



Administrative Regulations

South San Antonio Independent School District

C– Contracted Services	CJA
Page 1 of 4	2023
Background Checks	

Beginning January 1, 2008, the district may obtain the criminal history record information of a person hired as a contractor through the criminal history clearinghouse.

A person or business entity that enters into a contract with a district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. A district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give such notice or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.

A person who is not an applicant for or holder of a certificate under Education Code Chapter 21, Subchapter B, and who on or after January 1, 2008, is offered employment by an entity that contracts with a school district or any subcontractor of the entity must submit to a national criminal history record information review if:

1. The employee or applicant has or will have continuing duties related to the contracted services; and
2. The employee or applicant has or will have direct contact with students.

"Direct contact with students" is the contact that results from activities that provide substantial opportunity for verbal or physical interaction with students that is not supervised by a certified educator or other professional district employee. Contact with students that results from services that do not provide substantial opportunity for unsupervised interaction with a student or students, such as addressing an assembly, officiating a sports contest, or judging an extracurricular event, is not, by itself, direct contact with students. However, direct contact with students does result from any activity that provides substantial opportunity for unsupervised contact with students, which might include, without limitation, the provision of coaching, tutoring, or other services to students.

The person must submit to the review before being employed or serving in a capacity described above.

Before or immediately after employing or securing the services of a person described above, the entity contracting with a district shall send or ensure that the person sends to the Department of Public Safety (DPS) information that is required by DPS for obtaining national criminal history record information, which may include fingerprints and photographs.



Administrative Regulations

South San Antonio Independent School District

An entity contracting with a school district and any subcontractor of the entity shall obtain all criminal history record information that relates to a person described above through the criminal history clearinghouse as provided. A contracting entity shall require that a subcontracting entity obtain all criminal history record information that relates to an employee described above. If a contracting or subcontracting entity determines that the conditions above do not apply to an employee, the entity shall make a reasonable effort to ensure that the conditions or precautions that resulted in that determination continue to exist throughout the time that the contracted services are provided.

PROCEDURES

1. The Human Resources Department will be responsible for background checks for applicants, contractors, and employees. Those individuals will complete a Criminal History Record Information Form. An applicant who refuses to complete, sign and submit the form will be removed from further consideration. Falsification, misrepresentations, or omissions of fact may be grounds for rejection of an application or dismissal from subsequent employment or volunteer opportunities.
2. For contractors the campus/department must keep all information secure and should deliver the forms to HR via the District Mail Courier or in person. Only designated District personnel are authorized to initiate requests for criminal history record information from the Texas Department of Public Safety. No copies of forms should be filed in campus/department.
3. Human Resources will deny with results of the background check that may be unacceptable for working with students according to the guidelines below. If an individual is denied and inquires as to why, they may contact the designate human resources administrator at the district offices.
4. Criminal history record information will be used only to evaluate applicants for employment for positions. Criminal history record information obtained pursuant to these procedures and Policies DC (Legal) and DC (Local) will be regarded as confidential as required by law and will not be made part of the applicant's file or communicated to any unauthorized person. The unauthorized release to any individual of criminal history record information obtained pursuant to these procedures is not allowed by law. Additionally, Texas Department of Public Safety guidelines do not allow the release of criminal background information to the applicant.
5. If circumstances require that an employment offer be made before the completion of a background check, the offer must be in writing and contain the following statement: "This offer is contingent on the completion of a satisfactory criminal background check." However, in



Administrative Regulations

South San Antonio Independent School District

general the individual to whom the position is offered may not begin work until the results of the criminal background check has been received and reviewed.

6. Questions regarding compliance and other issues related to criminal history record information should be addressed to the Human Resources Department.

