

# ADMINISTRATIVE PROCEDURE

## CRIMINAL HISTORY CHECKS, EMPLOYEE SELF-REPORTING OF ARRESTS, CRIMINAL CHARGES, CPS INVESTIGATIONS AND FINDINGS & INCARCERATION

4215

Procedure No.

November 2, 2020

Date

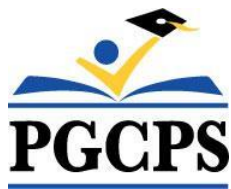
- I. **PURPOSE:** To provide procedures to ensure that a criminal history background check, child protective service clearance and Safe Schools training is completed for any person authorized to have contact with students and prior to the individual having contact with any student(s). Such persons include, but are not limited to employees, contractors, volunteers, interns and mentors. Additionally, to give guidance to employees on self-reporting of arrests, CPS indicated status for abuse or neglect, criminal charges and incarceration.
- II. **POLICY:** The Board of Education is committed to providing a quality education to all students in a safe and secure environment. Its goal is to promote a culture where administrators, teachers, staff and community members are held accountable for ensuring the safety of our students. (Policy 0126)
- III. **BACKGROUND:** At Prince George’s County Public Schools (PGCPS) we are entrusted with caring for and educating students. It is imperative that we hire and maintain a high-quality workforce that provides a safe and secure learning environment for all students and staff. This means that staff must comply with all federal, state, and local laws. In addition, Maryland law prohibits any county board of education from knowingly hiring or retaining any individual who has been convicted of, or pled guilty or nolo contendere (no contest), to certain crimes.

All individuals employed by PGCPS in any capacity (including, but not limited to, full-time, part-time, probationary or non-probationary, employed in a temporary or seasonal capacity, or substitute teachers) are required to complete a criminal history and child protective services background check during the hiring process. To further ensure that we maintain a safe and secure learning environment, this procedure and the [PGCPS Employee Code of Conduct](#) requires that once employees are hired, that they keep PGCPS informed of any arrests, convictions for certain crimes or CPS investigations and findings, as described below.

#### IV. **DEFINITIONS**

- A. **BUSINESS DAYS:** Any day in which PGCPS central offices are open.
- B. **CHILD PROTECTIVE SERVICE CLEARANCE CHECK:**

Child Protective Service clearances are completed through PGCPS and involve the submission of an applicant’s information to Prince George’s County Department of Social Services to confirm if the applicant is the subject of an investigation or has been found indicated, substantiated or unsubstantiated in a child abuse or neglect case. The search will include review of the Maryland Children’s Electronic Social Services Information Exchange (“MD CHESSIE”), a statewide-automated case management system; the Department’s Client Information System (CIS); or the Central Registry, a component of the CIS or other confidential computerized database that contains information regarding child abuse and neglect investigations.



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## B. **COMMERCIAL – STATE-BASED CRIMINAL HISTORY CHECKS:**

Commercial background checks completed through PGCPS involve a comprehensive court records search throughout the State of Maryland, based on written information provided by the applicant. No fingerprints are required.

This type of background check is only **permitted and required** for referees, athletic officials, and any youth/student worker under 18 years of age.

## C. **FINGERPRINT-BASED NATIONAL and STATE CRIMINAL HISTORY CHECKS:**

Pursuant to Federal and Maryland law, PGCPS conducts a national and state fingerprint background check on all individuals who will have direct contact with children under the supervision of PGCPS. The process must be completed through PGCPS and involve a full fingerprint supported criminal records check through the CJIS (Criminal Justice Information System), a State of Maryland legal database. Criminal background results are usually received by PGCPS from the State of Maryland and FBI within seven working days. Employees and volunteers only need to undergo the full fingerprint background check one time, subject to the exceptions provided in Section V of this Procedure.

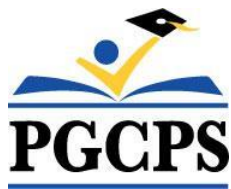
D. **SAFETY MANAGEMENT SYSTEM (SMS):** An electronic tracking system used to record and communicate employee, volunteer, independent contractor/subcontractor and vendor compliance with PGCPS' background check and training requirements. The SMS is used by Principals/supervisors and/or designees to verify compliance data and eligibility status of an employee, volunteer, independent contractor/subcontractor, and/or vendor prior to rendering any services or volunteering within PGCPS.

