

PROCEDURE TITLE: Employee Criminal History Check Process		
ADOPTION/EFFECTIVE DATE: May 7, 2026	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Human Resources		

I. Purpose

The purpose of this Procedure is to establish uniform processes for reviewing candidate applications, conducting fingerprint-based criminal history checks (via CJIS and FBI), Child Protective Services (CPS) clearances, and sex offender registry verifications to ensure all HCPS employees meet Maryland State Department of Education (MSDE) requirements, state laws (e.g., Education Article § 3-307, Family Law §§ 5-560 et seq.), and HCPS standards for student safety. This Procedure promotes compliance with federal regulations like the Adam Walsh Child Protection and Safety Act, mitigates risks associated with barrier crimes or offenses of moral turpitude, and supports informed hiring decisions through case-by-case evaluations by Internal Investigations and HR supervisory staff. It aligns with broader HCPS human resources policies on internal investigations, MSDE requirements, and Maryland CJIS fingerprinting protocols, and the law.

II. Definitions

- A. **Barrier Crime** - a disqualifying offense that can automatically block someone from a job, license, volunteer role, or placement opportunity.
- B. **Candidate** – an applicant for employment, any prospective employee, and any person under consideration for hire, transfer, or placement in a position requiring a background check.
- C. **Criminal History Check** - the background screening process used to obtain and review criminal record information from the Maryland Criminal Justice Information System (CJIS) and, where applicable, the FBI, for purposes of determining whether a candidate or employee may be hired or retained in a position requiring contact with students. In this Procedure, the terms “criminal history check” and “background check” may be used interchangeably.
- D. **Flag** – any result, notice, record, or event identified through a criminal history check, fingerprint-based review, or related monitoring that requires further review, verification, or action by the school system because it may be disqualifying, reportable, or otherwise relevant to employment eligibility.
- E. **HR Supervisory Panel** - the group of designated system officials who review and determine the appropriate action regarding questionable or flagged

background-check results. For the purposes of this procedure, the Panel consists of the Assistant Superintendent for Human Resources, the Director of Staff and Labor Relations, and the Coordinator of Investigations, or their designated designees.

III. Procedures

This Procedure establishes the standardized process for evaluating prospective employees'/candidates' applications and conducting required background checks in Harford County Public Schools. The steps below must be followed sequentially to ensure compliance with MSDE requirements, Maryland CJIS protocols, and HCPS standards.

In evaluating a candidate or employee under this Procedure, HCPS shall make individualized, case-by-case determinations based on the criminal background findings, the nature and disposition of any offense, the individual's employment history, other relevant qualifications, and information obtained through the screening and interview process. All such determinations shall be job-related, consistent with business necessity, and administered in a fair and nondiscriminatory manner in accordance with applicable law.

A. Candidate Application Review

1. As part of the employment application, a candidate must answer the below three questions with a "yes" or "no":
 - a. Have you ever been convicted or received probation before judgment for a crime? (Does not include minor traffic violations for which a fine of \$100 or less was imposed.)
 - b. Have you ever been charged with a crime and/or are you awaiting trial?
 - c. Have you ever been investigated by Child Protective Services or a similar agency with regard to allegations related to child abuse or neglect?

2. If the candidate answers "no" to all three of the above application screening questions, the candidate's application proceeds to Step A(4) without further Staff Relations review.

3. If a candidate answers "yes" to any of the application screening questions above, the identified steps will follow:
 - a. Talent Management forwards the affirmative responses to the Background Technician and the Coordinator of Investigations for review.
 - b. Background Technician and Coordinator of Investigations conduct research via Maryland Judiciary Case Search and will consult with legal counsel as needed to confirm or interpret any findings.
 - c. If needed to provide additional clarity on the conviction, charges, or investigation, the Coordinator of Investigations or Director of Staff and Labor Relations will call the candidate and ask for additional information.

4. After the Background Technician and Coordinator of Investigations have satisfied Step A(3), the Coordinator of Investigations will send an email to the Talent Management hiring manager informing them of the candidate's eligibility status based off of the Application Review, and that eligibility determination is documented in the HR database.

