

1                                   **EFFECT OF CRIMINAL CONVICTION**  
2                                   **OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT**  
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4 Alexandria City School Board (Board) does not hire or continue the employment of any  
5 part-time, full-time, temporary, or permanent personnel who are determined to be unsuited  
6 for service by reason of criminal conviction or information appearing in the registry of  
7 founded complaints of child abuse and neglect maintained by the Department of Social  
8 Services.  
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10 **APPLICANTS FOR EMPLOYMENT**

11 **Criminal Convictions**  
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14 As a condition for employment for all its employees, whether full-time or part-time,  
15 permanent, or temporary, the Board requires on its application for employment certification  
16 of whether the applicant has been convicted of any violent felony set forth in the definition  
17 of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving sexual  
18 molestation, physical or sexual abuse or rape of a child, or the solicitation of any such  
19 offense; or any crime of moral turpitude.  
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21 The Board does not employ any individual who has been convicted of any violent felony  
22 set forth in the definition of barrier crime in subsection A of Va. Code §19.2-392.02 or any  
23 offense involving the sexual molestation, physical or sexual abuse, or rape of a child, or the  
24 solicitation of any such offense.  
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26 The Board does not employ any individual who has a pattern of criminal convictions related  
27 to their position.  
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29 The Board may employ any individual who has been convicted of any felony or crime of  
30 moral turpitude that is not set forth in the definition of barrier crime in subsection A of §  
31 Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual  
32 abuse, or rape of a child, or the solicitation of any such offense, provided that in the case of  
33 a felony conviction, such individual's civil rights have been restored by the Governor.  
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35 The Board also requires on its application for employment, as a condition of employment  
36 requiring direct contact with students, whether full-time or part-time, permanent, or  
37 temporary, certification that the applicant has not been the subject of a founded case of child  
38 abuse or neglect. Any person making a materially false statement regarding a finding of  
39 child abuse and neglect is guilty of a Class 1 misdemeanor and upon conviction, the fact of  
40 such conviction is grounds for the Virginia Board of Education to revoke such person's  
41 license to teach.  
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43 As a condition for employment, any applicant who is offered or accepts employment,  
44 whether full-time, part-time, permanent or temporary with the Board shall submit to  
45 fingerprinting and provide personal descriptive information. The information and  
46 fingerprints shall be forwarded through the Central Criminal Records Exchange to the

47 Federal Bureau of Investigation for the purpose of obtaining criminal history record  
48 information on applicants who offer or accept employment.

49  
50 To conserve the costs of conducting criminal history record checks to applicants and school  
51 boards, upon the written request of the applicant, the Board shall inform another school  
52 board with which reciprocity has been established and to which the applicant has also  
53 applied for employment of the results of the criminal history record information conducted  
54 within the previous ninety days that it obtained concerning the applicant. Criminal history  
55 record information pertaining to an applicant for employment by a school board shall be  
56 exchanged only between school boards in the Commonwealth in which a current agreement  
57 of reciprocity for the exchange of such information has been established and is in effect.  
58 Reciprocity agreements shall provide for the apportionment of the costs of the fingerprinting  
59 or criminal records check between the applicant and the Board as provided by statute.

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61 If an applicant is denied employment because of information appearing on the applicant's  
62 criminal history record, the Board provides a copy of the information provided by the  
63 Central Criminal Records Exchange to the applicant.

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65 **Founded Complaints of Child Abuse or Neglect**

66  
67 The Board requires, as a condition of employment, that any applicant who is offered or  
68 accepts employment requiring direct contact with students, whether full-time or part-time,  
69 permanent or temporary, provide written consent and the necessary personal information  
70 for the Board to obtain a search of the registry of founded complaints of child abuse and  
71 neglect. The registry is maintained by the Department of Social Services. The Board ensures  
72 that all such searches are requested in conformance with the regulations of the Board of  
73 Social Services. In addition, where the applicant has resided in another state within the last  
74 five years, the Board requires as a condition of employment that such applicant provide  
75 written consent and the necessary personal information for the Board to obtain information  
76 from each relevant state as to whether the applicant was the subject of a founded complaint  
77 of child abuse and neglect in such state. The Board takes reasonable steps to determine  
78 whether the applicant was the subject of a founded complaint of child abuse and neglect in  
79 the relevant state. The Department of Social Services shall maintain a database of central  
80 child abuse and neglect registries in other states that provide access to out-of-state school  
81 systems for use by local school divisions. The applicant may be required to pay the cost of  
82 any search conducted pursuant to this subsection at the discretion of the Board. From such  
83 funds as may be available for this purpose, however, the Board may pay for the search.

