

EMPLOYMENT PRACTICES

DC (R)

EMPLOYMENT OF
RETIRED EMPLOYEES
FROM TRS

In filling vacancies, the District will give priority to non-retired applicants. Applicants who have retired under the Teacher Retirement System of Texas (TRS) may be considered for employment and will be subject to the same pre-employment requirements as all other applicants (i.e., application, references, criminal history record checks, etc.)

The District may hire TRS retirees on a one-half time, part-time, full-time, temporary, or substitute basis.

The District's hiring efforts will give priority to non-retired educators.

Professional/Administrative and classified applicants will be hired on a limited basis, based on the needs of the District.

EMPLOYMENT OF
TEACHERS IN AN
ALTERNATIVE
CERTIFICATION
PROGRAM (ACP)

Teachers employed under an Alternative Certification Program (ACP) have one year from the date of hire to complete all necessary components associated with full certification including passing all competency examinations. All requirements for full SBEC certification must be completed no later than 45 days prior to the first day of the school year/semester. Failure to do so will result in the teacher's placement on the substitute list until the expiration date on the teacher's probationary certificate at which time the employee will be terminated. Therefore, except under the most extraordinary circumstances, a second year in the ACP will not be approved by the Executive Director of Human Resources.

RESIGNATION /
RETIREMENT

Once an employee has submitted a resignation or retirement, that action is final when it has been accepted by the Superintendent.

CRIMINAL HISTORY

The District shall obtain the criminal history record of

RECORD CHECK

applicants the District intends to employ, current employees, substitutes, and providers of contract services for the District.

DEFINITIONS

“CONVICTION” For the purposes of this regulation, the word “conviction” shall mean a verdict of guilty, a plea of guilty or a plea of *nolo contendere*, without regard to subsequent disposition of the case or suspension of sentence, to include but not limited to a grant of probation or deferred adjudication.

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

“DEFERRED ADJUDICATION” The deferral of criminal proceedings by the court after a person has entered a plea of guilt or *nolo contendere*.

“PLEA OF *NOLO CONTENDERE*” The legal effect of a plea of *nolo contendere* is the same as that of a plea of guilty, except that such a plea may not be used against the defendant as an admission in a civil suit based upon or growing out of the act which the criminal prosecution is based.

APPLICANTS

Any applicant who fails or refuses to grant authorization for the District to conduct a criminal history check shall be deemed to have an incomplete application and shall not be eligible for consideration for employment.

The District reserves the right not to employ any applicant whose criminal history record indicates a conviction for a felony or misdemeanor involving moral turpitude, repeated arrests, or other criminal activity judged not to be proper for a school employee [See DC]

If a criminal history background check on an applicant reveals an outstanding warrant, this information will be forwarded to the District’s Chief of Police for review and action.

CONTRACT SERVICES PROVIDERS

Any contract services provider who fails or refuses to grant authorization for the District to conduct a criminal history check shall be deemed not eligible for consideration for contract services.

The District reserves the right to not to contract with a services provider to schools whose criminal history record indicates a conviction for a felony or misdemeanor involving moral turpitude, repeated arrests, or other criminal activity judged not to be proper for a school employee or contract services provider to schools [See DC]

If a criminal history background check on a contract services provider reveals an outstanding warrant, this information will be forwarded to the District's Chief of Police for review and action.

CURRENT EMPLOYEES AND SUBSTITUTES,

The District shall routinely obtain criminal history record information on current employees and substitutes.

An employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the principal or immediate supervisor and the Executive Director of Human Resources in writing within three calendar days of the arrest. If the employee is convicted or receives deferred adjudication for such an offense, the employee must also report that event to the principal or immediate supervisor and the Executive Director of Human Resources in writing within three calendar days of the decision.

CRIMINAL RECORDS REVIEW PROCESS

The Department of Human Resources shall use the guidelines set out in this regulation concerning criminal history record checks to determine if an applicant, employee or a contract service provider should be denied employment or a contract for services based on his or her criminal record.

GUIDELINES FOR CURRENT EMPLOYEES

The Department of Human Resources will use the following guidelines to determine if current employees should be recommended for proposed termination based on his or her criminal record:

An employee who did not disclose a prior criminal conviction when requested at the time of employment may be recommended for termination.

If a conviction involving a felony or misdemeanor involving moral turpitude is discovered subsequent to employment, and if a recommendation for proposed termination is made, the recommendation for proposed termination will be based on the same criteria as required for applicants as set out in this regulation [See DC (Exhibit)]

After notification of a proposed suspension or employment termination, a contract employee may request a hearing in accordance with DF (LOCAL).

REVIEW COMMITTEE

An individual whose employment or contract with the district is proposed for termination (or non approval) may appeal to the criminal record review committee made up of the Associate Superintendent of Business Services/CFO or designee, the Executive Director of Human Resources or designee, and the appropriate campus principal or building administrator or designee. However, this appeal to the review committee is not available to individuals whose criminal record includes conviction of a felony of the third degree or greater in the past ten years or a conviction of an offense that poses a risk of harm to children.

CONFIDENTIALITY REQUIREMENT

Criminal History information is privileged and for the use of the District, the Texas Education Agency, and the State Board for Educator Certification (SBEC) only. To the extent required by law, District employees shall not release or disclose such information to a person who is the subject of the information, under penalty of law and/or possible discharge. In compliance with the Texas Education Code 22.973(c), the District shall report to SBEC certain criminal records of employees who hold certification.

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CRITERIA FOR APPLICANTS, EMPLOYEES, SUBSTITUTES,
CONTRACTOR SERVICES PROVIDERS WITH CRIMINAL HISTORIES

CRITERIA:

The Review Committee may consider the following factors in determining whether to recommend a waiver of the criminal history restrictions to employment or contracting with the District:

- The nature and seriousness of the crime;
- The relationship of the crime to the purposes of the District;
- The extent to which employment might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position with the District;
- The extent and nature of the person's past criminal activity;
- The age of the person at the time of the commission of the crime;
- The time elapsed since the person's last criminal activity;
- The conduct and work activity of the person prior to and following the criminal activity;
- Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;
- The results of any action taken by the licensing authority if the person holds a professional license;
- Other evidence of the person's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility of the person, law enforcement officers in the community where the person resides, and any other persons in contact with the convicted person;
- The effect of crime upon the District or, if an applicant, the effect that hiring the person would have upon the District;
- Whether the individual has a pattern of habitual criminal activity;
- The publicity surrounding the actual crime;

- The overall impact of the conduct upon the operation of the school or the District;
- Whether the person is a clear and present danger to other staff, students, or the general public;
- Any extenuating circumstances.

CRIMINAL RECORD DECISIONS:

- If after applying the criteria outlined above, the Review Committee believes that the applicant, current employee, or contract services provider should be employed, all members of the Review Committee shall jointly sign a recommendation to the Superintendent regarding the same.
- If the Superintendent approves the recommendations, the applicant, employee, substitute, or contract services provider may be made an offer of employment, continued employment or to provide contracted services.