



Administrative Regulations

South San Antonio Independent School District

D – Personnel	DBAA
Page 1 of 4	
Background Checks - 2023	

Background Checks

Board Policy Reference: DBAA (LEGAL), DBAA (LOCAL), DC (LEGAL), DC (LOCAL), GKG (LEGAL)

The purpose of this procedure is to provide for the administration of criminal background checks. No copies of forms, background results or copies of identification shall be maintained by the district.

AUTHORITY

Texas Education Code (TEC), Chapter 22, Subchapter C requires the following to be fingerprinted prior to employment:

- All certified educators (those holding an educator certification or Emergency Teaching Permit issued by the State Board for Educator Certification [SBEC];
- All classroom substitute teachers and educational aides, whether certified or not;
- Non-certified employees hired by a district or charter school on or after 1/1/08 (including applicants for a School District Teaching Permit);
- Charter school employees, whether certified or not, working in a teaching or professional position;
- Contracted employees hired on or after 1/1/08 who have direct contact with students.

The following are subject to a name-based background check per Texas Education Code (TEC) § 22.0835:

- Non-certified employees hired before 1/1/08
- Contracted employees hired before 1/1/08 who have direct contact with students
- Student teachers

Policy GKG and DBAA (Legal)

The criminal history record review requirements do not apply to a person who is with the District or shared services arrangement if the person:

1. Will be accompanied by a District employee while on a school campus for no more than two days; or
2. If a parent, grandparent or guardian attending a meeting or activity for a single event on the school campus, field trip or event at the district level and has been approved through the Navigate 360 software system.

The District may obtain all criminal history record information that relates to an individual listed above if needed. A person who volunteers to assist with an extracurricular activity is not liable for civil damages



Administrative Regulations

South San Antonio Independent School District

arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM (LEGAL)] unless the act or omission is willfully or wantonly negligent.

Education Code 33.211

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 general the individual to whom the position is offered may not begin work until the results of the criminal background check have 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.



Administrative Regulations

South San Antonio Independent School District

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;
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;



Administrative Regulations

South San Antonio Independent School District

7. The effect of the conduct on the overall educational environment; and
8. Any further information regarding a 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.