarding the employee's continued suitability for employment are subject to approval by the Director of Human Resources.
6. **Student Teachers, Student Interns, and Educators on Loan.** Student teachers, student interns, and educators on loan are required to complete the applicable employee screening processes set forth above.

E. Related Information

- 1. **Board Policy**
 - a. [Policy 300, Personnel](https://apps.fcps.org/legal/documents/300)
(<https://apps.fcps.org/legal/documents/300>)
- 2. **Code of Maryland Regulations (COMAR)**
 - a. [COMAR 13A.07.14, Child Sexual Abuse and Sexual Misconduct History](https://fcps-md.info/COMAR_13A-07-14)
(https://fcps-md.info/COMAR_13A-07-14)
- 3. **External Resources**
 - a. [Federal Trade Commission, Fair Credit Reporting Act \(15 U.S.C § 1681\) \(Revised March 2026\)](#)
- 4. **FCPS Regulations**
 - a. [Regulation 300-05, Mandatory Self-Reporting of Arrests, Charges, or Criminal Convictions](https://apps.fcps.org/legal/documents/300-05)
(<https://apps.fcps.org/legal/documents/300-05>)
- 5. **Federal Law**
 - a. Fair Credit Reporting Act, 15 U.S.C. 1681, *et seq.*
- 6. **Federal Statutes**
 - a. 34 U.S.C. 20962
- 7. **Maryland Laws**
 - a. Maryland Job Applicant Fairness Act
- 8. **Maryland Statutes**
 - a. [Md. Code Ann., Crim. Law § 3-307](https://fcps-md.info/MD_Crim_Code_3-307)
(https://fcps-md.info/MD_Crim_Code_3-307)
 - b. [Md. Code Ann., Crim. Law § 3-308](https://fcps-md.info/MD_Crim_Code_3-308)
(https://fcps-md.info/MD_Crim_Code_3-308)
 - c. [Md. Code Ann., Crim. Law § 3-602](#)

- (https://fcps-md.info/MD_Crim_Code_3-602)
- d. [Md. Code Ann., Crim. Law § 14-101](#)
(https://fcps-md.info/MD_Crim_Code_14-101)
- e. [Md. Code Ann., Educ. § 6-113](#)
(https://fcps-md.info/MD_Educ_Code_6-113)
- f. [Md. Code Ann., Educ. § 6-113.1](#)
(https://fcps-md.info/MD_Educ_Code_6-113-1)
- g. [Md. Code Ann., Educ. § 6-113.2](#)
(https://fcps-md.info/MD_Educ_Code_6-113-2)
- h. [Md. Code Ann., Fam. Law § 5-550](#)
(https://fcps-md.info/MD_Family_Code_5-550)
- i. [Md. Code Ann., Fam. Law § 5-551](#)
(https://fcps-md.info/MD_Family_Code_5-551)
- j. [Md. Code Ann., Fam. Law § 5-555](#)
(https://fcps-md.info/MD_Family_Code_5-555)
- k. [Md. Code Ann., Labor & Empl. § 3-711](#)
(https://fcps-md.info/MD_Labor_Empty_Code_3-711)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Human Resources Department
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