

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

Generally

The Regional School Board does not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be 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 of employment for all of its employees, whether full-time or part-time, permanent, or temporary, the Maggie L. Walker Governor's School Regional Board requires on its application for employment certification (i) of whether the applicant 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; any offense involving the sexual molestation, physical or sexual abuse or rape of a child, or the solicitation of any such offense; or any crime of moral turpitude.

The Regional School Board does not employ any individual who has been convicted of any violent felony or crime of moral turpitude 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 Regional School Board may employ any individual who was convicted of a violent felony or crime of moral turpitude but only if the following conditions are met in accordance with subsection B(2) of Va. Code § 22.1-296.1, specifically that:

(1) such felony conviction does not involve the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense;

(2) such individual:

(a) has had their civil rights restored by the Governor,

(b) has completed all terms of supervision and has been released from supervision for more than 20 years,

(c) is, in the opinion of the Regional School Board, of upstanding character, and

(d) has demonstrated commitment to public or community service and rehabilitation after completing all terms of supervision; and

(3) the Regional School Board certifies in writing that such an individual meets the requirements set forth above.

The Regional School Board 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.

The Maggie L. Walker Governor's School Regional Board 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 and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect is guilty of a Class 1 misdemeanor and upon conviction, the fact of such conviction is grounds for the Board of Education to revoke such person's license to teach.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the Maggie L. Walker Governor's School Regional Board shall submit to a background check and provide personal descriptive information. The information shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information on applicants who are offered or accept employment.

To conserve the costs of conducting criminal history record checks to applicants and school boards, upon the written request of the applicant, Maggie L. Walker Governor's School Regional Board shall inform another school board with which reciprocity has been established and to which the applicant also has applied for employment of the results of the criminal history record information conducted within the previous ninety days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board shall be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements shall provide for the apportionment of the costs of criminal records check between the applicant and Maggie L. Walker Governor's School Regional Board as provided by statute.

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

B. Founded Complaints of Child Abuse or Neglect

The Regional School Board requires, 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 Regional School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. The Regional School Board ensures that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the Regional School Board

requires as a condition of employment that such applicant provide written consent and the necessary personal information for the Regional School Board to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The Regional School Board takes reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards for use by local school boards. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the Regional School Board. From such funds as may be available for this purpose, however, the Regional School Board may pay for the search.

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

If an applicant is denied employment because of information appearing on the applicant's record in the registry, the Regional School Board provides a copy of the information obtained from the registry to the applicant. The information provided to the Regional School Board by the Department of Social Services is confidential and is not disseminated by the Regional School Board.

II. EMPLOYEE CHARGES AND CONVICTIONS

A. Criminal Proceedings

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with Policy 5022 Suspension of Staff Members.

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

The executive director shall inform the Regional School Board of any notification of arrest of a school board employee received pursuant to Virginia Code §19.2-83.1. The Regional School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to provide personal descriptive information to be forwarded 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.

B. Founded Complaints of Child Abuse or Neglect

Any employee of the Maggie L. Walker Governor's School Regional Board will be dismissed if he or she 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, shall be grounds for the school to recommend that the Board of Education revoke such person's license to teach.

III. COURT ORDERED PROBATION

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

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

The Regional School Board shall pay for the criminal record check and abuse and neglect check conducted pursuant to this policy.

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Cross Refs.: Pol 5022 Suspension of Staff Members
 Pol 5020 Professional Staff Discipline