

THE IMPACT OF CRIMINAL BACKGROUND CHECKS ON THE SELECTION
OF SCHOOL VOLUNTEERS AS REPORTED BY HUMAN RESOURCE
PROFESSIONALS OF SELECTED TEXAS
PUBLIC SCHOOL DISTRICTS

A Dissertation

by

RICHARD KIMBALL SMITH

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

May 2005

Major Subject: Educational Administration

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May 2005

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ABSTRACT

The Impact of Criminal Background Checks on the Selection of School
Volunteers as Reported by Human Resource Professionals of
Selected Texas Public School Districts. (May 2005)

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The purpose of this study was to examine the impact of criminal background checks on the selection of school volunteers as reported by human resource professionals in selected Texas public school districts. Ninety Texas school districts were randomly selected for this study, and results were categorized by the size of the school district based on student population.

Survey responses were analyzed using descriptive and inferential statistics. A Chi-square analysis was performed to determine if there were significant differences ($p \leq 0.05$) in responses to research questions based on size of the school district.

Findings in the study included the following:

1. There was no difference in the school district approach to policy and procedure development based on the size of the school district as it pertained to criminal background checks of school volunteers.

2. There was no difference in response rate based on the size of the school district regarding type of offense, number of offenses, adjudication process, and type of criminal history data search.
3. There was a significant difference ($p \leq 0.05$) in approach between large-sized and small-sized school districts regarding the acceptable timeframe concerning recency of offense on a volunteer criminal history record.
4. There was no difference in response rate based on the size of the school district regarding the effectiveness of criminal background check procedures in eliminating potential volunteers who might pose a threat or risk to teachers, staff, and students.

The following are recommendations for further study:

1. A similar study could assess the responses from teachers, staff, and/or students to determine if these different education categories possess different perceptions regarding the impact of criminal background checks on school volunteers.
2. A further study could analyze the specific written policies of school districts and determine the decision criteria for each level of offense.
3. This study focused on school volunteers. A research study could specifically focus on the impact of criminal background checks on parent volunteers, or conversely be more general, focusing on the impact of criminal background checks on professional or auxiliary employees.

DEDICATION

This dissertation is dedicated to my wife, Laura Ann, who has unwaveringly supported me throughout this journey with her patience, love, and understanding. It is only with her help that I have been able to accomplish, what, at many times, seemed to be an insurmountable task. It is also dedicated to my two children, Katherine Ann and Zachary Kimball, who understood and accepted the numerous times, too numerous to count, when Dad had to study, read, and write. Their sense of humor, votes of confidence, hugs, kisses, and assistance were instrumental in helping me complete this work. I hope I have set the example for each of you to follow your dreams.

This project is further dedicated to my parents, Mathilde Albury Smith and the late Bradford Kimball Smith, who taught me the value of education as well as hard work, public service, dedication, love, and perseverance.

ACKNOWLEDGEMENTS

The completion of this dissertation would not have been possible without the guidance of many people. I will be forever grateful for their wisdom, support, advice, and the sharing of their time. I have benefited immensely from the time spent with each of you.

Thank you to Dr. Stephen L. Stark, my graduate committee chairman and faculty advisor, for your expert guidance. Your knowledge, consistent support, assistance, and confidence in my abilities enabled me to navigate through the system. I will always be grateful for the opportunity to work with you.

Dr. Clifford L. Whetten, Dr. Walter F. Stenning, and Dr. Alvin Larke, Jr., thank you for having me in your classes and sharing your time and expertise as members of my committee. I have truly benefited from your teaching and my association with each of you. I greatly appreciate the attention to detail each of you gave to my paper throughout the entire process.

Dr. Belinda Pustka, Superintendent of Schools, Schertz-Cibolo-Universal City Independent School District, provided constant encouragement and guidance throughout this project. Your enthusiastic support by co-endorsing my correspondence, which accompanied the questionnaire instrument, further established credibility and certainly helped gain greater survey return rates. Your constant interest helped provide the drive to complete this dissertation.

Dr. Philip M. Linerode, Evaluation Consultant, thank you for your patience and expertise in guiding me through the statistical analysis portion of this paper. You were

always there for my phone calls, visits, and questions. Your ability to help explain, in layman's terms, the interpretation of statistical output was invaluable.

