



MARYLAND OFFICE OF THE
INSPECTOR GENERAL FOR EDUCATION

Richard P. Henry
Inspector General

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March 6, 2024

VIA EMAIL (townsela@calvertnet.k12.md.us)

Dr. Andrae L. Townsel, Ed.D.
Superintendent
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Ref: OIGE Case 23-0225-C

Management Alert Report

Employee Background Checks

Dear Dr. Townsel,

The Office of the Inspector General for Education (OIGE) received a complaint alleging that Calvert County Public Schools (CCPS) failed to conduct mandatory background checks on job applicants. Our review identified an employee of CCPS who had access to students with an undivulged Probation Before Judgment (PBJ) for Battery, a criminal offense against another person. This information was notably absent from their employment application, a disclosure requirement mandated by CCPS Board policies and Maryland Law.

The OIGE's review revealed discrepancies between CCPS Board Policies, the Maryland Annotated Code, and actual hiring practices. Specifically, CCPS Policy 6030.1(II)(F)(3)(b) mandates the use of the Maryland Judiciary Case Search and the National Sex Offender Registry for evaluating applicant eligibility. Additionally, CCPS Policy 6032(I)(A) requires fingerprinting and clean criminal record checks for all paid employees, contractors, seasonal workers, and volunteers in sensitive roles, following the criteria set by Md. Code Ann. Family Law §5-560 to §5-569¹. These standards demand a sworn disclosure of any criminal convictions, PBJ dispositions, charges pending final disposition, or findings of non-criminal responsibility.

The OIGE observed that the employment application used by CCPS questions candidates whether they have been convicted of any law violations, except for minor traffic infractions. The

¹ §§ 5-560 to 5-569 were renumbered as Family Law §§ 5-550 to 5-559 by Acts 2016, c. 185, § 3, eff. June 1, 2016.

application, however, does not provide a precise definition of "conviction" and omits the requirement for applicants to disclose instances of Probation Before Judgment (PBJ). This is notable because PBJ outcomes can be critical for evaluating an applicant's eligibility, particularly concerning the specific 26 offenses that preclude unrestricted access to children for employment purposes identified in Maryland Criminal Law Article §14-101.

Considering these findings, the OIGE strongly recommends that CCPS undertake a thorough revision of its employment application process and background check protocols to ensure consistency with both CCPS Board Policy and legal requirements. Given these preliminary findings, the OIGE is referring this matter to CCPS for further review and action. The OIGE is available to provide guidance and support as you undertake these necessary steps to enhance your procedures.

Thank you for your attention to this matter and look forward to your prompt action.

Respectfully,



Richard P. Henry
Inspector General

Attachment A: CCPS Policy 6030.1

Attachment B: CCPS Policy 6032

Attachment C: MD Code, Family Law, § 5-553, Formerly cited as MD Family Law § 5-563

Attachment D: MD Code, Family Law, § 5-556

Cc: Antoine S. White – President, Calvert County Board of Education

H. Brandis Marsh, Esq., - Assistant Attorney General / OIGE Principal Counsel

Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

**Administrative Procedures for Policy #6030 (Personnel) of the Board of Education
Regarding the Hiring of Professional and Classified Personnel**

I. Process

- A. The Department of Human Resources shall be responsible for coordinating the hiring of all Calvert County Public Schools (CCPS) personnel.

II. Guidelines

A. Position Vacancy

1. In the case of a vacancy created by promotion, transfer, resignation, leave of absence (LOA), or retirement, the Director of Human Resources or designee will:
 - a. Verify the action that created the vacancy; and
 - b. Verify the continuation of the funding source, including grant-funded positions, by contacting the Superintendent's designee responsible for the area in which the vacancy exists and the Department of Finance.
2. In the case of a vacancy created by the addition of new position, the Director of Human Resources or designee will:
 - a. Verify the approval of the position by Superintendent or designee; and
 - b. Verify the funding source of the new position by contacting the Superintendent's designee responsible for the area in which the vacancy exists and the Department of Finance.