E. **UNCONTROLLED ACCESS-** The ability to approach a student make contact with a student, or reach or enter a room or hallway with a student(s) without being supervised or stopped.

## V. **GENERAL REQUIREMENTS:**

A. All applicants being considered for employment with Prince George's County Public Schools (PGCPS) must undergo a fingerprint background check and results must be received prior to the first day of employment with PGCPS.

B. All newly hired employees, volunteers, contractors, interns and mentors must undergo a child protective service clearance prior to beginning work or engaging in any authorized activities involving PGCPS students. An **exception to this requirement** is provided for volunteers who are on the school campus only one time during the school year for an event, such as parents volunteering for career day, book fairs, school



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dances, etc., as provided under Administrative Procedure 4216.6 and a youth/student worker under 18 years of age. Youth/student workers under 18 years of age are required to complete a commercial state-based criminal background check.

- C. All applicants for a position with PGCPS involving direct contact with students and volunteer coaches shall be screened for a history of child sexual abuse and/or sexual misconduct by contacting the employers listed on the applicant's employment history.
- D. All independent contractors who provide services to a school or the students of a school shall meet the requirements for screening its employees assigned to work at a school site to determine whether such employees have a history of child sexual abuse and/or sexual misconduct. All independent contractors shall maintain records of employees' screenings and shall make such records available to PGCPS upon request.
- E. Self-reporting requirement: While employed, employees must immediately report to the Employee and Labor Relations Office (ELRO) any additional arrests and/or charges, including CPS investigations, as referenced in the Arrest, Criminal Charges, CPS Investigations and Findings, and Incarcerations section below (see Section VII).

## VI. PROCEDURES

### A. **RETIRED/REHIRED EMPLOYEES:**

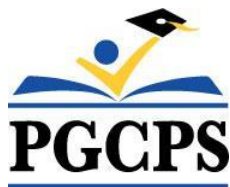
1. Employees who were originally hired within PGCPS prior to October 1, 1986 are considered "grandfathered" and were exempted from the fingerprinting requirement for the duration of their employment with PGCPS.

Any "grandfathered" employee who retires from PGCPS and is subsequently rehired in any capacity within PGCPS must undergo a fingerprint background check and child protective service clearance before returning to work for PGCPS. This is true, even if the time lapse from retirement to time of rehire is only one (1) day.

2. Any employee who was previously fingerprinted for employment with PGCPS and who subsequently retires is required to be re-fingerprinted or undergo a new background check and CPS Clearance in accordance with this procedure.

### B. **CURRENT EMPLOYEES:**

1. Any current employee who was hired before October 1, 1986 is "grandfathered" and therefore, not required to submit fingerprints. If such an employee has any break in service that results in a rehire, the employee must undergo a fingerprint background check and child protective service clearance before returning to work



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for PGCPS. This is true, even if the time lapse from separation-to time of rehire is only one (1) day.

2. All newly hired employees must undergo a fingerprint background check, child protective service clearance and training on reporting suspected child abuse prior to beginning work with PGCPS.

**C. SUBSTITUTE AND TEMPORARY EMPLOYEES:**

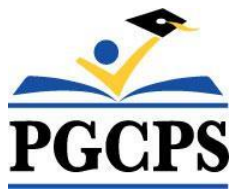
1. All persons hired as a substitute or temporary employee must undergo a fingerprint background check, child protective services clearance, and training on reporting suspected child abuse prior to their first day of employment.
2. Any substitute teacher that was previously fingerprinted for childcare at a school district other than PGCPS is required to undergo a complete fingerprint background check and child protective service clearance prior to working with PGCPS.
3. Any substitute or temporary employee hired by PGCPS who subsequently remains listed as an available substitute for a period greater than one calendar year from the last day of employment AND does not actively work within that period of time, must complete a new fingerprint background check and child protective service clearance before resuming active employment with PGCPS.

**D. COACHES (Paid and Unpaid):** All coaches, coaching assistants, and any others assisting in an athletic program must complete a fingerprint background check, child protective services clearance and the required SafeSchools training, including the Prince George's County Child Abuse: Mandatory Reporting training module before participating in any form of activity within the school.

