

North East ISD

015910

COMMUNITY
RELATIONS: SCHOOL
VOLUNTEER
PROGRAM

GKG(R)

PURPOSE

Recognizing the increasingly important role that volunteers play in education as they help to promote school/community partnership and enrich curriculum, the Board encourages the use of volunteers to complement and supplement educational programs.

CRIMINAL HISTORY
RECORD CHECK

The District shall obtain the criminal history record of prospective school volunteers and shall inform volunteers when their services are to begin. A list will be published and distributed at least monthly from the Volunteer Program to each Campus.

The criminal history record check will be completed on all volunteers who have frequent and direct contact with students. Frequent contact is defined as someone who volunteers at the same school on three (3) or more occasions in a school year. Criminal history record checks will not be completed for individuals who volunteer or participate in Campus activities less than three (3) times in a school year.

The District Volunteer Coordinator shall notify any volunteer who is not approved for volunteer service based on their criminal history record.

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.

VOLUNTEER
APPLICANTS

Any volunteer 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 to volunteer.

The District reserves the right not to approve volunteer status to 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 volunteer.

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.

CURRENT
VOLUNTEERS

The District shall require a criminal history record check to be completed, at a minimum, every two years on all volunteers who have frequent and direct contact with students.

All volunteers are expected to present a valid form of identification each time they enter a school. This identification may include a U.S. state issued driver’s license or identification card, a Texas concealed handgun license, a Mexican driver’s license or identification card, or a VISA or passport.

REQUIRED
NOTIFICATION BY
VOLUNTEER

A volunteer who is arrested for any felony or any offense involving moral turpitude must report the arrest to the District Volunteer Coordinator in writing within three (3) calendar days of the arrest. If the volunteer is convicted or receives deferred adjudication for such an offense, the volunteer must also report that event to the District Volunteer Coordinator in writing within three (3) calendar days of the decision.

CRIMINAL RECORDS REVIEW PROCESS

The Volunteer Program Department shall use the guidelines set out in this regulation concerning criminal history record checks to determine if an applicant should be denied the privilege to volunteer based on his or her criminal record. Judicial decisions or disposition may not be dispositive of the volunteer decision.

APPEALS

If the applicant is not satisfied with the outcome of the criminal records review process, they may appeal the decision by following the procedures outlined below.

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. This review may include additional documentation submitted by the volunteer applicant. There is no expectation that the applicant appear before the committee.

LEVEL ONE

An applicant who has a criminal record that would preclude volunteering within the District may appeal to the criminal record review committee made up of the Executive Director of Communications, a Human Resources director, the Director for Partners in Education, and the District Volunteer Coordinator.

The appeals notice must be filed in writing, on a form provided by the District within ten (10) business days of the date the individual first knew, or with reasonable diligence should have known, of the decision giving rise to the appeal. The applicant will be notified in writing of the review committee's decision within ten (10) business days of submitting the appeal.

LEVEL TWO

If the individual did not receive the relief requested at Level One, he or she may request a conference with the Superintendent or designee to appeal the Level One decision. The appeals notice must be filed in writing, on a form provided by the District, within ten (10) business days of the date of the written Level One response.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.

2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference and notify the applicant of the conference within ten (10) business days after the appeals notice is filed. The conference shall be limited to the issues presented by the individual at Level One and identified in the Level Two appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten (10) business days following the conference. The written response shall set forth the basis for the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the individual did not receive the relief requested at Level Two or if the time for a District response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten (10) business days of the date of the written Level Two response or, if no response was received, within ten (10) days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.

2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three (3) business days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable laws. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

**WAITING PERIOD
FOR
REAPPLICATION**

If an applicant has been denied volunteer status at anytime, they may re-apply for volunteer status once every school year.

**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.

CRITERIA FOR VOLUNTEERS
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 volunteers:

- The nature and seriousness of the crime;
- The relationship of the crime to the purposes of the District;
- The extent to which volunteering 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 volunteer responsibilities;
- 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;
- 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 a volunteer applicant, the effect the volunteer 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 or other relevant circumstances.

CRIMINAL RECORD DECISIONS

- If after applying the criteria outlined above, the Review Committee believes that the applicant should be allowed to volunteer, all members of the Review Committee shall jointly initial approval.

Date Issued: 06/21/10