B. Vacancy Posting

1. The Department of Human Resources will post all vacant positions.
2. In the case of classified vacancies:
 - a. Vacancies are posted for 8 calendar days.
 - b. Postings are specific to each vacancy.
3. In the case of professional vacancies:
 - a. Vacancies are posted for 14 calendar days.
 - b. Usually, a general posting for anticipated vacancies is completed, unless there is a specific need.

C. Application Process

1. Applicants for a position with the Calvert County Public Schools must complete an electronic application with the Department of Human Resources. Upon a written or oral request, candidates will be provided assistance in

completing the electronic application process. Requests should be made to the Department of Human Resources. A completed application becomes a part of the employee's permanent personnel record. No one will be considered to have made application unless the required electronic forms are completed and are on file with the Department of Human Resources.

2. The electronic application ~~form~~ must be completed by the applicant in detail, omitting no sections.
3. Reference forms will be available to each applicant through the electronic application process. It will be the responsibility of the applicant to select a minimum of three people of their choice to complete and submit the reference forms to the Department of Human Resources. Those should be the same references that are listed on the application. The applicant should include his/her last employer if he/she has previous experience.
4. Administrative applicants must submit a minimum of three (3) references as indicated above.
5. An applicant who does not receive an immediate appointment is responsible for keeping his/her application up-to-date. Unless the applicant applies for an additional position, applications are moved to inactive status after positions are filled.
6. Processing of the application by the Department of Human Resources
 - a. The completed electronic application is submitted.
 - b. Evaluation of applicant for desired position (transcripts required for professional applications)
 - c. Verification of all employment
 - d. Three (3) references must be received for an applicant to be considered for a position, including references from the most recent employer(s).

D. Screening Process

1. Applicant files are reviewed by the appropriate Director, Supervisor, Principal, Vice Principal and/or Coordinator.
2. Selected applicants must meet job requirements, including certification and licensure. The Human Resources Department, in conjunction with the direct supervisor, will ensure that applicants meet all requirements specified in the job posting.
3. Current CCPS classified employees are guaranteed an opportunity to interview for transfer to another position provided they:
 - a. meet all job requirements; and
 - b. are eligible to apply for the position based on the voluntary transfer agreements from the current Negotiated Agreement.

E. Interview Process

1. All interviews are scheduled by the Department of Human Resources, unless an administrator has completed the interview scheduling training process provided by the Department of Human Resources.
2. A minimum of two administrators serving as interviewers is required. All candidates for a specified vacancy must be interviewed by the same administrators.
3. Non-administrative employees attending the interviews may not rate candidates.
4. The interview is based on a prepared set of questions asked of all candidates. Follow-up questions for the purpose of clarification and elaboration may be asked.
5. Interviewers must refrain from giving candidates any indication about their relative strength or performance as compared to other interviewees.
6. Interviews for administrative positions will be conducted by members of the Executive Team and the Director or Supervisor of Human Resources. These interviews may include a writing assignment, performance, and/or a prepared presentation in addition to the interview questions.
7. Following its preliminary interviews; the screening committee will forward a ranking of candidates to the Superintendent. The Superintendent will submit a final recommendation for appointment to the Board of Education.
 - a. For Principals, Directors, Supervisors, and Coordinators: The screening committee will forward a ranking of the candidates to the Superintendent. The direct supervisor will be given the opportunity to confer with the Superintendent prior to the Superintendent making a final recommendation to the Board of Education.
 - b. For Vice Principals: The top scoring applicants, based on the number and types of openings, (i.e. Elementary, Secondary) will be interviewed by the appropriate administrators. The direct supervisor will be given the opportunity to confer with the Superintendent prior to the Superintendent making a final recommendation to the Board of Education.
 - c. Deans: The Human Resources Director or Supervisor and a member of the Executive Team will review all applications to make certain that required credentials have been submitted. Principals and appropriate administrators will interview candidates from the pool of available applicants.