**E. REFEREES AND ATHLETIC OFFICIALS:** All athletic officials will be required to undergo a commercial background check. A fingerprint background check and CPS clearance check is not required.

**F. INTERNS AND STUDENT TEACHERS:**

1. Student teachers and interns not paid in any capacity by PGCPS are required to undergo a fingerprint background check, child protective services clearance, and the required SafeSchools training, including the Prince George's County Child Abuse: Mandatory Reporting training module before participating in any form of activity within the school.
2. Student teachers and interns who are working with PGCPS students virtually are required to undergo the above requirements listed in F. 1.



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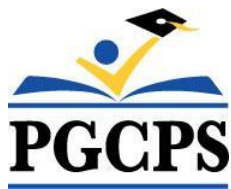
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## G. **INDEPENDENT CONTRACTORS, SUBCONTRACTORS, VENDORS, OUTSOURCED AGENCY EMPLOYEES and OUTSOURCED TEMPORARY STAFFING:**

1. Independent Contractors/Subcontractors/Vendors include those individuals who are not employees and paid through the PGCPS payroll system, but who work in PGCPS through an authorized vendor, or under the terms of an approved contract, subcontract or Memorandum of Understanding.

At least 15 business days prior to beginning work in or around PGCPS property and have uncontrolled access to students or engaging in any authorized activities, including virtual activities, involving PGCPS students, these individuals must undergo a fingerprint background check, child protective services clearance and complete the required SafeSchools training, including the Prince George's County Child Abuse: Mandatory Reporting training module. The cost associated with the fingerprint background is absorbed by the individual, unless the contract negotiated with PGCPS dictates otherwise.

2. Independent Contractors/Subcontractors/Vendors who will work with PGCPS through a contract where no uncontrolled access to students is anticipated (e.g., construction workers completing a project over a school break) do not need to be fingerprinted or undergo a CPS clearance check.
3. Outsourced Staffing: Personnel working within PGCPS through an agency such as Kelly or Account Temps will be processed as follows:
  - a. Those who are not paid directly by PGCPS and have uncontrolled access to children, or who are assigned duties in a school where unsupervised contact with children is likely, are required to complete the fingerprint background check child protective service clearance and Safe Schools training.
  - b. Those who are paid directly by PGCPS and will work at facilities where no contact with children is anticipated are not required to be fingerprinted. However, they will complete the child protective service clearance and Commercial Background Check. The cost for such report is absorbed by the applicant/employee unless the contract negotiated between PGCPS and the agency dictates otherwise.
  - c. Additionally, the required SafeSchools training module, Prince George's County Child Abuse: Mandatory Reporting must be completed prior to beginning work in or around PGCPS property or engaging in any authorized activities involving PGCPS students.



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### H. VOLUNTEERS:

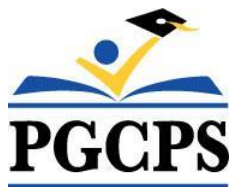
1. All volunteers – such as mentors, interns, tutors, chaperones, and individuals working in concession stands and at gate receipts at athletic events - must undergo a fingerprint background check and child protective service clearance at least 15 business days in advance of the day field trip, overnight trip or activity on or off school property.
2. The prospective volunteer must also complete the required SafeSchools training modules prior to the volunteer activity. Volunteers chaperoning for day field trips and overnight trips are required to complete their required SafeSchools training modules at least 7 business days prior to the trip.
3. A fingerprint background check and CPS clearance check must be completed through the PGCPS before participating in any volunteer duties or activities.
4. The prospective volunteer must complete all required SafeSchools training modules, including the Prince George’s County Child Abuse: Mandatory Reporting module annually.
5. Prior to allowing a volunteer to participate in an activity (i.e., field trip), the Principal or Site-Based Volunteer Coordinator or other designee shall verify the eligibility of each volunteer using the Safety Management System (SMS) via Oracle Self-Service. The SMS will indicate if each safety requirement has been completed by volunteer applicants.
6. Any parent/guardian who needs assistance covering the cost of a fingerprint background check, and whose child(ren) qualify for free and reduced priced meals, may request waiver of the background check fee by providing a copy of their eligibility letter from the PGCPS Department of Food and Nutrition Services.