Betsy Hall Bender, Attorney at Law, Austin, Texas, thank you for teaching me how to interpret legal references and to "shepardize" case law to strengthen my paper. Your explanations and clarifications of "sue and be sued," sovereign immunity, and tort claims were vital to the success of this undertaking.

Joyce Nelson cheerfully provided many answers concerning graduate school and departmental applications, coursework requirements, residency issues, midpoint examination scheduling, and other administrative details for the past three years. Bill Ashworth, Administrative Assistant, thank you for your patience and assistance in helping me navigate the university's Institutional Review Board process. Both of you helped bridge the many miles between San Antonio and College Station, Texas.

Marilyn M. Oliva at Action Ink, Inc., thank you for professionally pulling the pieces of my dissertation together, smoothing out the rough spots, and making the final product look right.

Finally, Dr. Irene Petrisky, Dayne Denning, and I have walked this path together. We met at my first class with Dr. Julian Treviño at Hemisphere Plaza in San Antonio, and we traveled the many miles back and forth to College Station together. The journey was special and I will always cherish the camaraderie and friendship. To Irene, thank you for the many taco breakfast get-togethers at your home to study, plan, and review. To Dayne, we shared the perspective of full military careers before this mid-life change in occupations; somehow, we knew we could make a difference. You

both always kept me on task, even when I wondered if this endeavor was more than I could handle. Both of you were an inspiration and thank you for allowing me to enter your group. Ours was one of those special friendships that will last a lifetime – Gig ‘em, Aggies!

I am also so very appreciative of the love, support, and prayers of my family: Laura, my spouse, Katie and Zachary, my children, and Betty, my mother. Your never-ending optimism, words of encouragement, and support kept me going through the tough times of this incredible journey.

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CHAPTER I

INTRODUCTION

Background of the Study

One of the most important decisions parents and communities make is the decision of who will teach, train, coach, counsel, and lead their children when they are not at home (Hammond, 1994). The terrorist attack of September 11th had a profound effect on America's schools and magnified our need to better understand potential threats and develop the necessary initiatives to make schools a safer place (Dorn, 2002; Kennedy, 2002; Moore, 2002). School district officials know that if they asked parents what the biggest issue with which public schools in their community must deal, the response would most likely be student safety (Moore, 2002). School officials have no greater responsibility than to ensure students and employees that their well-being is protected when they enter or use school facilities (Hawkins & Lilley, 1998; Lear, 1997). Schools can address security with equipment such as videos and metal detectors (Kennedy, 2002), but from a human resource management perspective, the best way to ensure that a school provides a secure environment is to ensure quality people are working on a campus (Lear, 1997).

Volunteers in public schools provide many services that contribute to the mission of educating students (Harshfield, 1996). However, the image of a school

The style and format for this dissertation follow that of *The Journal of Educational Research*.

volunteer has changed in the last ten years. No longer does the term connote a mother as volunteer; it now includes a wide range of community members (Lake, 2000).

Volunteers are being used to support a teacher's hard work (Pawlas, 1999); as such, schools use volunteers for a multitude of tasks (Edgar, 1996; Lake, 2000). The importance of volunteers in schools cannot be underestimated – just ask any teacher trying to meet the needs of 20 to 30 students (Laminak, 2001). Volunteers often fill the gap created between declining budgets and increased student and faculty needs (Lake, 2000). As the social and educational needs of American society grow more complex, the demand for classroom volunteers increases (Gardner, 1997). In recognition of this fact, the United States Congress, former President Bill Clinton, and President and Mrs. George W. Bush indicate that educational improvement includes tutoring children across the country using volunteers (“Laura Bush,” 2002; Stanfield, 1997).

Although educational policy makers are attempting to involve more volunteers in schools, surprisingly little is known about the nature, scope, and efficacy of volunteer activities (Brent, 2000). Most teachers would admit that volunteers are far more abundant in lower elementary grades such as kindergarten, first, and second grade classrooms than in sixth, seventh, or eighth grade classrooms (Laminak, 2001). The risks associated with bringing volunteers into classrooms are enormous (Harshfield, 1996; Lake, 2000). For example, keeping child molesters and pedophiles out of classrooms is a major task (Hammond, 1994; Lear, 1997). Therefore, every school system should have clear policy guidelines and procedures to screen individuals who

have had a criminal background of misbehavior (Hammond, 1994; Henslee, Fowler, & Hepworth, n.d.; Lake, 2000) and prevent them from interacting with students.

