



Criminal Background Checks - AR

2.6(1)

Criminal Background Checks

All personnel, including temporary and substitute personnel, will be fingerprinted and undergo a criminal records background check through the Georgia Crime Information Center (GCIC) and the National Crime Information Center (NCIC). The Staff Support Department will provide all new employees instructions for obtaining the required records check.

New employees, volunteers, interns, substitute employees, and contractors are required to undergo fingerprinting and have their background check cleared by staff support prior to the first day on the job or the first interaction with students, whichever comes first.

The cost of fingerprinting and the criminal records check is the responsibility of the District for employees paid directly by City Schools of Decatur through our payroll process (commonly referred to as a W-2 employee). Contractors paid through accounts payable (commonly referred to as 1099 employees) will be responsible for the cost of fingerprinting. Volunteers, interns, and other temporary employees not covered by the aforementioned payment arrangements will be asked to pay the cost of fingerprinting on a voluntary basis; with no such individuals being denied fingerprinting or a criminal records check due to an inability or unwillingness to pay. The scheduling of fingerprinting and criminal background checks is managed by the Staff Support Department.

For contract resources, including interns and student teaching resources hosted by City Schools of Decatur, the Executive Director in charge of securing the required resource and/or in charge of managing the internship relationship with the providing organization or university shall submit an OnSite Permissions Form as well as a non-disclosure agreement. The OnSite Permissions form is an attestation by the Executive Director in charge that a criminal background check has been completed by the providing organization or university or needs to be completed by CSD. The form also confirms that the sponsoring Executive Director or their designee has covered associated and relevant policies and regulations with the individual.



Repeat Criminal Records Check

All certified and licensed personnel must obtain a *repeat* criminal records check through the GCIC at the time of certificate or license renewal. The repeat records check will occur at a minimum on a five-year cycle in conjunction with renewal. Some certificates issued by the Georgia Professional Standards Commission may require renewal prior to 5 years. In those cases, a repeat criminal records check through the GCIC will take place at that time.

All classified employees shall obtain a *repeat* criminal records check through the GCIC every 5th year of employment.

Staff Support shall provide instructions to employees for a repeat criminal records check. Employees of City Schools of Decatur are not charged a fee for repeat records check.

Consideration for Employment

When fingerprinting and/or a criminal record check indicates a prior conviction, consideration for employment may be based on the following criteria;

- A felony conviction during previous 10 years
 - Such individual will be eliminated from consideration
- A felony conviction more than 10 years old
 - The Superintendent shall discuss with the Board of Education the hiring of such individual prior to making a recommendation to the board on their hiring
- A conviction involving drugs or illegal substances during the previous seven years
 - Such individual shall be eliminated from consideration
- A conviction more than 7 years old involving drugs or illegal substances
 - The hiring of such individual shall be at the Superintendent's discretion
- An individual with more than one DUI conviction during the previous year or more than two DUI convictions during the previous three year period
 - Such individual will be eliminated from consideration
- An individual with one DUI conviction during the previous year or two DUI convictions within the past three years
 - The hiring of such individual shall be at the Superintendent's discretion



Misuse of Criminal Records Information

Following are the established guidelines for disciplinary action in regards to misuse or violations concerning the Georgia Crime Information Center (GCIC) Criminal Justice Information System (CJIS) Network, materials, records, and information obtained thereof.

This regulation applies to all employees with access, to include physical and logical access, to GCIC materials, records, and information. All employees are required to follow the policies, rules, and procedures set forth by GCIC, GCIC Council Rules, CJIS Security Policy, and the laws of the State of Georgia.

Title 28, United States Code § 534, authorizes dissemination of Criminal History Record Information (CHRI) and provides that access to CHRI is subject to cancellation if dissemination is made outside of the authorized recipient. In addition, O.C.G.A § 35-3-38 established criminal penalties for specific offenses involving requesting, obtaining, using and/or disseminating CHRI except as permitted by law. Any and all criminal background checks information may only be used for purposes allowed by law and must likewise be held confidential to the extent required by law.

The following disciplinary action will be taken for general working errors that involve violations which are determined to be accidental errors or errors made due to the need for Security Awareness training. The severity of the error will be evaluated by the Superintendent or designee. This is a general guideline and its use will be determined by the Superintendent or designee, with the discretion to depart from the below should circumstances warrant

1st offense (for less severe errors) - Verbal warning and additional training

2nd offense (determined by the severity of error) - Written reprimand and additional training

3rd offense- Written reprimand, possible suspension or termination and additional training

4th offense- Employment termination

For deliberate violations and/or misuse of GCIC/NCIC or information obtained thereof:

1st offense- Immediate termination and possible criminal prosecution



City Schools of Decatur Administrative Regulation

Guidelines for the protection of materials and records and information derived from the Georgia Crime Information Center (GCIC) Criminal Justice Information System (CJIS) Network are secure.

This regulation applies to all employees with access, to include physical and logical access, to GCIC materials, records and information. This regulation will establish guidelines for securing GCIC materials, records, and information obtained thereof in the event of a man-made or natural disaster.

All employees are required to follow the policies, rules, and procedures set forth by GCIC, GCIC Council Rules, CJIS Security Policy, and the laws of the State of Georgia.

In the event of a human-made or natural disaster, the Superintendent or designee and/or the Executive Director of Information Services shall have the responsibility of ensuring that GCIC materials and records maintained by the agency are not in danger of being damaged or destroyed. In the event that the materials or records are not secure, or have been damaged or destroyed, the affected agency personnel shall make immediate notification to the Superintendent or designee or Executive Director of Information Services to inform of the situation. If appropriate, personnel shall be stationed in the area to secure GCIC materials and records. Affected areas include: Records and the Administrative Offices. Superintendent or designee and/or the Executive Director of Information Services shall be responsible for taking necessary steps to ensure that all materials and records are secure on-site or that the materials and records are moved to another secure location.

Questions about this regulation should be directed to the Executive Director of Staff Support.

Related Board Policy: 2.6(c)(2)