BACKGROUND CHECK REQUIREMENTS for CONTRACTORS of Baltimore County Public Schools (BCPS)-COMPLETE INSTRUCTIONS with attachments (*8 attachments)

Attached and below please find the information for printing contractors who will work on BCPS property:

- **Letter to Contractors** – *This letter explains the law and information related to fingerprinting of the contractor’s employees.*

  ➢ **Fingerprinting Providers** – All individuals in your work-force who will work on BCPS property are required to be fingerprinted for BCPS at CJIS-Central Repository located at 6776 Reisterstown Road, Suite 102, Baltimore Maryland 21215

  or at one of the approved private providers, which can be found at: [https://www.dpscs.state.md.us/publicservs/fingerprint.shtml](https://www.dpscs.state.md.us/publicservs/fingerprint.shtml)

- **Fingerprinting Flyer** – *This form must be given to each employee to be taken with them to the fingerprint provider so that BCPS will receive the criminal record reports.*

- **COMAR Barrier Crimes (English and Spanish)** – *Anyone with any of the crimes listed on the COMAR Barrier Crimes list will not be permitted to work on BCPS property. Also, anyone with pending criminal charges or anyone currently on probation will not be permitted to work on BCPS property.*

- **Response Form For Required Criminal Background Checks** – *This form should be filled out by your company representative and sent to BCPS right after your employees have been sent to be fingerprinted. The form may be faxed, scanned and emailed (to Melinda-information below) or mailed to the Office of Investigations and Records Management. It should contain the names of each employee that has been sent to be fingerprinted to work on BCPS property.*

  ➢ RESPONSE FORMS SHOULD ONLY LIST NAMES ALREADY FINGERPRINTED AND MUST BE RECEIVED WITHIN 10 BUSINESS DAYS OF SENDING EMPLOYEES TO BE PRINTED.

- **Authorization and Release Affirmation** – *along with the Response Form, you must also include a completed, signed release form for each employee who is fingerprinted. We cannot accept any criminal reports without a signed release affirmation.*

  ➢ The attached NONCRIMINAL JUSTICE APPLICANT’S PRIVACY RIGHTS * and PRIVACY ACT STATEMENT* must be distributed to each listed employee. (receipt to be indicated on affirmation form):
Please note the following documents need to be returned by your company representative to Baltimore County Public Schools, Office of Investigations and Records Management, scan and email to mbasler@bcps.org or fax: 410-296-2158:

- Response form listing all employees who have been printed
- Signed Authorization and Release Affirmation for each listed employee

ORDER OF ACTION:

➢ First find a fingerprint provider that you want to use to print your employees
  o Determine if appointments are needed
  o What type of identification does the fingerprint provider require your employees to bring with them?

➢ Give each employee you plan to have printed a copy of the last three attached documents
  o Authorization and Release affirmation
  o NCJ Applicant Privacy Rights
  o Privacy Act Statement
    - Each employee must complete and sign an Authorization and Release affirmation before being printed

➢ Instruct employees where to go to be fingerprinted and provide each with the
  o FINGERPRINTING FLYER FOR CONTRACTORS (2\textsuperscript{ND} attachment)
    - This will allow BCPS to receive the background reports

➢ Scan and email back to me the Response Form for Required Criminal Background Checks listing the names of each employee who was fingerprinted
  o Along with the “Response Form…” you must send a signed Authorization and Release affirmation for each listed employee

Best regards,

Melinda Basler
Investigations and Records Representative
Baltimore County Public Schools
HR/Office of Investigations and Records Management
Greenwood Campus
6901 North Charles St., Building B
Towson, MD 21204
☎: 443-809-8941 or 8942
fax: 410-296-2158

➢ Office of Investigations and Records Management is located in Building B, all business for OIRM Staff takes place here.
➢ Office of Fingerprinting is located in Building E next to reception; fingerprinting takes place in Building E

Confidentiality Note:
This message is confidential, intended only for the named recipient(s) and may contain information that is privileged, attorney work product, or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the e-mail address or telephone number above and delete this e-mail from your computer. Receipt by anyone other than the above named recipients is not a waiver of any attorney-client, work produce or other applicable privilege. Thank you.
February 12, 2018

To All Contractors:

This letter is to remind you of your responsibility to comply with Section 11-722 of the Criminal Procedures Article, Annotated Code of Maryland, regarding sex offenders, and asking you for a letter of assurance that your work force is in compliance with the law. Thank you in advance for sending the information as requested.

