

**Procedures for Policy Statement #1930 (Administration) of the Board of Education
Regarding Individuals Registered on a Public Sex Offender Registry and Criminal Background Screening**

I. Purpose

- A. The purpose of these procedures is to provide a process to ensure that individuals registered on a public sex offender registry or having a criminal background enter school property only when the legally mandated conditions set out in § 11-722 of the Criminal Procedures Article of the Annotated Code of Maryland are met.
- B. Additionally, these procedures are to provide a process to ensure that individuals providing contracted services registered on a public sex offender registry or having a criminal background enter school property only when the legally mandated conditions set out in § 11-722 of the Criminal Procedures Article, § 6-113 of the Educational Law Article, §§ 3-307, 3-308, 3-602 and 14-101 of the Criminal Law Article and § 5-561 of the Family Law Article of the Annotated Code of Maryland are met.

II. Definitions

- A. School Property - any Calvert County Public Schools building and/or grounds, and any CCPS leased or owned vehicles, including school buses when they are in use for official school business. This includes any location used for co- or extra-curricular activities, including any field trips.
- B. Public Sex Offender Registry – a sex offender registry maintained by one of the 50 states, the District of Columbia, Puerto Rico, Guam, and federally recognized Indian tribes that elect to function as registration jurisdictions.
- C. Criminal Background Screening- a criminal background report generated via fingerprinting and through information available by one of the 50 states, DC, Puerto Rico, Guam and federally recognized Indian tribes that elect to function as registered jurisdictions and as defined in § 5-561 of the Family Law Article of the Annotated Code of Maryland.
- D. Sexual Offense- an offense in the third or fourth degree under § 3-307 or § 3-308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under § 3-307 or § 3-308 of the Criminal Law Article if committed in Maryland.
- E. Child Sexual Abuse- an offense as defined 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.
- F. Crime of Violence- an offense 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; (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.

- G. Registered Offender - any individual not in satisfactory standing against the sections of the Maryland Annotated Code and /or described in the definitions B, C, D, E and F referenced above.
- H. Work Force- refers to all of the contractor's/vendors direct employees, subcontractors and their employees, and/or independent contractors and their employees that the contractor/vendor uses to perform the contractual obligations.

III. Guidelines for an Individual Registered on a Public Sex Offender Registry Who is a Student or a Parent of a Student

A. Process for granting permission.

1. The registered offender who is a student or a parent of a student is required to write a letter to the Superintendent of Schools requesting permission to be on school property or permitted at a school sponsored event that occurs on off school property. The letter must include the events and purpose for being there.
2. The Superintendent will respond in writing within 10 business days to the written request.
3. If the Superintendent grants permission, the written response will set forth the parameters in which the permission to be on school property or at the event that occurs off school property is granted.

B. Requirements of the registered offender if permission is granted.

1. If the registered offender who is a student or a parent of a student receives written permission from the Superintendent, upon entering school property the registered offender must promptly notify the building administrator or designee of his/her presence and the purpose of his/her visit.

C. Requirements of CCPS staff if permission is granted.

1. Upon granting written permission to the registered offender who is a student or a parent of a student, the Superintendent will send a copy of the written permission to the administrator of the appropriate school and the Director of Student Services.
2. When permission has been granted, the school administrator will notify the school's administrative team of the parameters of the visitation.

- D. To ensure the safety of all individuals involved, the school administrator will notify all appropriate personnel about the written permission and the parameters of the visitation.
 - E. Requirements of CCPS staff if permission is not granted.
 - 1. The Superintendent will inform the registered offender who is a student or a parent of a student in writing if permission is not granted.
 - 2. If permission is not granted, the Superintendent will send a copy of the written response to the appropriate school administrator and the Director of Student Services.
 - 3. The school administrator will notify the administrative team when permission has not been granted.
- IV. Guidelines for a Registered Offender Entering School Property to Vote
- A. Any registered offender will be permitted on school property to vote on an election day if the registered offender is registered to vote and the school is a regular polling place.
- V. Guidelines for a Person Who Enters into a Contract with CCPS
- A. A person, contractor/vendor who enters a contract with CCPS may not knowingly employ an individual to work at a school if the individual is a registered offender.
 - B. All CCPS bid information and contracts will cite § 11-722(C) of the Criminal Procedure Article, § 6-113 of the Educational Law Article, §§ 3-307; 3-608; 3-602 and 14-101 of the Criminal Law Article and § 5-561 of the Family Law Article of the Annotated Code of Maryland indicating that this requirement, i.e., a person who enters into a contract with CCPS may not knowingly assign an employee to work on school premises with direct, unsupervised and uncontrolled access to children if the employee has been arrested for, convicted of, or pled guilty or nolo contendere or placed on an active stet docket, to a crime involving a sexual offense, child sexual abuse or a crime of violence.
 - C. A person, contractor/vendor is required to provide and maintain current status on all employees and subcontractors which are assigned to work on school premises per § 5-561 or the Family Law Article of the Annotated Code of Maryland.
 - D. The following information shall be included in all solicitations.
 - 1. EMPLOYMENT OF SEX OFFENDERS
 - a. Maryland Law requires certain sex offenders to register with the State and with the local law enforcement agency in the county in which they reside, work and/or attend school. Section 11-722 (c) & (d) of the Criminal Procedure Article of the Annotated Code of Maryland states, "A person who enters into a contract with a county board of education or a nonpublic school may not knowingly employ an individual to work at a school if the individual is a registrant." A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding five (5) years, or a fine not exceeding \$5,000, or both. If a registered sex offender, as determined by definition contained in the Criminal Procedures Article of the Annotated Code of Maryland, is

employed by the Vendor, then the Vendor is prohibited from assigning that employee to perform management, delivery, installation, repair, construction, or any type of services on any Board property. Violation of this provision may result in Termination for Cause.

2. CRIMINAL BACKGROUND

- a. Section 6-113 of the Education Article of the Maryland Code requires that a contractor/vendor or subcontractor for a local school system may not knowingly assign an employee to work on a school property with direct, unsupervised, and uncontrolled access to children if the employee has been convicted of or pled guilty or nolo contendere to a crime involving a sexual offense, child sexual abuse, and crimes of violence.
 - b. The contractor/vendor shall require of its employees and any employee of a subcontractor or agent, who will have direct, unsupervised and uncontrolled access to children on school premises, to be fingerprinted and undergo a criminal histories records check, as required by Section 5-560 of the Family Law Article, Annotated Code of Maryland. The contractor/vendor will not knowingly assign an employee, or permit any employee of a subcontract or agent, to work with direct unsupervised and uncontrolled access to children on school premises if the employee has been convicted of or pled guilty or entered a plea of nolo contendere to a child sexual abuse, a crime of violence, or a sexual offense in the third or fourth degree under the criminal laws of the State of Maryland. Violation of this provision may result in Termination for Cause.
- E. CCPS badges may be issued to a contractor/vendor work force if deemed necessary. The initial cost of issuing badges will be the responsibility of CCPS.