



Book	Policy Manual
Section	Section G - Personnel
Title	EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE AND/OR NEGLECT
Code	GCDA
Status	Active
Last Revised	August 1, 2018

EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE AND/OR NEGLECT

The Board will not hire or continue the employment of any part-time, full-time, temporary, permanent, other personnel, or student teachers who are determined to be unsuited for service by reason of criminal conviction or information appearing in the registry of founded complaints of child abuse and/or neglect maintained by the Department of Social Services.

1. Applicants for Employment and Student Teachers

A. Criminal Convictions

As a condition of employment for all of its public school employees, whether full-time, part-time, permanent, temporary, or otherwise and for service as a student teacher, the Rockingham County School Board shall require on its application for employment, and as to the placement of any student teacher, certification (i) that the person has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) that the person has not been convicted of a crime of moral turpitude.

Notwithstanding the requirements of the previous paragraph, the School Board may employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, 2015; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and (iii) has had his civil rights restored by the Governor or other appropriate authority. However, the School Board may employ, until July 1, 2020, such an individual who does not satisfy the conditions set forth in clauses (ii) and (iii), provided that such individual has been continuously employed by the School Board from December 17, 2015 through July 1, 2018.

The Rockingham County School Board shall also require on its application for employment, or request for service as a student teacher, as a condition of employment requiring direct contact with students, whether full-time, part-time, permanent, temporary, or otherwise, certification that the person has not been the subject of a founded case of child abuse and/or neglect. Any person making a materially false statement regarding a finding of child abuse and/or neglect shall be charged with a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

As a condition of employment, or service as a student teacher, any person who is offered or accepts employment, whether full-time, part-time, permanent, temporary, or otherwise or serves as a student teacher, with the Rockingham County School Board shall authorize in writing a background check and

submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information on persons who are offered or accept employment. In addition, the person shall authorize in writing a Child Protective Services Central Registry release of information to determine any findings of child abuse and/or neglect.

To minimize the costs of conducting criminal history record checks to applicants and School Boards, upon the written request of the applicant, or employee, Rockingham County School Board will inform another school board with which reciprocity has been established and to which the applicant also has applied for employment of the results of the criminal history record information conducted within the previous ninety days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board will be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect at the request of the applicant or employee. Reciprocity agreements may provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and Rockingham County School Board as provided by statute.

If an applicant is denied employment because of information appearing on his/her criminal history record, the School Board will provide a copy of the information provided by the Central Criminal Records Exchange at the request of the applicant or employee.

b. Founded Complaints of Child Abuse and/or Neglect

The School Board requires, as a condition of employment, and for any service as a student teacher, that any such person whose role requires direct contact with students, whether full-time, part-time, permanent, temporary, or otherwise, provide written consent and the necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and/or neglect. The registry is maintained by the Department of Social Services. The School Board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, when the person has resided in another state within the last five years, the School Board requires as a condition of employment or service that such person provide written consent and the necessary personal information for the School Board to obtain information from each relevant state as to whether the person was the subject of a founded complaint of child abuse and/or neglect in such state. The School Board shall take reasonable steps to determine whether the person was the subject of a founded complaint of child abuse and/or neglect in the relevant state. Such reasonable steps shall include, but not be limited to, contacting any central child abuse and neglect registry maintained by the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states for use by local school boards as may be provided by law. The person may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the School Board or the Superintendent. From such funds as may be available for this purpose, however, the School Board may pay for the search.

If the information obtained pursuant to the preceding paragraph indicates that the person is the subject of a founded case of child abuse and/or neglect, such person shall be denied employment or service, or the employment or service shall be discontinued in accordance with law absent special circumstances as determined by the division superintendent or designee.

If an applicant is denied employment because of information appearing on his record in the registry, the School Board will provide a copy of the information obtained from the registry at the request of the applicant or employee. The information provided to the School Board by the Department of Social Services shall be confidential and shall not be disseminated by the School Board except as may be authorized or permitted by law.

Any employee of Rockingham County School Board will be dismissed if he or she is or becomes the subject of a founded complaint of child abuse and neglect and after all rights to an appeal provided by Va. Code§ 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal

provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach.

II. Employee and Student Teacher Charges and Convictions

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with School Board policies, and to the extent permitted by law, and any student teacher charged likewise may have his/her service as such terminated.

If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, the School Board will provide a copy of the information provided by the Central Criminal Records Exchange at the request of the applicant or employee.

The superintendent shall inform the School Board of any notification of arrest of a school board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such employee, whether full-time, part-time, permanent, temporary, or otherwise, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia.

For purposes of this policy, a court's placing a person on probation pursuant to Va. Code section 18.2-251 shall be deemed and treated as a conviction and as a finding of guilt.

IV. Costs of Fingerprinting, Criminal Record and Abuse and Neglect Checks

Each employee and student teacher will pay for the cost of any fingerprinting, criminal record check, and abuse and neglect check conducted pursuant to this policy. Exceptions may be granted by the superintendent.

V. Miscellaneous

The provisions of this policy shall not in any way limit the School Board or superintendent or designee in taking such other action as maybe permitted by law as to an employee or student teacher. The superintendent is authorized to promulgate regulations and directives to implement this policy, and to the extent permitted by law any directive issued by the superintendent prior to adoption of amendments to this policy to require background checks is ratified and affirmed.

Adopted:

Legal Ref.: Code of Virginia, as amended, §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78, 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1-315, 63.2-1515.

Cross Ref.: GCPD Professional Staff Members: Contract Status and Discipline
 GDPD Support Staff Members: Status and Discipline

8/18 RCPS