

## STANDARD TERMS AND CONDITIONS

### EMPLOYMENT ELIGIBILITY GUIDELINES

Every contract employee (or applicant) who will have contact with district students shall have a criminal history search performed and reported prior to being allowed to work on District property. There will be no exceptions.

Criminal history returns often show arrests but fail to report the disposition. Staff limitations prevent the district from contracting each employee to request disposition. The contractor employee (or potential employee) will be reported as ineligible until they provide the District with an official transcript or record of this disposition.

### BACKGROUND CHECK/CRIMINAL HISTORY GUIDELINES

The employee (or applicant) will be cleared or reported as eligible for work under this contract after the contractor provides the District with the official record or disposition showing that the employee/applicant was found not guilty or that the charges were dismissed.

Contractor, employee, or applicant who have active warrants for their arrest charging them with any criminal violation, who have charges pending on any criminal violation, or who have been convicted, placed on probation, or deferred adjudication for the following offenses are not eligible to work on McKinney Independent School District property (or school functions otherwise included under this contract).

1. Any offense against a child
2. Any sex offense
3. Any felony
4. Misdemeanor possession of a controlled substance within 10 years of date of application
5. Any weapon offense
6. Theft, larceny, fraud issuance of a bad check, theft by check above the class C misdemeanor level or more than one offense at the class C level

7. Alcohol offenses, including DWI, that in the aggregate equal 2 or more or 2 when they occur within one year of each other. One DWI will not disqualify an applicant from consideration except that they may not be considered for a position that involves the operation of district vehicles or the transportation of students or staff.
8. Forgery
9. Altering an Official Document
10. Perjury
11. Securing executing of a document by deception
12. Any other offense the district believes might compromise the safety of students, staff, or property.

The District may in its sole discretion deem an employee ineligible as a result of offenses not listed above if the District determines that such an action is in the best interest of the District. Determinations of ineligibility shall not be made on any basis which would violate any law prohibiting discrimination on the basis of ethnicity, race, creed, color, gender, age or religion.

### **FELONY CONVICTIONS**

**Contractors or sub-contractors may not work on district property where students are present when they have charges pending, have been convicted, received probation or deferred adjudication for the following:**

1. Any offense against a child
2. Any sex offense
3. Any crimes against persons involving weapons or violence
4. Any felony offense involving controlled substances
5. Any felony offense against property

### **FINGERPRINTING REQUIREMENTS**

Senate Bill 9 was passed by the 80th Legislature and mandates that TEA acquire criminal history reports on charter school employees, certified and currently employed educators, substitutes, and non-certified employees hired after January 1, 2008. The contractor shall adhere to the following requirements for each employee:

- The district will upload required information for applicants being considered for employment to SBEC Online. Districts will be able to check the progress of each applicant throughout the process via SBEC Online. TEA requires all districts to use the attached Excel spreadsheet for the Non-certified employee upload.
- TEA will email a list to the district identifying those individuals who are subject to SB 9 fingerprinting, along with an individual FAST Fingerprint Pass form for each person. A district representative will be responsible for distributing the FAST Fingerprint Pass forms to the individual applicants.
- The applicant will schedule an appointment online at [www.iisfingerprint.com](http://www.iisfingerprint.com). When scheduling the appointment, the applicant must have the FAST Fingerprint Pass form in hand and must pay all required fees before the appointment can be finalized.



#### STANDARD TERMS AND CONDITIONS (cont.)

- This fee must be paid online with a credit card or approved debit card; if the applicant does not have either card, a pre-paid/one-time use credit card can be obtained from any financial institution or certain retail outlets.
- The applicant must take their FAST Fingerprint Pass form, receipt from their online payment and photo identification (driver's license, state issued identification card, etc.) to their scheduled appointment.
- It is recommended that the applicant keep possession of their FAST Fingerprint Pass until they are sure their prints have cleared and completed.
- The district will automatically be subscribed to each applicant in the DPS clearinghouse after the applicant has been printed.
- When the criminal history report is made available in the DPS Clearinghouse, DPS will notify the district by email of the individual's criminal history activity. If criminal activity exists on the applicants report, the district may log in to the DPS clearinghouse to view the applicant's record.
- TEA will also review these records and determine non-employability under the guidelines stated in Senate Bill 9, with text of new Texas Education Code 22.0833 and 22.085.
  - The district may withdraw an employment offer at any time if there is activity on an applicant's criminal history; the district does not have to wait until TEA renders a decision before withdrawing the offer of employment.
  - If the employee has a criminal history and resigns or is discharged by the district, the district must notify TEA immediately, and no further review will be conducted by TEA.
- If employment is extended to the applicant, the district will continue their subscription to that applicant. The district will receive notification of any subsequent criminal activity after the review is completed. To view the subsequent activity, there will be a \$1.00 fee included per applicant.
- If the applicant is not extended employment, the district may unsubscribe from that applicant's record in the clearinghouse.

#### OTHER RESTRICTIONS

1. Possession of firearms, alcohol and/or drugs, even in vehicles, is strictly prohibited on school district property.
2. Smoking is not allowed on school district property.
3. Materials sold to or installed in any McKinney ISD facility/location are not to contain any asbestos material. Any vendor who sells or installs asbestos containing material in/on any McKinney ISD facility will be required to bear the burden of any or all expenses in removal and replacement of the material.
4. Contractor must maintain records on employee eligibility to work in the United States and the State of Texas.