- a. If the candidate is deemed eligible, the Talent Management team and hiring manager for the position in question will proceed with the applicable interview and candidate-selection process.
- b. If the candidate is deemed ineligible for employment, the Internal Investigations team will notify the candidate with appropriate documentation and next steps.

B. Initiate Background Check

1. Following the applicable interview/selection process and the candidate's acceptance of a verbal offer of employment, HCPS' Human Resources Talent Management team member notifies the candidate that a background check and fingerprinting are required before employment or assignment.

2. Candidate receives instructions for scheduling fingerprinting and completing required forms (Livescan pre-registration, photo ID requirements, etc.).

C. Collect Required Documentation

The HCPS Background Technician collects the following documentation during a scheduled, face-to-face meeting with the candidate:

1. A copy of a government-issued photo ID.
2. Completed fingerprint authorization form.
3. Signed disclosure and consent forms for:
 - a. State and FBI criminal history check (CJIS/FBI).
 - b. Child Protective Services (CPS) background check (Maryland Department of Human Services).
 - c. Sex Offender Registry review authorization using Raptor system.
4. Any additional HCPS onboarding documents (I-9, employment verification, etc.).

D. Fingerprinting (CJIS / FBI)

1. At the same scheduled, face-to-face meeting with the HCPS Background Technician, the candidate completes fingerprinting through an authorized CJIS Livescan provider or HCPS-approved vendor.

2. The candidate's fingerprints are transmitted electronically to CJIS for state and federal FBI criminal background review.

3. Candidate pays the required fingerprinting fee.

E. Submission of CPS Background Check

1. Candidate completes the Child Protective Services Clearance Form (Maryland DHS).

2. HCPS' Internal Investigations Department submits the CPS form to the appropriate DHS office for processing within 48 hours.

F. Review of Criminal Background Results

Once criminal history results are returned to HCPS:

1. The HCPS Background Technician forwards any documented criminal charges, pending charges, dispositions, and dates to the Coordinator of Investigations for further review.

2. The Coordinator of Investigations will evaluate the nature of and disposition of any convictions, charges, or investigations found in the criminal background reports in concert with their relevance to school safety and/or HCPS employment standards.

a. Nature

i. Felonies or misdemeanors (as listed on the background check results from CJIS).

(1) Any felony conviction is an automatic disqualification from employment with HCPS.

(2) Pending felony charges will be reviewed further by HR Supervisory Panel to determine eligibility.

ii. Barrier crimes under Maryland law are an automatic disqualification from employment with HCPS.

iii. Pending, open, or recently adjudicated cases will be reviewed further by the HR Supervisory Panel.

iv. Instances of repeated misdemeanor charges will be reviewed further by the HR Supervisory Panel

v. All weapons, drug, or alcohol violations will be reviewed further by the HR Supervisory Panel

(1) Any conviction for possession of or distribution of a controlled dangerous substance (CDS), including marijuana, within the past ten (10) years is an automatic disqualification from employment with HCPS.

- (2) If there is a conviction for possession or distribution of a CDS which is more than 10 years old, the HR Supervisory Panel will review to determine eligibility.
- vi. Charges or convictions for assault in the second degree will be reviewed further by the HR Supervisory Panel
- vii. Offenses involving moral turpitude, dishonesty, abuse of trust, or other conduct reflecting adversely on the individual's character, judgment, or fitness for school employment shall be subject to additional review by the HR Supervisory Panel to determine whether the conduct is inconsistent with the values, standards, and employment expectations of HCPS.
- b. Disposition
 - i. **Guilty/Conviction:** The individual has been found guilty of the charge after a plea, or after trial, resulting in a formal conviction on the criminal record.
 - ii. **Not Guilty:** The individual was acquitted of the charge after trial.
 - iii. **Dismissed:** The charge was dismissed by the court or through agreement of the parties.
 - iv. **Probation Before Judgment (PBJ):** the court entered a probationary disposition without a formal conviction, except for certain alcohol-related driving offenses, which may be treated differently under this Procedure.
 - v. **Nolle Prosequi ("Noll Pros"):** The prosecutor elected to discontinue prosecution of the charge, either before or during trial; the case is closed without a finding of guilt or innocence.
 - vi. **Stet:** The case was placed on the "stet docket," meaning it is indefinitely postponed and not actively prosecuted, but the charge remains in the system and may be reactivated under applicable law.
- c. The Coordinator of Investigations will also determine whether further documentation or candidate explanation is needed.

G. Determine Eligibility to Hire / Continue in Process

Based on HCPS procedures and MSDE requirements:

1. Candidate is determined eligible for hire if no disqualifying results are found in the criminal background history.
2. Candidate will be referred to HR Supervisory Panel for further review if results from criminal background history require administrative consideration as follows:
 - a. The HR Supervisory Panel will review all background checks with any misdemeanor convictions
 - b. All background checks with pending charges for felony or misdemeanor crimes will be evaluated by HR Supervisory Panel for final determination of employment eligibility.

- i. The Panel may determine to hold on the status of an application pending final resolution of the charges.
3. Candidate will be disqualified from employment with HCPS if criminal background history includes:
 - a. A conviction for a crime enumerated in Education Article § 6-113 (e.g., sexual offenses in the 3rd or 4th degree; child sexual abuse; or a crime of violence)
 - b. A substantiated finding from CPS of child abuse or neglect
 - c. Crimes involving minors
 - d. Other offenses prohibited by Maryland law or HCPS standards.
 - e. Bus drivers are further assessed under COMAR Section 13a.06.07.07 School Vehicle Driver and Trainee Disqualification Conditions and Termination.

H. Internal Documentation & Recordkeeping

1. All background check results are stored in the candidate's secure HR file.
2. CPS and fingerprint results must be maintained in compliance with:
 - a. Maryland record retention rules
 - b. CJIS security policy
 - c. HCPS confidentiality standards
3. Other documentation included in the candidate's secure HR file may include:
 - a. Fingerprint clearance
 - b. CPS clearance
 - c. Any follow-up interviews or written explanations obtained pursuant to this Procedure
 - d. Final eligibility determination

I. Final Clearance Communication

1. No employee will start employment until all background check requirements have been received, reviewed, and cleared by the Internal Investigations Office.
2. Internal Investigations will provide required documentation to Talent Management when the candidate is cleared to start. The Background Technician provides a copy of the candidate's ID to Talent Management assistant as formal notification that the background check process is complete.
3. If determined ineligible for employment with HCPS, Internal Investigations will inform the candidate with appropriate documentation and next steps.

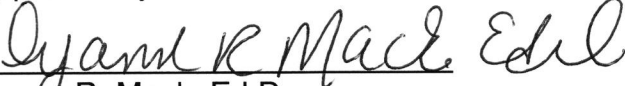
4. Hiring administrator is only told whether the candidate is **eligible/not eligible**, not the detailed criminal record.

J. Badge Activation & Start Date Coordination

1. Access badges are issued after eligibility is determined through affirmative review of each of the above-listed steps.

2. Schools/Work site locations receive notification of badge delivery or a plan for the candidate to pick up their badge.

Approved by:


Dyann R. Mack, Ed.D.
Interim Superintendent of Schools

LEGAL REFERENCES

- Maryland Code, Education Article § 6-113 (Hiring Persons Convicted of Specified Crimes Prohibited)
- Maryland Code, Criminal Law Article §§ 3-307, 3-308 (3rd and 4th degree sexual offenses)
- Maryland Code, Criminal Law Article § 3-602 (Sexual Abuse of a Minor)
- Maryland Code, Criminal Law Article § 14-101 (Crimes of Violence)
- Maryland Code, Family Law Article §5-550 et seq. (Criminal Background Investigations for Employees of Facilities and Other Individuals that Care for or Supervise Children)
- COMAR 13A.06.07.07 (School Vehicle Driver and Trainee Disqualifying Conditions and Termination)