

Section 7-20.2. Certification requirement; fingerprinting and descriptive information required; costs for fingerprinting; sharing of criminal record information; when employment denied information to be provided to applicant. —

A. Applicants for any position with Suffolk Public Schools must certify that they have not 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 a misdemeanor involving (i) sexual assault; (ii) obscenity and related offenses; (iii) drugs; (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child, or the solicitation of any such offense; or an equivalent offense in another state. Where a conviction relates to the suitability of the individual to perform duties in a particular position, such a person may be denied employment.

B. The 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.

C. The 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 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 School Board certifies in writing that such an individual meets the requirements set forth above.

D. The 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.

E. As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with Suffolk Public Schools shall submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information on applicants who offer or accept employment.

D. F. The applicant or employee pays the costs for the fingerprinting, criminal record check and for the search of the registry of founded complaints of child abuse and neglect.

E. G. To conserve the costs to applicants and the School Board in conducting criminal history record checks, upon the written request of the applicant, the School 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 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 the fingerprinting or criminal records check between the applicant and the School Board as provided by statute.

F. H. If an applicant is denied employment because of information appearing on the applicant's criminal history record, the Suffolk Public Schools provides a copy of the information received from the Central Criminal Records Exchange to the applicant. (Adopted August 21, 2008; Ordinance Number 08/09-7; Effective: August 21, 2008; Revised: November 8, 2018; Ordinance Number: 18/19-30; Effective: November 8, 2018; Ordinance 22/23-47, Revised/Effective: February 9, 2023; Ordinance 23/24-43, Revised/Effective: January 11, 2024)

Legal Authority – Virginia Code §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78, 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1-315, and 63.2-1515 (1950), as amended.