

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-11 Criminal History Record Request and Child Abuse Record Request

A. Purpose

Criminal history and child abuse record searches by use of fingerprints and personal descriptive information submitted to the Central Criminal Records Exchange to the Federal Bureau of Investigation and to Department of Social Services shall be conducted of all persons offered employment with Loudoun County Public Schools.

B. Criminal Conviction Information Procedures

1. Applicants for employment, whether full-time or part-time, permanent or temporary, will be advised that they will be required to submit to fingerprinting and provide personal descriptive information and sign a statement before or at the time an employment offer is made which authorizes Loudoun County to have criminal conviction and child abuse investigations performed and that satisfactory outcome of the investigations is a condition of employment.
2. Applicants who omit convictions from the application form may be denied employment for falsification of the application.
3. All written offers of employment will state that satisfactory outcome of criminal conviction and child abuse investigations are conditions of employment.
4. If the applicant refuses to submit to fingerprinting or provide personal descriptive information and execute an authorization for the criminal conviction/child abuse investigation, the application process will terminate.
5. All criminal record requests will be forwarded by the School Board Office to the Virginia State Police Department for processing.
6. If the response to the request indicates "No Criminal Record" or "No Conviction Dates," it will be filed in the employee's personnel file.
7. Criminal history records received from the Virginia State Police or the FBI will be reviewed by the Assistant Superintendent for Personnel Services.

(continued)

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-11 Criminal History Record Request and Child Abuse Record Request (continued)

The relevant director or coordinator will be notified of any criminal history record, and a decision will be reached on the employment eligibility of the subject of the record.

8. If the subject of the criminal history record wishes to correct the record, he/she will be given a copy of the record and will be informed of the procedure to correct or update the record. In the case of records furnished by the FBI, the person will be given a copy of the instructions cited in Title 28, Code of Federal Regulations, Section 16.34. In the case of records furnished by the Virginia State Police or the Federal Bureau of Investigation, the person will be referred to the Assistant Superintendent for Personnel Services for assistance.
9. If an applicant is denied employment because of information appearing on his/her criminal history records, the Board shall provide a copy of the information obtained from Central Criminal Records Exchange to the applicant.

C. Child Abuse Records

1. All child abuse record requests will be forwarded to the Department of Social Services.
2. If the Department of Social Services central registry replies "no match", the form will be filed in the personnel file.
3. Child abuse records received from the Department of Social Services will be reviewed by the Assistant Superintendent for Personnel Services. The relevant director or coordinator will be notified of any child abuse record, and a decision will be reached on the employment eligibility of the subject of the record.
4. If an applicant is denied employment because of information appearing on his record in the registry, the applicant shall be provided a copy of such information.
5. Any child abuse record reported by the Department of Social Services and a copy of the letter of disposition to the employee shall be retained in the personnel file.

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PERSONNEL

EMPLOYMENT

**REGULATION**

§7-11 Criminal History Record Request and Child Abuse Record Request (continued)

C. Excerpt From Title 28, CFR, Section 16.34 – Criminal Conviction Record

If, after reviewing his/her criminal conviction record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

D. Disqualifying Convictions In addition to the disqualifying convictions provided in Policy 7-11(A)(1), any person who:

1. Has been convicted of a crime of moral turpitude within five (5) years of such person's application for employment; or
2. Has been placed on probation pursuant to the terms and conditions of Va. Code § 18.2-251 (or any similar statute of the United States or another state or the District of Columbia) within ten (10) years of such person's application shall not be eligible for employment.

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