

Required Criminal Background Screening Process for Contractors FAQs

- **What contractors are subject to the criminal background screening process?**

Under a recently enacted Maryland law, any contractor, or member of the contractor's work-force, who will be working in an MCPS facility where they have direct, unsupervised, and uncontrolled access to students must undergo a criminal background check, including fingerprinting. Examples of contractors requiring this criminal background check are visiting nurses, speech and language therapists, occupational therapists, physical therapists, resident artists, school photographers, bottled water delivery staff, vending machine company staff, and contractors working specific construction projects. Please contact the Procurement Unit, 301-279-3555, or the Department of Facilities Management, 240-314-1060, if you have questions about this requirement.

- **How do these new requirements relate to Maryland law on registered sex offenders?**

Both sets of requirements apply to MCPS contractors. Maryland law requires that contractors may not knowingly employ a registered sex offender to work in a school. In addition, a contractor may not knowingly assign a member of its work-force to work on school premises with direct, unsupervised, and uncontrolled access to children, if the individual has been convicted of, or pled guilty or nolo contendere to certain sexual offenses, child sexual abuse offenses, and crimes of violence. For a list of those crimes, see Contractors' Obligation Regarding Criminal Records of Individual Assigned to Work in MCPS facilities at <http://www.montgomeryschoolsmd.org/departments/procurement/Contractors.aspx>. The criminal background check requirement is designed to assist contractors in identifying individuals who fall into any of these categories, as well as those who have committed other offenses that could preclude them from being assigned to a MCPS contract.

- **As a principal I want to hire an individual or group to provide a special program to my students. Does this apply?**

Yes, the criminal background check, including fingerprinting, applies if the outside contractor will have direct, unsupervised, and uncontrolled access to students. The contract needs to include this language and reflect this expectation. Please contact the Procurement Unit if you need support with contract language. Please refer to the Financial Manual, Chapter 15, Consultants and Independent Contractors.

- **How do these requirements apply to Montgomery County Government (MCG) workers?**

MCG employees undergo a criminal background check, including fingerprinting, at the time of hire. They must have their MCG issued identification badge visible or on their person while in the schools. MCPS issues identification badges for County staff in the Linkages to Learning program, who have completed the criminal background check screening requirements.

- **How do these requirements apply to Montgomery College staff working in MCPS sites?**

Montgomery College employees working with the dual enrollment program undergo a criminal background check, including fingerprinting, at the time of hire. They must have their Montgomery College issued identification badge visible or on their person while in the schools.

- **Where do contractors get fingerprinted?**

Contractors can send their work force to the any state approved fingerprinting agency. The list of approved agencies can be found on the Procurement Unit website at <http://www.montgomeryschoolsmd.org/departments/procurement/Contractors.aspx>.

- **Where do contractors access required training materials?**

In addition to fulfilling the criminal background screening requirements, contractors must certify to MCPS that training and/or informational materials on recognizing, reporting, and preventing child abuse and neglect are provided to each individual in its work-force who will have direct, unsupervised, and uncontrolled access to students in an MCPS facility. The Child Abuse and Neglect training can be found at <https://www.montgomeryschoolsmd.org/childabuseandneglect/>

- **Where do contractors get badged?**

When contractors fulfill the criminal background screening and training requirements, they may obtain identification badges through the Department of School Safety and Security, CESC, 850 Hungerford Drive, Room 131, Rockville, MD 20850. Appointments can be made by calling 301-279-3066.

- **What happens if a contractor needs to complete an emergency repair and fingerprinting hasn't yet been completed?**

If a contractor needs to have access to a facility due to an emergency and has not been fingerprinted, an MCPS staff person must escort the contractor to the work site and remain with that contractor during the repair.

- **If individuals in a contractor's work-force has already been fingerprinted by MCPS, do they have to be fingerprinted again?**

No. Once the criminal background screening is completed, MCPS will follow up if it receives any reports of criminal activity issues that may raise concerns about an individual working in one of our facilities. The contractor will be notified and must take appropriate steps to promptly follow up on information identified.

- **Do these requirements apply to subcontractors?**

Yes. The requirements apply to all members of a contractor's work-force, including subcontractors.

- **Does MCPS require contractors to report suspected child abuse or neglect?**

Yes. While they are providing services to MCPS, all contractors are personally and directly required to report any suspected instance of abuse or neglect of a child or vulnerable adult, following the

procedures set forth in MCPS policy and regulation, available at www.montgomeryschoolsmd.org. Additional legal obligations may apply. Any MCPS contractor, acting within his or her service capacity for MCPS, who suspects child abuse and/or neglect and knowingly fails to report it, or who intentionally prevents or interferes with reporting, shall be subject to discipline up to and including discontinuation of services.

- **Who should I contact if I have additional questions?**

Performance Evaluation and Compliance Unit, OHRD, 301-279-3361

Department of Facilities Management, 240-314-1060

Department of Materials Management, 301-279-3348

Procurement Unit, 301-279-3555 or e-mail ContractorObligation@mcpsmd.org