

**EFFECT OF CRIMINAL CONVICTION
OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT**

Alexandria City Public Schools (ACPS) not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are deemed unsuited for service by reason of criminal conviction or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

I. APPLICANTS FOR EMPLOYMENT

A. Criminal Convictions

As a condition for employment for all its employees, whether full-time or part-time, permanent, or temporary, ACPS shall require on its application for employment certification of whether the applicant has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving sexual molestation, physical or sexual abuse or rape of a child; or any crime of moral turpitude.

ACPS does not employ any individual who has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.

ACPS may employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual's civil rights have been restored by the Governor.

Notwithstanding the requirements of subsection A of § Va. Code § 22.1-296.1, ACPS 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, ACPS 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 ACPS from December 17, 2015 through July 1, 2018.

ACPS shall also require on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of

a founded case of child abuse or neglect Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Virginia Board of Education to revoke such person's license to teach.

As a condition for employment, any applicant who is offered or accepts full-time, part-time, permanent or temporary employment with ACPS shall 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 applicants who offer or accept employment.

To conserve the costs of conducting criminal history record checks to applicants and school divisions, upon the written request of the applicant, ACPS shall inform another school division with which reciprocity has been established and to which the applicant has also 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 division shall be exchanged only between school divisions in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements shall provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and ACPS as provided by statute.

If an applicant is denied employment because of information appearing on his/her criminal history record, ACPS shall provide a copy of the information provided by the Central Criminal Records Exchange to the applicant.

B. Founded Complaints of Child Abuse or Neglect

ACPS shall require, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for ACPS to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. ACPS shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, ACPS requires as a condition of employment that such applicant provide written consent and the necessary personal information for ACPS to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. ACPS shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school systems for use by local school divisions.

The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of ACPS. From such funds as may be available for this purpose, however, ACPS may pay for the search.

If the information obtained pursuant to the preceding paragraph indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment, or the employment shall be rescinded.

If an applicant is denied employment because of information appearing on his record in the registry, ACPS shall provide a copy of the information obtained from the registry to the applicant. The information provided to ACPS by the Department of Social Services shall be confidential and shall not be disseminated by ACPS.

II. EMPLOYEE CHARGES AND CONVICTIONS

A. Criminal Proceedings

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with policy GCPF: Suspension of Staff Members.

If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, ACPS shall provide a copy of the information provided by the Central Criminal Records Exchange to the employee.

The Superintendent shall inform the School Board of any notification of arrest of an ACPS employee received pursuant to Virginia Code § 19.2-83.1. ACPS shall require such employee, whether full-time or part-time, permanent, or temporary, 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.

B. Founded Complaints of Child Abuse or Neglect

Any ACPS employee 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 Virginia Board of Education revoke such person's professional license.

III. COURT ORDERED PROBATION

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

IV. COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND NEGLECT CHECKS

The applicant or employee shall pay for the fingerprinting/criminal record check and the abuse and neglect check conducted pursuant to this policy.

Adopted: March 4, 1999
Amended: July 6, 2000
Amended: July 12, 2001
Amended: April 26, 2007
Amended: December 3, 2015
Amended: February 20, 2020
Amended: December 17, 2020

Legal Refs.: 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, 221.315, and 63.2-1515.

Acts 2018, c. 833.

Cross Refs.: GCPF Suspension of Staff Members
GCPD Professional Staff Discipline