

**OFFICE OF CHIEF OPERATIONS OFFICER**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**May 18, 2023**

**OFFICE OF HUMAN RESOURCES**

- K. Approval to begin the Administrative Procedures Act process: To revise Mississippi Admin. Code 37-1-3 State Board Policy Chapter 3, Rule 27.1 – Criminal Records Background Checks on Applicants for Employment, State Department of Education Staff, Mississippi School for the Deaf and Blind, Mississippi School for Mathematics and Science, and Mississippi School of the Arts

Background Information: The Office of Human Resources revises the rule that establishes the policies and protocol for criminal records background checks on applicants.

Recommendation: Approval

Back-up material attached

## Part 3 Chapter 27: Criminal Background Checks

*Rule 27.1 CRIMINAL RECORDS BACKGROUND CHECKS ON APPLICANTS FOR EMPLOYMENT.* Upon State Board of Education approval, ~~it is the policy that any applicant being recommended for employment with the Mississippi Schools for the Deaf and Blind, Mississippi School for Mathematics and Science, Mississippi School of the Arts, and the Mississippi Department of Education MDE, Office of Compulsory School Attendance Enforcement, hereafter referred to as "schools and/or departments" shall submit to criminal records background checks. Current employees of the schools and those individuals employed prior to State Board of Education approval of this policy are exempt from the policy.~~

The applicant shall be fingerprinted ~~in order~~ to determine the applicant's suitability for employment. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history records check. ~~The applicant may be required to pay fee fee for such fingerprinting and criminal history records checks. shall be paid by the applicant in an amount not to exceed \$50.~~

~~If such fingerprinting or criminal record checks disclose a felony conviction, guilty plea or plea of nolo contendere to any of the felonies listed in Miss. Code Ann. § 25-1-113, felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offenses listed in Miss. Code Ann. §45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire shall not be eligible for employment. If such fingerprinting or criminal history records check discloses a felony conviction, guilty plea or plea of nolo contendere to any of the felonies listed in Miss. Code Ann. § 25-1-113, a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Miss. Code Ann. §S Code Section 45-33-23(g), child abuse, arson, grand larceny burglary, gratification of lust or aggravated assault, which has not been reversed on appeal or for which a pardon has not been granted, the applicant shall not be eligible for employment.~~

~~Any school and/or department under the purview of the Mississippi Department of Education MDE or the State Board of Education may employ any individual prior to receiving criminal records background checks information provided the individual signs a statement acknowledging that any disqualifying information received from the checks may be grounds for immediate dismissal. Any individual employed with a school or Office of Compulsory School Attendance Enforcement under the purview of the Mississippi Department of Education MDE prior to the criminal records background checks being completed, shall acknowledge by signature that he/she understands and agrees that his/her employment shall not be continued should any disqualifying information be revealed in the checks.~~

~~However, the The State Board of Education may in its discretion, allow any applicants for a position, or any individual employed prior to the school receiving criminal records background~~

~~checks information to appear before a hearing officer designated for such purpose to continue employment with the school or Office of Compulsory School Attendance Enforcement. Such mitigating circumstances shall include, but not be limited to:~~

- ~~1. age at which the crime was committed;~~
- ~~2. circumstances surrounding the crime;~~
- ~~3. length of time since the conviction and criminal history since the conviction;~~
- ~~4. work history;~~
- ~~5. current employment and character references;~~
- ~~6. other evidence demonstrating the ability of the person to perform the responsibilities competently and that the person does not pose a threat to the health or safety of the children.~~

Note: Any and all information received through the criminal history records check shall be kept strictly confidential. The information provided from these checks shall only be used for employment purposes.

Source: *Miss. Code Ann. § 37-1-3 (Revised ~~11/2002~~7/2023)*

# **CORRECTED VERSION**

## Part 3 Chapter 27: Criminal Background Checks

*Rule 27.1 CRIMINAL RECORDS BACKGROUND CHECKS ON APPLICANTS FOR EMPLOYMENT.* Upon State Board of Education approval, any applicant recommended for employment with the Mississippi Schools for the Deaf and Blind, Mississippi School for Mathematics and Science, Mississippi School of the Arts, and the MDE, hereafter referred to as "schools and/or departments" shall submit to criminal records background checks.

The applicant shall be fingerprinted to determine the applicant's suitability for employment. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history records check. The applicant may be required to pay fee for such fingerprinting and criminal history records checks.

If such fingerprinting or criminal record checks disclose a felony conviction, guilty plea or plea of nolo contendere to any of the felonies listed in Miss. Code Ann. § 25-1-113, felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offenses listed in Miss. Code Ann. §45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire shall not be eligible for employment.

Note: Any and all information received through the criminal history records check shall be kept strictly confidential. The information provided from these checks shall only be used for employment purposes.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2023)*