F. Hiring Process

1. Interviewers enter all interview ratings into the electronic application system after interviews have been completed.
2. The administrator will recommend the highest rated candidate using the electronic system.
3. Prior to offering employment, the Department of Human Resources will:

Personnel Procedures #6030.1

Revised: 8/28/90; 4/18/07; 12/2/08; 3/17/09; 3/14/11; 5/14/12; 5/8/18; 12/9/21

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- a. Review the submitted interview scores to ensure that the highest rated candidate is selected for the position.
 - b. Utilize the Maryland Judiciary Case Search and the National Sex Offender Registry on the selected candidate to determine initial employment eligibility.
4. All offers of employment are tendered by the Human Resources Director or designee.
5. The Department of Human Resources notifies selected administrators once a candidate has accepted or declined the job offer.
6. In the case of professional vacancies, the Superintendent nominates applicants for appointment by the Board of Education.
7. In the case of classified vacancies, the Superintendent appoints new hires.
8. New hires must successfully complete intake prior to beginning employment.
9. The Human Resources Department issues a photo ID badge to be worn by employees when on duty.
10. Completed paperwork is processed by the Department of Human Resources and distributed to the employee, appropriate administrators and the Department of Finance.

G. Non-Discrimination

1. In accordance with Policy 1118 Regarding Discrimination, the Calvert County Public School System does not discriminate in matters affecting employment.
2. Any complaint or allegation of discrimination in the hiring process should be reported pursuant to Policy #1118 (Administration) of the Board of Education Regarding Discrimination in Calvert County Public Schools and its associated procedures.

Attachment: B

Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Policy Statement #6032 (Personnel) of the Board of Education Regarding the Fingerprinting Background Clearance and the Maryland Criminal Justice Information System (CJIS) Security Policy

I. Purpose

- A. To ensure all salaried, contracted, and seasonal employees including sports and clubs, along with volunteers who serve as a mentor, a student teacher, **[practicum student]**, an overnight chaperone or one-on-one with a student are fingerprinted and maintain a cleared criminal history record check as defined under Family Law Article 5-560 through 5-569; Annotated Code of Maryland.
- B. To ensure all criminal history record checks received by CJIS including the FBI, are secured within the Human Resources and Transportation/Athletics Departments as defined in the Maryland COMAR 12.15.05.01.

II. Definition

- A. CJIS - Maryland Criminal Justice Information System
- B. FBI - Federal Bureau of Investigation

III. Policy Statement

- A. The Board of Education of Calvert County recognizes the importance of fingerprinting all employees and volunteers to protect our staff and students. As a public entity, the Board of Education is committed to ensure all criminal history records received by the Human Resources and Transportation/Athletics Departments are retained in a secure environment. CCPS Departments of Human Resources and Transportation/Athletics shall be responsible for processing criminal history record checks under Family Law Article 5-560 through 5-569; Annotated Code of Maryland, and the security, access, storage, retention, dissemination and destruction of Criminal History Record Information (CHRI) when no longer needed by the Human Resources and the Transportation Departments. This policy covers the fingerprints and CHRI as stated in COMAR 12.15.05.01 on salaried employees, contracted employees, seasonal employees, and volunteers of Calvert County Public Schools.

IV. Delegation of Authority

- A. The Superintendent is directed to develop administrative procedures to implement this policy in accordance with all local policies, State and Federal law regulations, and to communicate this policy and accompanying procedures to all relevant parties.

V. Exceptions

- A. There are no exceptions to this policy. However, the Board, by majority vote may temporarily suspend all or part of this policy. Suspension of all or part of this policy, however, in no way relieves the Board of its obligation to comply with State and Federal

laws and regulations, and rules and regulations of the State Board of Education and the Maryland State Department of Education.

VI. Expiration/Review

- A. This policy will be reviewed at the end of three (3) years, or sooner, if approved by majority vote of the Board of Education in public session.