#### Exceptions:

- a. Volunteers do not have to complete a fingerprint background check, CPS clearance check and SafeSchools training requirements if they are volunteering on campus only one time in a school year for an event, such as parents volunteering for career day, book fairs, school dances, etc. A school event for purposes of the one-time volunteer exception does not include a field trip.

However, these volunteers must still provide a copy of their government issued identification to be scanned into the Raptor Visitor Management System, as required by Administrative Procedure 0500, when visiting school property.

- b. Current employees who indicate their employment status on their volunteer application will not have to complete a new background check.



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SMS will automatically indicate a current employee's background check as completed. However, current employees must have completed all required student safety SafeSchools modules assigned to them as an employee prior to participating in any volunteer activity. The Principal or Site-Based Volunteer Coordinator shall verify the completion of these safety requirements by employees using the SMS via Oracle Self-Service. The principal must first communicate with and receive approval from the Human Resources Office if a former employee wishes to be a volunteer. Additionally, the former employee must scan their government issued ID through the Raptor System when visiting the school.

**I. EMPLOYEES RETURNING AND THOSE PREVIOUSLY FINGERPRINTED:**

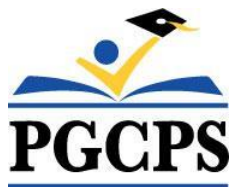
1. Any person formerly employed by PGCPS who was previously fingerprinted by PGCPS and applies for rehire is required to be re-fingerprinted and complete a child protective service clearance upon return to service with PGCPS.
2. Any applicant who was previously fingerprinted for "Child Care" for another school system is required to undergo a complete fingerprint background check and child protective service clearance prior to working with PGCPS.

**J. PRINCE GEORGE'S COUNTY POLICE OFFICERS, SHERIFFS OR OTHER MUNICIPAL OFFICERS PERFORMING SCHOOL SECURITY DUTIES AS SECONDARY EMPLOYMENT IN POLICE UNIFORM:**

1. Those personnel assigned to fulfill law enforcement duties as School Resource Officers (SROs) within PGCPS by the Prince George's County Police Department, Sheriff's Department, or other Municipal Department and paid by that agency are not required to be fingerprinted or cleared for child protective service findings by PGCPS in order to perform duties as SRO.

Instead, there will be a Memorandum of Understanding with the agency providing the SRO which will include language that it is the responsibility of the SRO's employer to ensure that fingerprinting and CPS clearance checks, and suspected abuse and neglect training, are completed as part of the hiring process.

2. Prince George's County Police Officers, Sheriff's Department, and other Municipalities who perform additional security related duties for PGCPS in the area of school security, event security, or related functions in police uniform, and are paid by PGCPS are not required to undergo any additional background and fingerprinting checks process other than those requirements already imposed by the Prince George's County Police Department, the Sheriff's Department, and other Municipalities. A designee from the respective department is required to notify PGCPS when an officer has retired,



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resigned, or is no longer eligible to perform these duties imposed by their department.

3. Prince George's County Police Officers, Sheriff's, and other Municipalities who wish to perform other paid duties within PGCPS not related to school security, e.g. coaching or substitute teaching, must comply with the fingerprinting, background check and training requirements for the desired position.

## K. **ADULTS WHO INTERACT WITH STUDENTS IN OFF SITE ARRANGEMENTS**

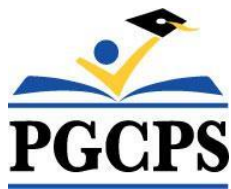
Students may attend classes in dual enrollment programs on college campuses, or participate in internships off school grounds at an external agency. Each program or internship will require a Memorandum of Understanding. The agency must have a background check as part of its own hiring practice. This background check will serve as meeting the requirements of this administrative procedure.

In addition, employees from the participating agency who teach or supervise PGCPS students under the program or internship shall be required to complete a child protective services clearance.