School districts have the responsibility to properly manage volunteers in order to protect children from negligent behavior (Harshfield, 1996; Lake, 2000). Like any valuable resource, volunteers require proper supervision and management to be able to work effectively (Harshfield, 1996). Currently, volunteer-liability laws vary from state to state (Lear, 1997; Sack, 1997). In Texas, volunteers are protected by a statute that exempts school officials from liability (West Group, 2004). Nonetheless, volunteers still can be held liable for criminal acts or gross negligence (Lear, 1997; Richards & Lindsay, 2001; Sack, 1997) and school districts must consider the legal implications of negligent acts by volunteers (Janey, 1983). Since schools assign volunteers various tasks to accomplish with students, it is the responsibility of the school to properly oversee the activities of those volunteers (Kahn, 1985).

The Texas Tort Act exempts schools and junior colleges from liability from civil claims if injury to the volunteer, or injury to a third party by the volunteer, occurs; this exemption is codified in the Texas Education Code, §22.053(a) (West Group, 2004). Not all states allow this legal exemption (Lear, 1997). Despite the growing number of volunteers being used in schools, the Texas courts have consistently extended this legal immunity to school volunteers (Richards & Lindsay, 2001).

There are two key Texas court cases with implications concerning volunteers. The first involved the molestation of a Boy Scout by a volunteer scoutmaster. In *Golden Spread Council of the Boy Scouts of America v. Veronica Adkins* (1996), a case

involving the molestation of a boy scout by a volunteer scoutmaster, the Texas Supreme Court concluded that the Boy Scouts of America, and its regional council, had no duty to investigate volunteers applying for a scoutmaster position. After deciding that vicarious liability was not appropriate and rejecting negligent hiring theory because the council did not hire the volunteer, the court held that the organization's only duty was to exercise reasonable care, based on the information it received, in recommending scoutmasters to local troop sponsors (Lear, 1997). A second case, albeit not in a setting involving children, involved an off-duty volunteer reserve deputy sheriff who killed a passenger in a car during a high-speed chase while the deputy was intoxicated and not in the paid service of Harris County. This case is significant because it involved the gross negligence of a volunteer, who was subsequently convicted of involuntary manslaughter, yet the county was not found liable (*Harris County, Texas v. Michael Curtis Dillard et al.*, 1994).

Educators can be confident that classroom volunteers benefit schools in a number of different ways, primarily by improving student climate, individual student achievement, and school-community relations (Brent, 2000). School districts have the responsibility to properly manage volunteers in order to protect children from negligent behavior (Harshfield, 1996) and to protect themselves from liability suits (Lake, 2000). In so doing, districts may need to demonstrate, in a court of law, that steps have been taken to avoid accidents or wrongful acts (Lear, 1997).

Statement of the Problem

Regarding the use and management of criminal history record information, there is a problem associated with non-criminal justice personnel attempting to decipher criminal history records (SEARCH Group, 2001b). While currently, there are no reported cases that find a school board liable for negligent hiring of a volunteer in Texas (Richards & Lindsay, 2001), important decisions regarding volunteer participation emanate from the effective use of criminal history background checks (Karp, 2000). The applicability of negligent hiring between a volunteer and the school board depends upon whether the proper relationship is established (Lake, 2000). School personnel officials must clearly establish the terms of engagement of volunteers. When occasional misconduct by a volunteer in a school occurs, the result could be a potential negligent claim, if the volunteer has been given consent to work in the school and gross negligence is established (Richards & Lindsay, 2001).

In Texas, when an incident occurs involving a volunteer, school districts are immune from direct liability, vicarious liability, and negligent hiring under the provisions of the Texas Tort Claims Act (West Group, 2004). However, despite this immunity from prosecution, school districts run the substantial risk of extremely negative media publicity when an incident involves gross negligence by a volunteer (Lear, 1997). If intentional misconduct or gross negligence is established in accordance with Texas Education Code, §22.053(c) (West Group, 2004), the immunity is limited, allowing for potentially damaging results (Richards & Lindsay, 2001). Therefore, criminal history evaluation of volunteers by school districts is prudent as the harm

would probably not have occurred had the organization taken care in screening (Lear, 1997). Nonetheless, despite an acknowledgment by school districts of the responsibility to screen volunteers to ensure the safety of the school population, this action is often haphazard, arbitrary, and capricious in application (Lake, 2000). There is also the difficulty of interpreting the criminal history information received and its relevance to the job in question (Sturge, 1989).

