

Education Service Center, Region 20

Head Start Program

Human Resource Management – Criminal Record Check

RE: Head Start Act Sec. 648A. STAFF QUALIFICATIONS AND DEVELOPMENT (42 U.S.C. 9843a) (g) Staff Recruitment and Selection Procedures – Before a Head Start agency employs an individual, such agency shall – (3) obtain – (A) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children.

Education Service Center, Region 20 (ESC-20), Bandera ISD, Devine ISD, Hondo ISD, Lytle ISD, Medina Valley ISD and Natalia ISD all subscribe to Texas Association of School Boards (TASB) for their legal Board Policy.

ESC-20 DBAA (Legal) – EMPLOYMENT REQUIREMENTS AND RESTRICTIONS – CRIMINAL HISTORY AND CREDIT REPORTS details policy for handling the following:

- Definition
- Criminal history
- Confidentiality of record
- Destruction of CHRI
- Confidentiality of information obtained from applicant or employee
- SBEC notification
- Mandatory discharge of convicted employees
- Exception
- Optional termination
- Consumer credit reports
- Obtaining reports
- Adverse action
- Disposal of records

Additionally, ESC-20 has DBA (Local) - EMPLOYMENT REQUIREMENTS AND RESTRICTIONS – CREDENTIALS AND RECORDS.

For each school district, DBAA (Legal) – EMPLOYMENT REQUIREMENTS AND RESTRICTIONS – CRIMINAL HISTORY AND CREDIT REPORTS details their policy for handling the following:

- Definitions
- Certified persons
- Noncertified employees

- Applicability
- Information to DPS and TEA
- Employment pending review
- Criminal history
- Substitute teachers
 - Applicability
 - Information to DPS and TEA
 - Employment pending review
 - Criminal history
- Student Teachers
 - Applicability
 - Information to DPS and TEA
 - Employment pending review
 - Criminal history
- Coordination of efforts
- All other employees
- Confidentiality of record
- Destruction of CHRI
- Confidentiality of information obtained from applicant or employee
- SBEC notification discharge of convicted employees
- Exception
- Certification to SBEC
- Optional termination
- Consumer credit reports
 - Obtaining reports
 - Adverse action
 - Address discrepancies
 - Disposal of records

Each hiring agency ensures that a criminal record check is completed during the hiring process to include the local name check with the Texas Department of Safety and/or the national FBI fingerprint database. The following description details the process each agency uses.

ESC-20

During the initial interview, the candidate completes the Criminal History and *DPS Computerized Criminal History (CCH) Verification* form, which authorizes ESC-20 to perform the check with DPS Secure Website based on name and DOB. It also authorizes ESC-20 to procure a National/Name CHRI at any time during employment. DPS name/DOB inquiries results are returned immediately through DPS secure website.

If the results from the name and DOB check with DPS have no concerns, then the candidate continues on through the next levels of interview. If there are any concerns with the results, ESC-20 has a process which takes into account the nature of the offense. Once a position is offered to the candidate and they begin employment, they are required to complete the fingerprinting process and results are sent to ESC-20 via the FACT database. Employment is contingent upon completion of a National Criminal History Inquiry (NCHI).

Once someone is employed with ESC-20, their CHRI information is subscribed to by ESC-20. In the event that there is an arrest or update activity, an email alert is sent to the agency notifying them of the event and the information is available in FACT. Upon separation of employment from ESC-20, the record is unsubscribed.

Bandera ISD

During the initial interview process, if a candidate is recommended for employment, candidate is required to submit their fingerprints for analysis. If a candidate submits a copy of the receipt indicating that he/she has completed fingerprinting for SBEC, then the recommendation for employment process moves forward. However, the results from fingerprinting must be available to the district prior to first day of employment. If a candidate is recommended for employment and the candidate has not been fingerprinted for SBEC, then a name and date of birth background check is conducted prior to the fingerprint process. *Submitted by Marie Halloran, Bandera ISD*

Devine ISD

During the initial interview process, candidates are required to submit their fingerprints for analysis. After a principal or director submits a letter of recommendation to the superintendent, the personnel department subscribes to the L1 data base to check the criminal history. But, if the applicant has not been fingerprinted yet, then the applicant must complete the process before they begin working for the district. However, if a position offer is made prior to the results from fingerprinting are available, the position is contingent upon the results and the offer can be retracted. Additionally applicants are required to answer questions on the application regarding any prior arrests, so if the district finds out that information was not disclosed, then it is very unlikely the applicant would be hired. Please note: Prior to January 2008, districts were only required to do the Texas driver's license paper-based check. The requirement for fingerprinting implemented by SB 9, started January 1, 2008, however, non-certified personnel hired before January 1, 2008 were "grandfathered" and not required to be fingerprinted. *Submitted by Glenda Allen, Devine ISD*

Hondo ISD

During the initial interview process, candidates are required to submit their fingerprints for analysis. The candidate also completes the DPS Computerized Criminal History (CCH) Verification form, which authorizes Hondo ISD to perform the check with DPS Secure Website based on name and DOB. If the results from the name and DOB check with JDPS have no concerns, then the candidate continues through the next levels of interview. If the applicant submits the receipt for fingerprinting to the school district during

the interview process, then interviews move forward to potential position offer. However, if a position offer is made prior to the results from fingerprinting are available, the position is contingent upon results and the offer can be retracted. *Submitted by Rali Blomstedt, Hondo ISD*

Lytle ISD

During the initial interview process, candidates are required to submit their fingerprints for analysis. If the applicant submits the receipt for finger printing to the school district during the interview process then interviews move forward to potential position offer. However, if a position offer is made prior to the results from fingerprinting are available, the position is contingent upon results and the offer can be retracted. For certified personnel, Educator Fingerprint Status form will be printed from the TEA/SBEC site and placed in the employees personnel file. Non-Certified Employees will be verified through the Clearinghouse documentation kept in the District File. *Submitted by Laura Uribe-Center, Lytle ISD*

Medina Valley ISD

During the initial application/interview phase, the candidate completes the DPS Computerized Criminal History Verification form, which authorizes, MVISD to check the DPS Secure Website based on the applicant's name and DOB.

If results or concerns are found in the search, the information is reviewed confidentially by the Assistant Superintendent for Human Resources for approval or declination. If no results are found, then the candidate moves to the next level of the hiring process. Once the applicant is offered employment, they obtain their fingerprints and results are sent to MVISD. If there are no concerns, the person remains employed. *Submitted by Chris Martinez, Medina Valley ISD*

Natalia ISD

Upon applying for a position in the district, candidates are required to fill out the criminal history form along with their application. As the applications are screened by the Campus Administrators and become a potential hire, the administrator requests HR to do a criminal history check on the applicant. If the applicant comes back with a clean record, then the Campus Administrator is notified and proceeds with his/her recommendation for hire. As the applicant is hired, the employee is given a "fast pass" to be finger printed. After the employee has been fingerprinted, the employee brings their receipt to HR to be kept and filed in their personnel file. *Submitted by Mary Estrada, Natalia ISD*

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Board Approved:

Policy Council Approved: