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A. Generally

- 1 All individuals who are offered or who accept employment, including full time, part-time, interim and/or substitute positions, by the school board will be required to sign a consent form, before or at the time an employment offer is made, authorizing school officials to collect fingerprints of the individual and to obtain criminal history record information Department of Social Services registry information of founded complaints of child abuse and neglect information as provided in the legal references to this policy.
2. Employees reported pursuant to Code of Va. §19.2-83.1 shall be required to submit to fingerprinting and to provide personal descriptive information for the purpose of obtaining criminal history record information.

B. Confidentiality

Criminal history record information and Department of Social Services registry of founded complaints of child abuse and neglect information received by the school board shall not be disseminated to any third party not directly involved in the hiring process as provided in the legal references to this policy.

Legal Reference:Code of Va., § 19.2-83.1 Report of arrest of school employees for certain offenses.

Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as reasonably practical. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of §§22.1-296.2 B and 22.1-315.

Code of Va. § 19.2 - 389. Dissemination of criminal history record information. A.

"Criminal history record information shall be disseminated, whether directly or through an intermediary, only to: ... 13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to §§ 19.2-833.1; B. "Use of criminal history record information

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disseminated to non-criminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further." (Amended 1996)

Code of Va., § 22.1-296.2 Fingerprinting required "A. As a condition of employment, the school boards of the Counties of Albemarle, Campbell, Chesterfield, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Greene, Hanover, Henrico, Henry, Isle of Wight, Lancaster, Loudoun, Louisa, Mecklenburg, Middlesex, Nelson, New Kent, Orange, Pittsylvania, Prince William, Rappahannock, Roanoke, Rockbridge, Spotsylvania, Stafford, Westmoreland, and York and the Cities of Alexandria, Bristol, Charlottesville, Chesapeake, Danville, Falls Church, Fredericksburg, Hampton, Hopewell, Lynchburg, Manassas, Manassas Park, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, Suffolk, Virginia Beach, Waynesboro, and Winchester shall require any applicant who is offered or accepts employment after July 1, 1989, 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 applicant'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 applicant; however, such applicant may be required to pay the cost of such fingerprinting or criminal records check at the discretion of the school board. From such funds as may be available for this purpose, the school board may pay for the fingerprinting or criminal records check.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the school board whether or not the applicant has ever been convicted of a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§ [18.2-372](#) et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state.

B. The division superintendent of any school division designated in subsection A of this section shall inform the relevant school board of any notification of arrest of a school board employee received pursuant to § [19.2-83.1](#). The school board 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; however, such employee may be required to pay the cost of such fingerprinting or criminal records check at the discretion of the school board. From such funds as may be available for this purpose, the school board may pay for the fingerprinting or criminal records check.

The Central Criminal Records Exchange, upon receipt of an employee's record or notification that no record exists, shall report to the school board whether or not the employee has been convicted of any of the offenses listed in subsection A of this

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section. The contents of the employee's record shall be used by the school board solely to implement the provisions of §§ [22.1-307](#) and [22.1-315](#).

C. The Central Criminal Records Exchange shall not disclose information to the school board regarding charges or convictions of any crimes not specified in this section. If an applicant is denied employment or a current employee is suspended or dismissed because of information appearing on his criminal history record, the school board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant or employee. The information provided to the school board shall not be disseminated except as provided in this section."

Code of Va., § 22.1-296.4 child abuse and neglect data required. A. On and after July 1, 1997, every school board 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 the school board to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to §63.1-248.8. The school board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. The applicant may be required to pay the cost of the search at the discretion of the school board. From such funds as may be available for this purpose, however, the school board may pay for the search.

B. If an applicant is denied employment because of information appearing on his record in the registry, the school board shall provide a copy of the information obtained from the registry to the applicant. 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. (1997)

Code of Va., §22.1-315. Grounds and Procedure for Suspension A. A teacher or other public school employee, whether full-time or part-time, permanent, or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher or school employee has been charged by summons, warrant, indictment or information with the commission of a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state. Except when a teacher or school employee is suspended because of being charged by summons, warrant, indictment or information with the commission of one of the above-listed criminal offenses, a division superintendent or appropriate central office designee shall not suspend a teacher or school employee for

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longer than sixty days and shall not suspend a teacher or school employee for a period in excess of five days unless such teacher or school employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with §§ 22.1-311 and 22.1-313, if applicable. Any teacher or other school employee so suspended shall continue to receive his or her then applicable salary unless and until the school board, after a hearing, determines otherwise. No teacher or school employee shall be suspended solely on the basis of his or her refusal to submit to a polygraph examination requested by the school board.

B. Any school employee suspended because of being charged by summons, warrant, information or indictment with one of the offenses listed in subsection A may be suspended with or without pay. In the event any school employee is suspended without pay, an amount equal to his or her salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the offenses listed in subsection A or upon the dismissal or nolle prosequi of the charge, such school employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the school employee during the period of suspension, but in no event shall such payment exceed one year's salary.

C. In the event any school employee is found guilty by an appropriate court of one of the offenses listed in subsection A and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the school board.

D. No school employee shall have his or her insurance benefits suspended or terminated because of such suspension in accordance with this section.

E. Nothing in this section shall be construed to limit the authority of a school board to dismiss or place on probation a teacher or school employee pursuant to Article 3 (§22.1-306 et seq.) of this chapter. (1997)

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