Purpose of the Study

The purpose of this study was to examine the impact of criminal background checks on school district policies and procedures that guide the approval of school volunteers to work in schools as reported by human resource professionals in selected Texas public school districts. The study sought to determine (a) the degree to which these policies and procedures exist; (b) if a relationship exists between the selected variables – types of offenses identified on criminal background checks, recency of offense, an individual's number of offenses (multiple offenses), adjudication, the type of background check used; and (c) how effective criminal background check procedures are in eliminating potential volunteers who might pose a threat or risk to students and school personnel.

Research Questions

The study addressed the following research questions in order to accomplish the purpose of the study:

1. Does the size of the school district impact the existence of policies and procedures regarding school volunteer applicant criminal background checks as reported by human resource professionals of selected Texas public school districts?
2. Does the size of the school district significantly influence the interpretation of recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check regarding school volunteer selection as reported by human resource professionals of selected Texas public school districts?
3. Are criminal background check procedures effective in eliminating potential school volunteers who might pose a threat or risk to teachers, staff, and students as reported by human resource professionals in Texas public school districts?

Operational Definitions

For the purposes of this study, the following definitions apply:

Adjudication process: The cycle of a criminal event to include arrest, prosecution, and conviction information.

Classroom volunteer: A person providing services for or on behalf of a school district, on the premises of the district, or at a school-sponsored or school-related activity on or off school property, who does not receive compensation in excess of reimbursement for expenses (West Group, 2004).

Criminal background check: The review of a criminal history record describing any arrests and subsequent dispositions attributable to an individual to protect public safety (U.S. Department of Justice, 2004).

Criminal history record: A documentary account of past events designed to memorialize criminal actions and information that includes individual identifiers and describes an individual's arrests and subsequent dispositions, inscribed on a tangible medium, electronic or other, which is retrievable in perceivable form (U.S. Department of Justice, 2004; Garner, 1999; SEARCH Group, 2001b).

District policies: A program of actions or the set of principles on which they are based that are adopted by an individual school district.

Human resource professional: Person responsible for the strategic and operational management of activities focusing on the human resource/personnel management activities in an organization, specifically having authority to approve/disapprove applicants for participation as a volunteer in public schools.

Impact: The positive or negative influence on the dependent variable in the study.

Interpretation of criminal background check information: The manner in which criminal history background check information is reviewed and decision-criteria applied that results in the approval or denial to participate in volunteer activities in public schools.

Litigation: For the purposes of this study, litigation is simply defined as a lawsuit and does not automatically mean *liability*, or legal responsibility. The

American justice system is open to everyone. Individuals wishing to bring forth lawsuits in court have that right. It should be noted, however, that plaintiffs succeed in a relatively small number of cases (Marsh & Hall, 2002).

Multiple numbers of offenses: Criminal history checks that contain more than one arrest record.

Procedure: The established method of accomplishing a task.

Recency of offense: The period of time between an arrest and the current date (date of criminal history background review).

Selected Texas school districts: The Texas school districts supporting student populations in excess of 32,000 students based on student population according to the *Texas School Directory* published by the Texas Education Agency (n.d.).

Selected variables: Recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check.

Texas Department of Public Safety: An agency of the state whose mission is to enforce the laws protecting the public safety and provide for the prevention and detection of crime. The department is composed of the Texas Rangers, the Texas Highway Patrol, the administrative division, and other divisions that the commission considers necessary (“Vernon’s Texas Codes,” 1988).

Texas public schools: The 1,038 Texas independent school districts governed by the Texas Education Code (n.d.), answerable to the Texas Education Agency, measured by the Academic Educational Indicator System (AEIS), and funded in accordance with the Texas school finance system by revenue generated by ad valorem

taxation, the foundation school program, and per capita allocations. For the purposes of this study, publicly funded choice and charter schools were not included.

Types of criminal history check: The resource from which a criminal history background check is processed – state-level Department of Public Safety, Federal Bureau of Investigation (FBI), or commercial vendor.