VII. Effective Date

- A. This policy is effective April 8, 2021.

Citations

State Law: Family Law Article 5-560 through 5-569

State Reg.: COMAR 12.15.02.01

Federal Law:

Admin. Reg.:

Other Citation:

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§ 5-553. Disclosing criminal convictions and pending charges; receipt

West's Annotated Code of Maryland

Family Law

Effective: October 1, 2023

West's Annotated Code of Maryland

Family Law (Refs & Annos)

Title 5. Children (Refs & Annos)

Subtitle 5. Child Care; Foster Care (Refs & Annos)

Part V. Criminal Background Investigations for Employees of Facilities and Other Individuals that Care for or Supervise Children (Refs & Annos)

Effective: October 1, 2023

MD Code, Family Law, § 5-553

Formerly cited as MD Family Law § 5-563

§ 5-553. Disclosing criminal convictions and pending charges; receipt

[Currentness](#)

The employee, employer, and individual identified in § 5-551(b), (c), (d), or (e) of this subtitle shall complete and sign a sworn statement or affirmation disclosing the existence of a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or pending criminal charges without a final disposition.

Credits

Added as Family Law § 5-563 by Acts 1986, c. 110, § 1, eff. July 1, 1986. Amended by Acts 1989, c. 324, § 1, eff. July 1, 1989; Acts 1990, c. 6, § 2, eff. Feb. 16, 1990; Acts 1991, c. 78, § 1, eff. July 1, 1991; Acts 1991, c. 325, § 1, eff. July 1, 1991; Acts 1994, c. 481, § 1, eff. Oct. 1, 1994; Acts 1996, c. 19, § 1, eff. Oct. 1, 1996; Acts 2005, c. 464, § 3, eff. Jan. 1, 2006; Acts 2010, c. 18, § 1, eff. Oct. 1, 2010. Renumbered as Family Law § 5-553 by Acts 2016, c. 185, § 3, eff. June 1, 2016. Amended by Acts 2016, c. 185, § 4, eff. June 1, 2016; Acts 2023, c. 144, § 1, eff. Oct. 1, 2023.

MD Code, Family Law, § 5-553, MD FAMILY § 5-553

Current with all legislation from the 2023 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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§ 5-556. Penalties

West's Annotated Code of Maryland
Family Law
Effective: June 1, 2016

West's Annotated Code of Maryland
Family Law (Refs & Annos)
Title 5. Children (Refs & Annos)
Subtitle 5. Child Care; Foster Care (Refs & Annos)
Part V. Criminal Background Investigations for Employees of Facilities and Other Individuals that Care for or Supervise Children (Refs & Annos)

Effective: June 1, 2016

MD Code, Family Law, § 5-556
Formerly cited as MD Family Law § 5-566

§ 5-556. Penalties

[Currentness](#)

Failing to disclose information is perjury

(a) An individual who fails to disclose a conviction, a probation before judgment disposition, a not criminally responsible disposition, or the existence of pending charges for a criminal offense or attempted criminal offense as required under § 5-553 of this subtitle shall be guilty of perjury and upon conviction is subject to the penalty provided by law.

Penalty

(b) Unless otherwise provided, a person who violates any provision of this Part V of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

Credits

Added as Family Law § 5-566 by Acts 1986, c. 110, § 1, eff. July 1, 1986. Amended by Acts 1989, c. 5, § 1, eff. March 9, 1989; Acts 1994, c. 481, § 1, eff. Oct. 1, 1994; Acts 1996, c. 19, § 1, eff. Oct. 1, 1996. Renumbered as Family Law § 5-556 by Acts 2016, c. 185, § 3, eff. June 1, 2016. Amended by Acts 2016, c. 185, § 4, eff. June 1, 2016.

MD Code, Family Law, § 5-556, MD FAMILY § 5-556

Current with all legislation from the 2023 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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