

# POLICY

SOMERSET COUNTY  
BOARD OF EDUCATION

<b>Date Submitted:</b> November 18, 1986 <b>Date Reviewed:</b> September 19, 2006 May 26, 2009	<b>Number:</b> <b>700-31</b>
<b>Subject:</b> Criminal Background Investigation Statements	<b>Date Approved:</b> December 16, 1986 October 17, 2006 June 16, 2009 <b>Date Effective:</b> December 16, 1986 October 17, 2006 June 16, 2009

## 1. PURPOSE

To establish a policy for criminal background investigations for prospective school employees hired after October 1, 1986, in compliance with Title 5, Subtitle 5, Part VI of the Family Law Article of the Annotated Code of Maryland. (Appropriate statutory reference is provided herein).

## 2. POLICY & LEGAL AUTHORITY

- A. It is the policy of the Board of Education of Somerset County (hereafter, sometimes "Employer") that prospective employees shall be considered eligible for employment only after the federal and state criminal record checks required by state law have been completed and received by Employer and the records have been found by Employer to be free of any violations of federal and state laws, except minor traffic offenses. Exceptions to this policy may be made in the sole discretion of the Board of Education where it has been determined that the violation of criminal law by the prospective employee will not detrimentally affect any child attending public school in Somerset County.
- B. Prospective employees prior to the first day of any employment shall apply to the Maryland Department of Public Safety and Correctional Services for a printed statement detailing the record of any conviction or pending charges for certain crimes, attempted crimes or criminal offenses that are equivalent to any of the following:
- (1) murder
  - (2) child abuse
  - (3) rape
  - (4) a sexual offense, as defined under Article 27, Section 464, 464A 464B and 464C of the Code
  - (5) child pornography
  - (6) kidnapping of a child
  - (7) child abduction
- Section 5-564 Family Law Article, Annotated Code of Maryland.

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- C. As part of the application process for a criminal background check, the Employer and prospective employee shall submit:
- (1) A complete set of legible fingerprints taken on standard fingerprint cards at any designated State or local law enforcement office in the State or other location approved by the Maryland Department of Public Safety and Correction (Section 5-562).
  - (2) A sworn statement or affirmation disclosing the existence of a conviction or pending charges without a final disposition for the commission of, attempt to commit, or assault with intent to commit any of the following criminal offense or a criminal offense which is equivalent of any of the following offenses:
    - (a) murder
    - (b) child abuse
    - (c) rape
    - (d) a sexual, offense involving a minor, non-consenting adult, or a person who is mentally defective, mentally incapacitated, or physically helpless
    - (e) child pornography
    - (f) kidnapping of a child
    - (g) child abduction.Sections 5-562 and 5-563 Family Law Article, Annotated Code of Maryland.
  - (3) Payment from the prospective employee of the costs of the criminal background investigation as set by the Department of Public Safety and Correction (Section 5-562).
- D. As provided by Maryland Law, the Department of Public Safety and Correction shall submit a report to the prospective employer and upon completion of the criminal background investigation of said prospective employee. (Section 5-564).
- E. A prospective employee may contest the finding of a criminal conviction or pending charge reported in a printed statement according to the procedures established by Section 5-565 of the Family Law Article of the Annotated Code of Maryland.
- F. As further provided by Section 5-567 of the Family Law Article of the Annotated Code of Maryland, it is noted that the Board of Education of Somerset County shall be immune from civil or criminal liability in connection with the good faith reliance on a criminal background investigation to deny or terminate an individual's employment and in connection with the good faith participation in the making of a criminal background investigation of a prospective employee.

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- G. No prospective employee shall have any vested interest, right, or title to a contractual employment relationship, implied or otherwise, until a criminal background investigation statement has been received by the Somerset County Public School System and the prospective employee has been found to be satisfactory for employment as herein stated.
  
- H. If a criminal background information statement has not been received by the time employment is scheduled to begin, any approval by the Board of an employment contract for any prospective employee shall be specifically conditioned upon the receipt of a criminal background investigation statement meeting and satisfying the above criteria for employment. In said event, prospective employee shall acknowledge the foregoing condition in writing prior to the commencement of any such employment and said acknowledgment shall become part of any employment contract.