Types of offense: Felony or serious misdemeanor offenses. Serious misdemeanor excludes certain minor offenses, such as drunkenness or minor traffic offenses (SEARCH Group, 2001b).

Assumptions and Limitations

Assumptions

1. The respondents understood the scope of the study, the language of the request, were competent in self-reporting their policy and procedures pertaining to the criminal history decision-making process, and responded objectively and honestly.
2. Interpretation of the data collected accurately reflected the intent of the respondent.
3. The methodology proposed and described here offered a logical and appropriate design for this particular research project.

Limitations

1. The study was limited to the selected Texas public school districts.

2. This study was limited to information acquired from the literature review and the level of detail contained in internal school district policies and procedures of the selected Texas public school districts.
3. Findings may be generalized only to the selected Texas public school districts.

Significance of the Study

Since it is defensible in Texas to insist upon criminal records checks for every employee in school districts to include classroom volunteers (West Group, 2004), it makes it necessary to do this in an organized manner by universally applying the background check to all categories of people (Henslee et al., n.d.). Just as schools differ on how they implement such a policy, they also vary on how they handle a situation in which a background check turns up a prior offense (Jacobson, 2003). Some administrators disallow anyone without a clean record to volunteer in schools; others restrict volunteers only in the areas where they have had previous problems; and still others rely solely on “gut instinct” (Jacobson, 2003, p. 3). Interestingly, there are currently no Texas Department of Public Safety guidelines for users on how to make decisions using criminal history information (Klein, 2003). The lack of thorough empirical survey work about employer practices precludes confident summations about employer use of criminal history records (Cooper & Belair, 1981). This study is important because, to date, there has not been a reported analysis of criterion for disallowing volunteers to serve in Texas public school classrooms. Just as data are lacking about employer perceptions, policies, and practices concerning criminal history

background checks (Cooper & Belair, 1981), without a standard, the threshold for approval to volunteer varies from school district. This causes a lack of consistency and opens the door to criticisms and allegations of capricious and arbitrary application of the statute (Lake, 2000). Lack of consistency could lead to a discrimination complaint and subject the district and its administrators to civil legal actions.

Organization of the Dissertation

This dissertation is divided into five major chapters. Chapter I contains an introduction, statement of the problem, purpose of the study, operational definitions, assumptions and limitations, and the significance of the study. A review of the literature is found in Chapter II. Chapter III describes the methodology employed, including the population, procedure, instrumentation, and data analysis. Chapter IV contains the analysis and comparisons of the data collected in the study. Finally, Chapter V provides a summary of the findings from this study and conclusions and implications from those findings. Recommendations for practices and directions for future research are addressed in this chapter as well.

CHAPTER II

REVIEW OF THE LITERATURE

Introduction: The Importance of Criminal Background

Checks on School Volunteers

Every morning, millions of American parents entrust their children's well-being to the hands of strangers when they send them off to school (Titus & DeFrances; 1989) and expect them to be as safe as professionally possible (Karp, 2000; "What a way," 2002). At the beginning of the 20th century, there was hardly such a thing as a criminal history record, much less a criminal history record system. Indeed, prior to 1835, not a single American city enjoyed even an organized police force (SEARCH Group, 2001b). However, today the importance of criminal history records to a smoothly functioning and secure society cannot be overstated. Certain criminal elements await the opportunity to squeeze into a system where they can choose their prey. The confidential relationship afforded by the volunteer opportunity can become an important tool of the molester in lowering the guard of unsuspecting youth (Lear, 1997). In public schools, it is important to not only have good role models as volunteers, but also individuals with which our children can be safe (Lake, 1996). To achieve the balance of involving volunteers as positive role models and also screening out potential threats, criminal history records are critical to decision-making at virtually every juncture of volunteer programs in schools (Bureau of Justice Statistics, 2000).

Over a decade ago, background checks were principally conducted on people seeking employment with law enforcement agencies or branches of local, state, or national government. Today employment background checks are used by law enforcement, government and virtually every industry in the country (Shaffer, 2002) including public schools (Jacobson, 2003, Karp, 2000) and are essential to making better hiring decisions (Geller, 2004). Across the country, more and more people are donating their time to mentor children, usually children considered “at risk” because of an absent parent, low socio-economic status, or both. Nationwide the thriving mentoring movement is now approximately 5,000 programs strong (Jaffee, 2004). As a result of this and other adult volunteer initiatives, in recent years, administrators at schools have become more vigilant about bolstering security on their campuses and focusing on keeping students and staff safe from harm (Kennedy, 2001; Warren, 2002). In Texas, Senate Bill I, adopted in May 1995, included a passage that allowed school districts to check the criminal history record of anyone who volunteers in schools (Lake, 1996). Unfortunately, as it has often been proven, failure to screen applicants properly is an invitation to disaster (Dorn, 2001) and potentially serious litigation (Splitt, 1988).

