

General

Public Law H.B. 1498 (TEC21.917) requires that a criminal search be conducted on all applicants that become employees of the district. In order to ensure that the District has qualified teachers, support staff, administrators, and caring volunteers, a criminal history check of all prospective and current employees and volunteers shall be conducted. In accordance with Texas Education Code 22.083, the District may obtain criminal history record information that relates to a person the District intends to employ or a person who has indicated in writing, an intention to serve as a volunteer with the District, as well as to a person currently employed or serving as a volunteer. This administrative regulation outlines the District's expectations and guidelines regarding the criminal history checks for present and prospective District employees and volunteers.

Definitions

Conviction:

For the purposes of this policy, the word "conviction" shall mean a verdict by plea of guilty, or otherwise by plea of nolo contendere, upon judgment of a court (with a jury having been waived), without regard to subsequent disposition of the case or suspension of sentence, probation, deferred adjudication, or other disposition.

Moral Turpitude:

Moral turpitude includes but is not limited to dishonesty; fraud; deceit; misrepresentation; deliberate violence; base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; drug-or alcohol-related offenses; or acts considered abuse under the Texas Family Code.

Examples of offenses that involve moral turpitude include, but are not limited to:

- Arson
- Burglary
- Forgery
- Public lewdness
- Prostitution
- Theft (in excess of \$500.00 in value)
- Sexual offenses (various)
- Swindling
- Any crime involving assault or indecency with a child.

Deferred Adjudication:

Deferred adjudication is the act of delaying or postponing to a future time final judgment in a legal proceeding.

Nolo contendere:

“I will not contest.” A plea of “no contest” in a criminal prosecution subjects the defendant to conviction but does not admit guilt or preclude denying the charges in another proceeding.

**Current District
Employees**

The Human Resources Department will obtain criminal history record information that relates to all persons employed by CCISD. The following guidelines are applicable to current employee criminal history checks:

1. CCISD will obtain information regarding crimes but will not use any information unless the information demonstrates the employee: (1) failed to disclose on employment application any conviction, probation or deferred adjudication not protected by an order of non-disclosure; (2) committed a crime involving moral turpitude; or (3) committed violence toward a person or injury or indecency with a child, or conspiracy. This policy would apply whether the above offenses were committed before or after employment. They would still be grounds for immediate termination.
2. An employee who did not disclose a prior criminal history when requested at the time of employment and whose records are not protected by an order of non-disclosure may be recommended for termination.
3. An employee who did not have a criminal history at the time of employment application and was involved in an incident that resulted in criminal history after employment in CCISD will be reviewed on a “case –by– case basis” and disciplinary action up to and including termination may result.
4. District employees must notify the Superintendent or designee in writing, within three calendar days, if they are arrested for, charged with, convicted of, granted deferred adjudication for or if they have entered a plea of nolo contendere to any felony or misdemeanor involving moral turpitude. Failure to make such notification will constitute grounds for termination.
 - a. A district employee placed on deferred adjudication may be recommended for termination based upon the underlying facts that led to the deferred adjudication. For the purpose of a termination hearing, the facts to which the employee pleaded in order to obtain deferred adjudication will presume to exist and be correct.

- b. The District may suspend or terminate any employee convicted of a felony or misdemeanor if the crime directly relates to their fitness for duty, their job duties and responsibilities or adversely affects their job effectiveness or the mission of the school district.
 - c. District employees under felony indictment may be reassigned, placed on administrative leave with or without pay, or recommended for suspension with or without pay pending adjudication of their cases.
5. In compliance with Texas Education Code 22.083 (c), Clear Creek ISD must report to the State Board for Educator Certification (SBEC) any known criminal record of employees who hold certification.

Required Notification by Employee

An employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the Superintendent or designee within three calendar days of the arrest. An employee, who is convicted of or as defined in this policy, receives deferred adjudication or probation for such an offense must also report in writing to the Superintendent or designee, within three calendar days of the event. Failure to report shall be considered job-related misconduct.

Volunteers

The District will obtain criminal history records of any volunteers including, chaperones, mentors, and tutors, who intend to volunteer with the District. [See GKG]

Confidentiality

Criminal history information shall be for the use of the District, the Texas Education Agency, and the State Board for Educator Certification only. No District employee shall release or disclose such information to non-District personnel other than the person who is the subject of the information, under penalty of law and/or possible discharge. However, in compliance with the Texas Education Code 22.083 (c), the District shall report to the State Board for Educator Certification any known criminal record of employees who hold certification.