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

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89 If an applicant is denied employment because of information appearing on his record in the  
90 registry, the Board provides a copy of the information obtained from the registry to the  
91 applicant. The information provided to the Board by the Department of Social Services is  
92 confidential and is not be disseminated by the Board.

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**EMPLOYEE CHARGES AND CONVICTIONS**

**Criminal Proceedings**

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

If a current employee is suspended or dismissed because of information appearing on the employee’s criminal history record, the Board provides a copy of the information provided by the Central Criminal Records Exchange to the employee.

The Superintendent shall inform the Board of any notification of arrest of a Board employee received pursuant to Virginia Code § 19.2-83.1. The 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. The contents of the employee’s criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§ 22.1-307 and 22.1-315 of the Code of Virginia.

**Founded Complaints of Child Abuse or Neglect**

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

**COURT ORDERED PROBATION**

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

**COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND NEGLECT CHECKS**

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

Adopted: March 4, 1999  
Amended: July 6, 2000

139 Amended: July 12, 2001  
140 Amended: April 26, 2007  
141 Amended: December 3, 2015  
142 Amended: February 20, 2020  
143 Amended: December 17, 2020

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146 Legal Refs.: Code of Virginia, as amended, §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78,  
147 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 221.315, and 63.2-1515.  
148  
149 Acts 2018, c. 833.

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

DRAFT

**EFFECT OF CRIMINAL CONVICTION  
OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT**

Alexandria City School Board ~~Public Schools~~ (Board ACPS) does not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are ~~determined to be 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.

**Commented [1]:** I was looking for something in this policy to address self disclosure of a record that is not a crime that a school employee would automatically be denied or removed for employment.

**Commented [2]:** With the revisions this is word for word the VSBA model policy

**APPLICANTS FOR EMPLOYMENT**

**Criminal Convictions**

As a condition for employment for all its employees, whether full-time or part-time, permanent, or temporary, ~~the Board ACPS shall~~ requires 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 the solicitation of any such offense~~; or any crime of moral turpitude.

**Commented [3]:** Per the amendment of Va. Code § 22.1-296.1 by HB 1822.

<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=HB1822>

~~The Board 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, ~~or the solicitation of any such offense~~.

~~The Board does not employ any individual who has a pattern of criminal convictions related to their position.~~

**Commented [4]:** Not in the model policy. Added as a pattern of non-barrier crimes, such as a series of misdemeanors related to financial crimes, would prevent a person from holding a position which handles money.

~~The Board ACP~~ 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, ~~or the solicitation of any such offense~~, 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.~~

**Commented [5]:** The time period this covered has ended.

~~The Board ACPS shall~~ also requires 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 a founded case of child abuse or neglect. Any person making a materially false statement

47 regarding a finding of child abuse and neglect ~~shall be is~~ guilty of a Class 1 misdemeanor  
48 and upon conviction, the fact of ~~said such~~ conviction ~~shall be is~~ grounds for the Virginia  
49 Board of Education to revoke such person's license to teach.

50  
51 As a condition for employment, any applicant who is offered or accepts employment,  
52 whether full-time, part-time, permanent or temporary ~~employment with the BoardACPS~~  
53 shall submit to fingerprinting and provide personal descriptive information. The information  
54 and fingerprints shall be forwarded through the Central Criminal Records Exchange to the  
55 Federal Bureau of Investigation for the purpose of obtaining criminal history record  
56 information on applicants who offer or accept employment.