## VII. **INELIGIBILITY**

- A. Any individual convicted of or currently charged with the following crimes are ineligible for employment with PGCPS or to serve as a volunteer:
  1. A crime involving third or fourth degree sexual offense under § 3-307 or § 3-308 of the Criminal Law Article or an offense under the laws of another state that would constitute a violation of § 3-307 or § 3-308 of the Criminal Law Article if committed in Maryland;
  2. A crime involving child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in Maryland;
  3. A crime involving a crime of violence as defined in § 14-101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14-101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor;





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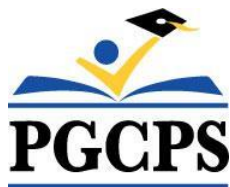
(17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under § 3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree; or

4. Identification as an alleged abuser or neglector following completion of a Child Protective Services investigation with a finding of “indicated” child abuse or neglect.
- B. In addition to the crimes listed above, an individual may be found ineligible for hire or to volunteer at PGCPS based on a conviction or pending criminal charge for other crime(s) depending on the nature and frequency of the charge(s); the time elapsed since the crime(s) or charge(s) and other factors that may weigh against hiring or assigning the individual to volunteer at PGCPS.
  - C. Other convictions not listed above may also result in disqualification from employment with PGCPS.
  - D. In the event that PGCPS Human Resources determines there is a pending charge, conviction, or other concern disclosed through a background check or child protective service clearance, the designated Human Resources staff shall immediately notify the Chief of Human Resources of the charge, conviction, or concern to determine if the individual is ineligible.
  - E. As a general guideline, if volunteers, vendors, independent contractors or subcontractors have charges, convictions, or concerns that would render them ineligible for employment by PGCPS, they would also not be eligible to serve as a volunteer, vendor or subcontractor with PGCPS.
  - F. The Chief of Human Resources, or designee, shall notify the school principal to contact the volunteer and advise them of their ineligibility to provide volunteer services to PGCPS and change their eligibility status to “NOT ELIGIBLE” in the Safety Management System via Oracle Self-Service. Strict confidentiality must be maintained of all information disclosed through any Fingerprint Background Check, Commercial Background Check or Child Protective Service Clearance.

### VIII. SELF-REPORTING ARRESTS, CRIMINAL CHARGES, CPS INVESTIGATIONS AND FINDINGS, AND INCARCERATION

#### A. Self-reporting requirement:

1. While employed, employees must immediately report to the Employee and Labor Relations Office (ELRO) (1) any subsequent arrests, criminal charges, and/or incarceration whether in Maryland or outside of the state; and (2) if



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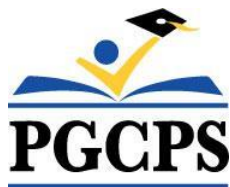
they are the subject of an CPS investigation or receive a CPS finding of “indicated” for child abuse, child sexual abuse or neglect.

This reporting obligation applies even if the police or another source has also notified PGCPS of the charges.

2. An employee must report an arrest, criminal charge, and CPS indicated status within seven business days (i.e., days that PGCPS offices are open) of the arrest, charge, finding, etc. to ELRO. Employees may fulfill this requirement by providing information to ELRO themselves or through their legal representative.

The PGCPS Self-Reporting of Arrests, Criminal Charges, CPS Investigations and Findings and Incarceration Form, can be used to make the reporting process easier. (See attachment.) It can be completed and e-mailed to [elro.investigation@pgcps.org](mailto:elro.investigation@pgcps.org), which is a secure email accessed by ELRO personnel. The reporting requirement also can be fulfilled by calling ELRO or mailing the information to the ELRO Office at the Sasscer Administrative Building. Exceptions to the reporting timeline may be made if there are circumstances beyond the employee’s control that prevent fulfillment of the seven-day reporting requirement.

3. While Maryland law prohibits individuals who are convicted of certain criminal charges from working for schools, it is important to note that PGCPS does not treat the self-reporting of a charge or an arrest as an admission of guilt. ELRO will conduct appropriate follow-up. Employees should contact their union representative or a personal attorney for additional guidance.
4. Employees who fail to submit a report in compliance with this procedure may be subject to disciplinary action, up to and including dismissal, in accordance with the terms of the negotiated agreements and due process requirements.
5. An employee may, but is not required to, also notify his/her immediate supervisor regarding the arrests, criminal charges, etc. reported to ELRO under this procedure.
6. All information regarding an arrest or criminal charge and disposition of that action, as specified in this procedure and self-reported by an PGCPS employee, shall be maintained in a confidential manner by ELRO and will be accessible exclusively for purposes of conducting any necessary follow-up internal investigation or as required by law or court order. In some circumstances, necessary follow-up may include notifying a supervisor—for instance, if an employee will be placed on administrative leave while the charges are pending or in a disposition letter following an investigation.



