

**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 for the in the definition of barrier crime in subsection A of Va. Code § 19.2392.02; 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

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

51
52 As a condition for employment, any applicant who is offered or accepts full-time,
53 part-time, permanent or temporary employment with ACPS shall submit to
54 fingerprinting and provide personal descriptive information. The information and
55 fingerprints shall be forwarded through the Central Criminal Records Exchange to
56 the Federal Bureau of Investigation for the purpose of obtaining criminal history
57 record information on applicants who offer or accept employment.

58
59 To conserve the costs of conducting criminal history record checks to applicants
60 and school divisions, upon the written request of the applicant, ACPS shall inform
61 another school division with which reciprocity has been established and to which
62 the applicant has also applied for employment, of the results of the criminal history
63 record information conducted within the previous ninety days that it obtained
64 concerning the applicant. Criminal history record information pertaining to an
65 applicant for employment by a school division shall be exchanged only between
66 school divisions in the Commonwealth in which a current agreement of reciprocity
67 for the exchange of such information has been established and is in effect.
68 Reciprocity agreements shall provide for the apportionment of the costs of the
69 fingerprinting or criminal records check between the applicant and ACPS as
70 provided by statute.

71
72 If an applicant is denied employment because of information appearing on his/her
73 criminal history record, ACPS shall provide a copy of the information provided by
74 the Central Criminal Records Exchange to the applicant.

75
76 B. Founded Complaints of Child Abuse or Neglect

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

93 that provide access to out-of-state school systems for use by local school divisions.
94 The applicant may be required to pay the cost of any search conducted pursuant to
95 this subsection at the discretion of ACPS. From such funds as may be available for
96 this purpose, however, ACPS may pay for the search.

97
98 If the information obtained pursuant to the preceding paragraph indicates that the
99 applicant is the subject of a founded case of child abuse and neglect, such applicant
100 shall be denied employment, or the employment shall be rescinded.

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

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107 **II. EMPLOYEE CHARGES AND CONVICTIONS**

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109 A. Criminal Proceedings

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

114
115 If a current employee is suspended or dismissed because of information appearing
116 on his/her criminal history record, ACPS shall provide a copy of the information
117 provided by the Central Criminal Records Exchange to the employee.

118
119 The Superintendent shall inform the School Board of any notification of arrest of
120 an ACPS employee received pursuant to Virginia Code § 19.2-83.1. ACPS shall
121 require such employee, whether full-time or part-time, permanent, or temporary, to
122 submit to fingerprinting and to provide personal descriptive information to be
123 forwarded along with the employee's fingerprints through the Central Criminal
124 Records Exchange to the Federal Bureau of Investigation for the purpose of
125 obtaining criminal history record information regarding such employee. The
126 contents of the employee's criminal record shall be used only to implement
127 dismissal, suspension or probation in accordance with §§ 22.1-307 and 22.1-315
128 of the Code of Virginia.

129

130 B. Founded Complaints of Child Abuse or Neglect

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132 Any ACPS employee will be dismissed if he or she is or becomes the subject of a
133 founded complaint of child abuse and neglect and after all rights to an appeal
134 provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding,
135 after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted,
136 shall be grounds for the local school division to recommend that the Virginia
137 Board of Education revoke such person's professional license.

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139 **III. COURT ORDERED PROBATION**

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

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

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

149
150 Adopted: March 4, 1999

151
152 Amended: July 6, 2000

153 Amended: July 12, 2001

154 Amended: April 26, 2007

155 Amended: December 3, 2015

156 Amended: February 20, 2020

157 Amended: December 17, 2020

158
159 Legal Refs.: Code of Virginia, as amended, §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78,
160 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 221.315, and 63.2-1515.

161
162 Acts 2018, c. 833.

163
164 Cross Refs.: GCPF Suspension of Staff Members
165 GCPD Professional Staff Discipline