57  
58 To conserve the costs of conducting criminal history record checks to applicants and school  
59 ~~boardsdivisions~~, upon the written request of the applicant, the BoardACPS shall inform  
60 another school ~~boarddivision~~ with which reciprocity has been established and to which the  
61 applicant has also applied for employment, of the results of the criminal history record  
62 information conducted within the previous ninety days that it obtained concerning the  
63 applicant. Criminal history record information pertaining to an applicant for employment  
64 by a school ~~boarddivision~~ shall be exchanged only between school ~~boardsdivisions~~ in the  
65 Commonwealth in which a current agreement of reciprocity for the exchange of such  
66 information has been established and is in effect. Reciprocity agreements shall provide for  
67 the apportionment of the costs of the fingerprinting or criminal records check between the  
68 applicant and the BoardACPS as provided by statute.

69  
70 If an applicant is denied employment because of information appearing on the  
71 ~~applicant'shis/her~~ criminal history record, ~~the BoardACPS shall provides~~ a copy of the  
72 information provided by the Central Criminal Records Exchange to the applicant.

#### 73 74 **Founded Complaints of Child Abuse or Neglect**

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76 ~~The Board ACPS shall requires~~, as a condition of employment, that any applicant who is  
77 offered or accepts employment requiring direct contact with students, whether full-time or  
78 part-time, permanent or temporary, provide written consent and the necessary personal  
79 information for the Board ACPS to obtain a search of the registry of founded complaints of  
80 child abuse and neglect. The registry is maintained by the Department of Social Services.  
81 ~~The BoardACPS shall ensures~~ that all such searches are requested in conformance with the  
82 regulations of the Board of Social Services. In addition, where the applicant has resided in  
83 another state within the last five years, the BoardACP requires as a condition of employment  
84 that such applicant provide written consent and the necessary personal information for the  
85 Board ACPS to obtain information from each relevant state as to whether the applicant was  
86 the subject of a founded complaint of child abuse and neglect in such state. The BoardACPS  
87 ~~shall takes~~ reasonable steps to determine whether the applicant was the subject of a founded  
88 complaint of child abuse and neglect in the relevant state. The Department of Social Services  
89 shall maintain a database of central child abuse and neglect registries in other states that  
90 provide access to out-of-state school systems for use by local school divisions. The applicant  
91 may be required to pay the cost of any search conducted pursuant to this subsection at the  
92 discretion of the BoardACPS. From such funds as may be available for this purpose,

93 however, ~~the Board~~ACPS may pay for the search.

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

98  
99 If an applicant is denied employment because of information appearing on his record in the  
100 registry, ~~the Board~~ACP ~~shall~~ provides a copy of the information obtained from the registry  
101 to the applicant. The information provided to ~~the Board~~ ACPS by the Department of Social  
102 Services ~~shall be is~~ confidential and ~~shall is~~ not be disseminated by ~~the Board~~ACPS.

## 103 104 EMPLOYEE CHARGES AND CONVICTIONS

### 105 106 Criminal Proceedings

107  
108 An employee who is charged by summons, warrant, indictment, or information with the  
109 commission of a felony or misdemeanor specified in Va. Code § 22.1-315 may be suspended  
110 in accordance with policy GCPF: Suspension of Staff Members.

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112 If a current employee is suspended or dismissed because of information appearing on ~~his/her~~  
113 ~~the employee's~~ criminal history record, ~~the Board~~ ACPS ~~shall~~ provides a copy of the  
114 information provided by the Central Criminal Records Exchange to the employee.

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

### 125 126 Founded Complaints of Child Abuse or Neglect

127  
128 Any ACPS employee ~~of the Board~~ will be dismissed if ~~the employee~~ ~~he or she~~ is or becomes  
129 the subject of a founded complaint of child abuse and neglect and after all rights to an appeal  
130 provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all  
131 rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, ~~shall be is~~  
132 grounds for the local school division to recommend that the Virginia Board of Education  
133 revoke such person's professional license.

## 134 135 COURT ORDERED PROBATION

136  
137 For purposes of this policy, a court's placing an individual on probation pursuant to Va.  
138 Code §18.2-251 shall be treated as a conviction and as a finding of guilt.

139  
140 **COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND**  
141 **NEGLECT CHECKS**

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143 The applicant or employee ~~must shall~~ pay for the fingerprinting/criminal record check and  
144 the abuse and neglect check conducted pursuant to this policy.

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147 Adopted: March 4, 1999  
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156 Legal Refs.: Code of Virginia, as amended, §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78,  
157 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1.315, and 63.2-1515.  
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159 Acts 2018, c. 833.

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