Overview of Literature Review

This literature review on the use of criminal history background checks by public school districts starts with a discussion of public employers being governed by constitutional and statutory restraints that are different than those procedures used by

private employers. The first major section presents the evolution of criminal history record systems from a historical perspective. This discussion covers the various repositories of criminal history record information at state and federal levels. The various laws and policies are discussed citing applicable case law with specific attention to *The National Child Protection Act of 1993* and *The Volunteer Protection Act of 1997*. The focus then shifts to an examination of pertinent Texas state-level initiatives with a review of the various agencies that compose the Texas Department of Public Safety. In this regard, the Texas Computerized Criminal System is identified as the statewide repository of criminal history data reported to the Department of Public Safety by local criminal justice agencies in Texas.

The second major section of the literature review is a discussion of volunteerism in public schools. In response to the staggering numbers of criminal records, the laws of many states, including Texas, provide that individuals who have been convicted of certain crimes may not be allowed to work in public schools. This section starts with a review of state legislation concerning school volunteer background checks. The heightened interest in security and our litigious society support risk management initiatives to know the type of people working in schools. This is important not only from an asset protection perspective, but also to limit exposure to liability. A discussion of Texas law concerning governmental entities – which includes school districts – clarifies that while school districts are entitled to sovereign immunity both from suit and from liability, a school district can be subject to liability under certain parameters. The use of criminal history checks on school volunteers is

examined from an advocacy and criticism perspective. The section concludes with a discussion of difficulties encountered by school officials when attempting to interpret criminal records. These difficulties include problems in deciphering criminal history records by noncriminal justice users, the time delays associated with conducting checks, analysis of background checks which identify prior offenses, concerns associated with negligent hiring, monetary costs, and liability issues associated with their use.

The final section of the literature review discusses the challenge facing public school administrators. These concerns are self-esteem associated with criminal histories and the potential damage that may occur to an individual's reputation, child victimizers, and identification of individuals disqualified from working with children. In addition, there is a discussion regarding the difficulty of discriminating between violent and nonviolent criminal involvement and predicting future behavior.

Public Employers

Public employers, such as school districts, obtain and handle criminal history background data in an entirely different legal environment than private employers. Public employers are governed by constitutional and statutory restraints, as well as statutory privileges that do not apply to private employers. As such, the nature of the common-law standards that apply to private and public employers differ enough to require separate analysis (Cooper & Belair, 1981).

While school districts and other employers are very concerned about the backgrounds of the people they employ within schools, they are also faced with growing complaints about unwarranted intrusions into potential applicant privacy (Seidler, 1990). Simply stated, institutional faculties are often concerned about privacy intrusions (Springer, 2003). For example, The University of Texas when addressing concerns about privacy and the negative effect on recruiting endured a very public debate about a proposed background check policy and, as a result of the debate, no longer requires criminal background checks on all new job applicants. Instead, it uses a narrower policy that applies only to “security sensitive” positions. The prior policy, which was much broader, was criticized by faculty members as a waste of time and its potential to harm recruiting efforts. The University’s revised policy requires background checks for senior-level administrative jobs, positions that involve caring for children or treating patients, and jobs that entail access to pharmaceuticals and other controlled substances (Cavanaugh, 2004; “Faculty notes,” 2003; Springer, 2003).

Evolution of Criminal History Record Systems

Despite the fact that the nation’s criminal history record system is far from complete, vast strides have been made in recent years. This is in terms of the extent in which the system is organized in an effective and coordinated manner, as well as in terms of the quality of the system’s product (SEARCH Group, 2001b).

