

Reporting of Criminal Histories Obtained as a Result of the Senate Bill 9 Process

Separate reporting by a superintendent for criminal history generated through the SB 9 fingerprinting process is not necessary. The superintendent has already sufficiently reported the necessary information to SBEC regarding certified educators who must undergo a SB 9 criminal history check. SBEC uses the information submitted by the superintendent to access the required criminal history information from the Department of Public Safety (DPS).

This exception does not explicitly or implicitly waive the superintendent's obligation and reporting requirement under TEC 21.006 and SBEC rule 19 TAC 249.14. This response is only in regards to criminal history discovered through the SB 9 process.

As you know, TEC 21.006 and SBEC rule 19 TAC 249.14 both require a superintendent to report to SBEC any criminal history of which they become aware relating to a certified educator. Additional reporting for SB 9 generated criminal histories would be redundant and over burdensome for both school districts and the Texas Education Agency Division of Investigations. In addition, if school districts create a separate summary of the criminal history information they receive, districts run the risk of exposing the information to an open records request.

If a superintendent becomes aware of a criminal history by any other means (newspaper, educator self-report, ISD criminal history check, job application, etc) it must be reported as required by 19 TAC 249.14.