

**TERRELL COUNTY BOARD POLICY
Personnel Records Check/
Criminal Background Check**

**Descriptive Code: GAK
Date: 10/11/10
Rescinds Code: BGD/GAK &GAK(1)
Date Issued: 8/14/2000 & 11/14/2005**

Fingerprinting and Criminal Record Checks Prior to Employment

In order to be employed for the first time by the Terrell County Board of Education, any applicant(s) for a position of teacher, administrator or for any other certificated position shall be fingerprinted and have a criminal record check prior to issuing of a contract. It will be conducted by and through the office of the local law enforcement officials of Terrell County. The law enforcement officials shall forward the prospective employee's appropriate request to the Georgia Bureau of Investigation (GBI) for a criminal record check under standards adopted by the Georgia Bureau of Investigation. The criminal record check and fingerprinting shall be required even though the applicant may already have undergone fingerprinting and criminal record check by another school district in Georgia or elsewhere.

Fingerprint and Criminal Record Checks of Existing Certified Personnel

All certified personnel already employed by the Terrell County Board of Education shall have a fingerprint and criminal record check upon certificate renewal application to the Professional Standards Commission. The method of obtaining said fingerprint and criminal record checks shall be pursuant to such rules and regulations as may be established by the Professional Standards Commission.

Fingerprint and Criminal Records Checks for Existing Non-Certified Personnel

In order to continue employment by the Terrell County Board of Education, each non-certified employees presently employed by the Terrell County Board of Education must submit to a fingerprint and criminal record check which will be conducted by the Georgia Bureau of Investigation (GBI) in accordance with which such schedule as shall be published by the Superintendent of Terrell County. The local law enforcement official shall cause the fingerprints to be obtained and shall then return the employee's fingerprints to the Terrell County Board of Education which shall then make appropriate requests to the Georgia Bureau of Investigation (GBI) for a criminal record check under standards adopted by the Georgia Bureau of Investigation.

In addition, paid/non-paid and volunteer substitutes, custodians, bus drivers, lunchroom personnel, lay coaches and others working in the school system who may potentially be in an unsupervised capacity with students on a regularly scheduled basis will be required to have a criminal history record check conducted. Fingerprinting can be required by the system.

The criminal record check and fingerprinting shall be required even though the applicant may already have undergone fingerprinting and criminal record check by another school district in Georgia or elsewhere.

Time: Provisional Hiring

Such fingerprinting and criminal record check must be made prior to the issuance of any regular contract of first employment. However, under circumstances where a vacancy needs to be filled immediately, the School District may employ persons subject to the express contract provision stating that employment there under is temporary and provisional only, and that a decision as to regular employment will not be made until the receipt of the criminal record check results from appropriate authorities. Such provisional and temporary contracts shall not extend for a period in excess of two hundred (200) days, or until ten (10) days after receipt of the criminal record check results, whichever occurs first. The applicant shall be notified of the Board's final decision regarding employment within 10 days of receipt of the criminal records check results. If the Board elects to deny regular employment, the applicant may within 10 days request a hearing to present any reasons why such denial was inappropriate.

Fees

The fingerprinting and record checks shall be initiated by the School District at the appropriate time, and the fee for such shall be paid by the applicant unless otherwise approved by the Board of Education

Interim Procedures Pending Justice Department or FBI Approval

Provisional contracts shall be utilized pending receipt of approval, consent and agreement by the Federal Bureau of Investigation of the Department of Justice to make such criminal record check information available to public school districts in Georgia. If consent and agreement are not granted, the School District will make a decision as to whether regular employment will be granted on the basis of such information as may be available at the time from appropriate authority, pursuant to O.C.G.A. §35-3-35, and the applicant shall be notified of the decision within ten (10) days after receipt of such denial of agreement and consent.

Use and Handling of Criminal Record Information

Criminal record check information shall be used by the School District and its officials and employees only for the purpose of determining whether to grant regular employment, and in any administrative or judicial proceeding calling such employment in question, and shall be stored, restricted and disposed of in such manner as may be required by federal and state authorities.