Effective July 1, 2015, amendments to §6-113 of the Education Article of the Maryland Code further require that a contractor or subcontractor for a local school system may not knowingly assign an employee to work on school premises with direct, unsupervised and uncontrolled access to children, if the employee has been convicted of, or pled guilty or nolo contendere to, a crime involving:

a) A sexual offense in the third or fourth degree under §3-307 or §3-308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under §3-307 or §3-308 of the Criminal Law Article if committed in Maryland;

b) Child sexual abuse under §3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under §3-602 of the Criminal Law Article if committed in Maryland; or

c) A crime of violence as defined in §14-101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of §14-101 of the Criminal Law Article if committed in Maryland, including: 1) abduction; 2) arson in the first degree; 3) kidnapping; 4) manslaughter, except involuntary manslaughter; 5) mayhem; 6) maiming; 7) murder; 8) rape; 9) robbery; 10) carjacking; 11) armed carjacking; 12) sexual offense in the first degree; 13) sexual offense in the second degree; 14) use of a handgun in the commission of a felony or other crime of violence; 15) child abuse in the first degree; 16) sexual abuse of a minor; 17) an attempt to commit any of the crimes described in items 1 through 16 of this list; 18) continuing course of conduct with a child under §3-315 of the Criminal Law Article; 19) assault in the first degree; 20) assault with intent to murder; 21) assault with intent to rape; 22) assault with intent to rob; 23) assault with intent to commit a sexual offense in the first degree; and 24) assault with intent to commit a sexual offense in the second degree. In addition to the above, Baltimore County Public Schools considers the following felony crimes as permanent barriers: 1) burglary first degree; and 2) burglary second degree.
The amendments to §5-561 of the Family Law Article of the Maryland Code mandate that each contractor and subcontractor shall require that any individuals in its workforce must undergo a criminal, fingerprint-based, background check if the individuals will work at a Baltimore County Public Schools (BCPS) property. The term “work-force” refers to all of the contractor’s employees that the contractor uses to perform the work required by the contract. Prior to undergoing a criminal, fingerprint-based background check, any individual potentially being sent to work on BCPS property, should be made aware of the criminal history in §6-113 of the Education Article of the Maryland Code which would prohibit the employee from working on BCPS property. If an employee has criminal history as described in the Maryland Code, they may not work on BCPS property and should not be sent for fingerprinting.

These requirements will be implemented immediately beginning with all new contracts and provisions to this effect will be incorporated into all BCPS procurement bids and requests for proposals. These requirements will apply to all BCPS contractors working on BCPS property.

All individuals in your work-force who meet these criteria are required to be fingerprinted for BCPS at CJIS-Central Repository located at 6776 Reisterstown Road, Suite 102, Baltimore Maryland 21215 or at one of the approved private providers, which can be found at: https://www.dpscs.state.md.us/publicservs/fingerprint.shtml. The contractor’s employees will need to request to be fingerprinted for “childcare” and use the code 9000017493. The contractor will provide to BCPS (within 10 business days of fingerprinting), a copy of the Response Form for Required Criminal Background Checks which lists the names of any individuals in the contractor’s work-force who have been fingerprinted to Baltimore County Public Schools, Office of Investigations and Records Management, 6901 N. Charles Street, Building B, Towson, Maryland 21204, or fax to 410-296-2158. A contractor’s employee may not begin to work until final clearance by BCPS. BCPS will issue fingerprint clearance cards, which will be sent to the contractor for distribution to the contractor’s employees. If after review of the criminal history reports BCPS determines that the contractor’s employees are ineligible to work on BCPS property as a result of criminal history, the contractor will be notified by BCPS. BCPS may, in its discretion, deny a member of the contractor’s workforce for criminal history as set forth in §6-113 of the Education Article of the Maryland Code, as well as for habitual or recent criminal activity, pending criminal charges or probation that has not yet been fully satisfied.