GUIDELINES FOR REVIEW OF CRIMINAL BACKGROUND CHECKS

1. Verify name, social security number, birth date and ethnicity with original application
2. Review arrest record consider:
 - a. Reason for arrest
 - b. Date of last arrest – if ten years or more, may indicate recent good conduct
 - c. Number of times arrested – if only one or two and not very recent, may indicate this behavior is probably not habitual
 - d. Disposition of arrest record – was individual convicted, found not guilty, given probation, opted for deferred adjudication or were charges dropped
3. Human Resources Department procedures CHC Exhibit provides guidelines for volunteers and applicants and makes the determination based on the following criteria:

Automatic Rejection:

- Prior felony conviction(s)
- Prior conviction(s) of a Class A misdemeanor offense within the last seven (7) years involving moral turpitude (improper conduct including, but not limited to: dishonesty; fraud; deceit; theft; misrepresentation; deliberate acts of violence, base, vile, or depraved acts that are intended to arouse or to gratify the sexual desire of the actor), acts constituting abuse or neglect under Sec. 61.001 of the Texas Family Code; or offenses involving drugs/alcohol.
- Pending felony or misdemeanor charges that involve offenses of moral turpitude or offenses involving drugs/alcohol.
- More than (1) arrest for alcohol and/or drug related charges during the past three (3) years
- Deferred adjudication for a felony or Class A misdemeanor involving moral turpitude (improper conduct including, but not limited to: dishonesty; fraud; deceit; theft; misrepresentation; deliberate acts of violence, base, vile, or depraved acts that are intended to arouse or to gratify the sexual desire of the actor), acts constituting abuse or neglect under Sec. 61.001 of the Texas Family Code; or offenses involving drugs/alcohol.

Administrative Consideration:

The District shall perform an individualized assessment of criminal history record information when determining a person's eligibility for employment in a specific position. The District shall consider a variety of factors, including the following:

1. The nature of the offense;
2. The age of the person when the crime was committed;



Administrative Regulations

South San Antonio Independent School District

3. The date of the offense and how much time has elapsed;
4. The adjudication of the offense (e.g., whether the person was found guilty by a trier of fact, pled guilty, entered a no contest plea, or received deferred adjudication);
5. The nature and responsibilities of the job sought;
6. The accuracy of the person's disclosure of his or her criminal history during the selection process;
7. The effect of the conduct on the overall educational environment; and
8. Any further information provided by the person concerning his or her criminal history record for:
 - Arrest/Conviction for Class C misdemeanor after two (2) years
 - Arrest/Conviction for two (2) Class C misdemeanors after two years and at least five (3-5) years apart
 - Arrest/Conviction for Class B misdemeanor after five (5) years
 - A combination of Class B and C misdemeanors after seven (7) years
 - A combination of A, B, and or C misdemeanors after ten (10) years
 - Other Arrests/Convictions as deemed appropriate

GENERAL RESPONSIBILITIES

The administrator has the following responsibilities:

1. To ensure that the appropriate criminal background check is completed before a job offer or volunteer position is
 - 1. extended, unless the offer is made contingent on the completion of a satisfactory check.
2. To remove from consideration for employment and/or volunteer opportunities any applicant whose criminal
 - 3. background information proves to be unacceptable.
4. Maintain confidentiality as access to background checks is restricted to authorized personnel only.

The Human Resources Department has the following responsibilities:

1. To conduct the appropriate criminal background checks in compliance with Policies DC (LEGAL) and DC (LOCAL) and in accordance with Texas Department of Public Safety guidelines.
2. To consider the nature, date, and relationship between criminal background information received and the position for which an applicant or volunteer is applying.
3. To base determinations of employment and volunteer service unacceptability upon convictions, not on arrest information.
4. If a candidate for a position has a reported criminal history, and the candidate is certified by the State Board of Educator Certification (SBEC), the District shall report the criminal history to SBEC.
5. Require training of all employees who are assigned access to Criminal Justice Information (CJI) and Criminal History Record Information (CHRI).
6. Authorized personnel will take necessary steps to prevent physical and electronic breaches by securely storing information for access as well as protecting the District from any breaches.
7. Physical records shall be disposed using a District shredder and electronic media shall be disposed of by the Technology Department in accordance with established guidelines for disposal.