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- B. Following an employee's notification to ELRO via submission of the self-reporting form, telephone report, or mail notification, ELRO conducts a further review of the matter. The employee will be notified as promptly as possible if ELRO proceeds with an internal investigation. Employees will be advised that they may have representation in this process. To assist in its review, ELRO may request that the employee provide additional information, including a copy of the charging documents and disposition of any ensuing criminal proceeding.

Any internal investigation is conducted in accordance with all due process safeguards set forth in applicable laws and any applicable negotiated agreement. If the allegations involve abuse or neglect of children or vulnerable adults, the internal investigation must be in compliance with [Administrative Procedure 5145, Reporting Suspected Abuse and Neglect](#).

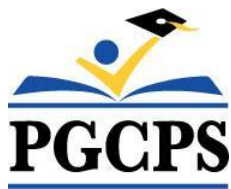
- C. Pending the outcome of the judicial process and/or the internal investigation, PGCPS may place the employee on administrative leave, or it may take administrative actions if it determines that a nexus or connection exists between the criminal charge, arrest, conviction and the employee's duties and responsibilities with PGCPS or if the employee's continuation in their job poses a potential threat to students or staff, to the investigation, or to the perpetuation of the allegedly inappropriate conduct.
- D. If a supervisor is aware of an arrest, then they should make sure the employee is aware of their obligation to report it. In addition, there may be other reporting requirements under state or federal law, PGCPS policies and procedures, and the Employee Code of Conduct, such as child abuse or use of drugs on school grounds.
- E. Employees may address any questions regarding obligations under this procedure to ELRO:

Employee and Labor Relations Office  
Sasscer Administration Building, Suite 210  
14201 School Lane  
Upper Marlboro, Maryland 20772  
Phone: 301-952-6187  
E-mail: [elro.investigation@pgcps.org](mailto:elro.investigation@pgcps.org)

It may also be advisable for an employee to also consult with a union representative and/or a personal attorney regarding any incident.

## IX. MONITORING AND COMPLIANCE:

- A. It shall be the primary responsibility of school principals to ensure that any volunteer working at the school has completed the requisite background check requirements and SafeSchools training requirements under this procedure using the SMS via Oracle Self-



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- B. The Department of Purchasing shall retain on file a copy of the background check receipts and the training Certificates of Completion.
  - C. The Human Resources Operations and Staffing Office will review a sample set of criminal history checks annually to ensure the procedures set forth in this Administrative Procedure were followed. Criminal History checks which are not in compliance with this Administrative Procedure will be reported to the Chief Human Resource Officer so that it can be identified where additional training and/or guidelines are needed, and whether disciplinary action is warranted.
- X. **LEGAL AUTHORITY:** Annotated Code of Maryland, Criminal Law Article §3-307, §3-308, §3-602 and §14-101; Education Article §6-113; §6-113.2; Family Law Article § 5-561 and § 5-562; COMAR 07.02.07 *et seq.*; COMAR 12.15.02.03.
- XI. **RELATED BOARD POLICIES AND PROCEDURES:**  
Board Policy 0106, Volunteer Services;  
Board Policy 0126 – Student Safety;  
  
Administrative Procedure 0500, School Visitors;  
Administrative Procedure 4216.6, Volunteer Services;  
Administrative Procedure 4156 – Administrative Leave or Temporary Placement of Employees  
Administrative Procedure 6153 – Student Trips (Day and Overnight)
- XII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** This Administrative Procedure originates with the Office of General Counsel and will be updated as needed.
- XIII. **CANCELLATIONS AND SUPERSEDES:** This Administrative Procedure cancels and supersedes Administrative Procedure 4215, dated October 26, 2018.
- IV. **EFFECTIVE DATE:** November 2, 2020

**Attachment:**

Staff Self-Reporting Form for Arrests, Criminal Charges, CPS Investigations and Findings, and Incarceration