Thank you for understanding why this requirement is so critical to the safety of all of our students.

Sincerely,
COMAR BARRIER CRIMES
UNDER MARYLAND LAW, BALTIMORE COUNTY PUBLIC SCHOOLS CANNOT HIRE ANYONE WHO HAS EVER BEEN CONVICTED OF THE FOLLOWING CRIMES:

- Abduction
- Armed carjacking
- Arson
- Assault in the first degree
- Assault with intent to commit a sexual offense in the 2nd degree
- Assault with intent to murder
- Assault with intent to rape
- Assault with intent to rob
- Burglary 1st degree
- Burglary 2nd degree
- Carjacking
- Child abuse in the 1st degree
- Child abuse of a minor
- Handgun in the commission of a felony or other crime of violence
- Kidnapping
- Maiming
- Manslaughter (except involuntary manslaughter)
- Mayhem
- Murder
- Rape
- Robbery
- Sexual abuse of a Minor
- Sexual offense in the 1st, 2nd or 3rd degree
Response Form for Required Criminal Background Checks

PLEASE COMPLETE AND RETURN AS SOON AS YOUR EMPLOYEES HAVE BEEN FINGERPRINTED TO:
BALTIMORE COUNTY PUBLIC SCHOOLS
Office of Investigations and Records Management
6901 Charles Street, Building B, Towson, MD 21204, or Confidential Fax to: 410-296-2158

Under Maryland law (§6-113 of the Education Article of the Maryland Code) enacted in July, 2015, any contractor or member of the contractor's workforce who will be working on Baltimore County Public Schools (BCPS) property must undergo a criminal background check, including fingerprinting. This law is in conjunction with the Maryland law stating that contractors may not knowingly employ a registered sex offender to work on school property. RESPONSE FORMS SHOULD ONLY LIST NAMES ALREADY FINGERPRINTED AND MUST BE RECEIVED WITHIN 10 BUSINESS DAYS OF SENDING EMPLOYEES TO BE PRINTED. IF NOT RECEIVED IN THAT TIME FRAME RE-PRINTS AT CONTRACTORS EXPENSE MAY BE REQUIRED.

SECTION 1: CONTRACTOR INFORMATION – to be completed for new contracts and current contract extensions.

Company Name: ____________________________________________ Date __/__/____
Contact Name: _____________________________________________ Date __/__/____
Address: __________________________________________________
Email: _____________________________________________________ Phone Number: ___ - ___ - ___
Date employees were sent for fingerprints: ____________________________
Contract/RFP/Bid # and Name: _________________________________
BCPS Work Location: _________________________________________

SECTION 2: NAMES OF CONTRACTOR'S EMPLOYEES WHO HAVE BEEN FINGERPRINTED
The following individuals have undergone a criminal fingerprint-based background check, specifically for childcare:

Name_____________________________ Date of Birth ___/___/___
Name_____________________________ Date of Birth ___/___/___
Name_____________________________ Date of Birth ___/___/___
Name_____________________________ Date of Birth ___/___/___

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revised 02/12/2018
Response Form for Required Criminal Background Checks

**Continued: NAMES OF CONTRACTOR’S EMPLOYEES WHO HAVE BEEN FINGERPRINTED**

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**SECTION 3: SIGNATURE & RELEASE REQUIREMENTS**

This Form MUST BE ACCOMPANIED BY A SIGNED Authorization and Release Affirmation for each name listed.

This documentation confirms that the company’s direct employees, and those of any subcontractors and/or independent contractors assigned by this company to perform work on BCPS property under the contract, meet the criminal fingerprint-based background check obligation as specified in Maryland Law, §6-113 of the Education Article of the Maryland Code and are legally authorized to work in the United States in accordance with the U.S. Citizenship and Immigration Services standards of employment eligibility.

Signature: __________________________________________ Date: ____/____/____

Title: _______________________________ Printed Name: _______________________________
NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification\(^1\) that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.\(^2\)
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.24.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.\(^3\)

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.\(^4\)

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at https://www.fbi.gov/services/cjis/identity-history-summary-checks.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

\(^{1}\) Written notification includes electronic notification, but excludes oral notification.
\(^{2}\) https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement
\(^{3}\) See 28 CFR 50.12(b).
\(^{4}\) See 5 U.S.C. 552(a)(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Updated 05/10/2017
FINGERPRINT AUTHORIZATION NUMBER:
9000017493
ORI CODE (FOR CHILDCARE):
MD 004455Y

This flyer must be taken with you when you go to be fingerprinted for BALTIMORE COUNTY PUBLIC SCHOOLS

All contractors being fingerprinted for Baltimore County Public Schools (BCPS) need to present this flyer when being fingerprinted by the Maryland Criminal Justice System (CJIS) or an approved provider. These codes will allow BCPS to receive a copy of the background check. Once the background check has been received by BCPS and reviewed, a fingerprint card will be mailed to the contractor company. **No contractor’s employee is cleared to work on BCPS property until this fingerprint card is received by the contractor company.**

Updated 2/12/2018
CRÍMENES DE BARRERA COMAR
BAJO LA LEY DE MARYLAND, LAS ESCUELAS PÚBLICAS DEL
CONDADO DE BALTIMORE NO PUEDEN CONTRATAR A NADIE
QUE HA SIDO CONDENADO POR LOS SIGUIENTES CRÍMENES:

- Rapto
- Secuestro armado de vehículo
- Incendio provocado
- Asalto de primer grado
- Asalto con intención de cometer una
  ofensa sexual de 2ndo grado
- Asalto con intención de asesinar
- Asalto con intención de violar
- Asalto con intención de robar
- Robo en 1er grado
- Robo en 2ndo grado
- Secuestro de vehículo
- Maltrato infantil de 1er grado
- Maltrato infantil de un menor
- Uso de una pistola para cometer un
  delito mayor u otro crimen de
  violencia
- Secuestro
- Mutilación
- Homicidio (con la excepción de
  homicidio involuntario)
- Caos
- Asesinato
- Violación
- Robo
- Abuso sexual de un menor
- Ofensa sexual de 1er, 2ndo o 3er gra
AUTHORIZATION AND RELEASE FOR THE PROCUREMENT OF A
INVESTIGATIVE REPORT FOR CONTRACTOR

I, ___________________________________________ (clearly print full legal name) do hereby authorize BALTIMORE COUNTY PUBLIC SCHOOLS, by and through the fingerprint provider to procure a fingerprint-based investigative criminal history records report on me. The above-mentioned reports include Federal Bureau of Investigation (FBI) and State of Maryland criminal records reports.

I further authorize any person, business entity or governmental agency who may have information relevant to the above to disclose the same to BALTIMORE COUNTY PUBLIC SCHOOLS, including, but not limited to, any courthouse, any public agency, and any and all law enforcement agencies, regardless of whether such person, business entity or governmental agency compiled the information itself or received it from other sources.

I hereby release BALTIMORE COUNTY PUBLIC SCHOOLS, as well as my current employer,
_____________________________________(clearly print employer name), and any and all persons, business entities and governmental agencies, whether public or private, from any and all liability, claims and/or demands, of whatever kind, to me, my heirs or others making such claims or demands on my behalf, for procuring, providing and/or assisting with the compilation or preparation of the investigative report hereby authorized.

*PLEASE NOTE THAT BALTIMORE COUNTY PUBLIC SCHOOLS MAY RECEIVE ALERT NOTICES WHEN FUTURE ARRESTS / COURT DATES / CRIMINAL INFORMATION IS POSTED TO THE FBI AND/OR THE STATE OF MARYLAND.

My initials below affirm that I have received copies of the following documents as required by the FBI:

"NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS": __________ (initial here upon receipt)

"PRIVACY ACT STATEMENT": __________ (initial here upon receipt)

Signature __________________________________ Date of Birth __________

Date signed __________________________

Amended 02/12/2018
PRIVACY ACT STATEMENT

Authority: The FBI’s acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI’s Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI’s Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any systems(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).