Historical Evolution of Criminal History Record Systems

At the beginning of the 20th century, there was really no such thing as a criminal history record, much less a criminal history record system. Actually, prior to 1835, not a single American city enjoyed an organized police force. In 1835, Boston became the first city to establish a full-time police force. New York formed a police force shortly thereafter (Monkkonen, 1981; SEARCH Group, 2001b; Hahn & Jeffries, 2003). In the 1840s and 1850s, newer and smaller cities found that they had a need for some sort of organized police protection (Richardson, 1974).

State governments took on the role of establishing organized police forces in less populated areas of the country. Texas, for example, established the Texas Rangers in 1853. Shortly thereafter, Arizona established its own state police force. By the end of the 19th century, every major urban area and all regional and state areas had established law enforcement agencies (Gilbert, 1980), and the uniformed police in cities across the United States had assumed the roles that most Americans have become familiar. There were many technological changes to come, both in weaponry and communications, but the bureaucratic system had been firmly established (Monkkonen, 1981).

It is certain that 19th century police forces were not keeping formal criminal record information. However, throughout the 19th century, most urban American police departments, if they kept records at all, kept what can be called the precursor of the criminal history record – the so called “police blotter.” The blotter customarily

contained the name, age, sex, and race of people arrested, along with citations to alleged offenses (Belair, 1990).

As early as the Civil War period, famed detective Allan Pinkerton launched his own crude criminal history record system with respect to persistent criminals. Even then, Pinkerton called for the establishment of a national system to collect and maintain records, including photographs of active criminals (Gilbert, 1980; Belair, 1985).

The first systematic attempts to develop criminal identification systems in the United States included name-based registers of habitual criminals. In time, these records were combined with photographs and an anthropometric system for taking exact measurements of physical features that was developed in the mid-19th century by Alfonse Bertillon of France. In 1896, the International Association of Chiefs of Police established the first “national” criminal identification system in Chicago (Gilbert, 1980). At about the same time, the “Henry Classification System” emerged as the first effective method for the use of fingerprints to positively identify previous offenders and to search identification files. In 1908, the U.S. Department of Justice formed the Identification Bureau, the forerunner of the Federal Bureau of Investigation, whose responsibilities included the establishment of a fingerprint-based criminal history record system (Collins, 1985). By 1911, fingerprinting was commonplace and an important part of the American criminal justice system (SEARCH Group, 2001b). Future technology would represent fine-tuning on the basic system, which had changed from a broadly conceived reactive institution to a more narrowly defined preventive and control-oriented bureaucracy (Monkkonen, 1981).

Repositories of Criminal History Record Information

Some crimes are federal by nature, such as attempts to assassinate the president, certain antitrust violations, and some criminal conspiracies or enterprises that utilize the postal system or other instruments of interstate commerce. These crimes are prosecuted in federal courts and convicted offenders are usually, but not always, incarcerated in federal correctional facilities. Other crimes or violations are local in nature, such as loitering or public drunkenness. These less serious offenses are processed through local systems at the city, township, or county level. Most crimes, however, are state crimes, including murder, robbery, burglary, rape, and other dangerous crimes that constitute the core of the nation's serious crime problem. Each of these governmental levels – local, state, and federal – defines its own criminal laws and criminal procedures. At the federal level, the United States Congress has enacted a federal criminal code defining federal crimes and a code of federal criminal procedure setting out applicable rules for processing criminal cases through the federal courts. State legislatures enact criminal statutes and procedural codes at the state level. City councils or similar governing bodies act at the local level (SEARCH Group, 2001b).

Although there are local, state, and federal criminal justice systems, the majority of crimes are prosecuted under state law. Law enforcement is principally a state and local responsibility (Schwabe, 1999). Each state operates a central criminal history record repository that receives case processing information contributed by law enforcement agencies, prosecutors, courts, and corrections agencies throughout the state. These repositories compile this information into comprehensive criminal history

records or “rap sheets,” as law enforcement officials still commonly refer to them. Rap sheets are made available to criminal justice personnel, for authorized purposes, by means of statewide telecommunications systems (SEARCH Group, 2001b).

State systems. Maintenance of central criminal history repositories relieves local and state criminal justice agencies from maintaining expensive and duplicative information systems that attempt to compile comprehensive offender records. Local criminal justice systems need only maintain systems that support their case processing needs and can rely upon state central repositories for information about case processing in other agencies (SEARCH Group, 2001a, 2001b).

State repositories also make criminal history records available to some noncriminal justice agencies, such as state agencies authorized by law to obtain the records for such purposes as employment screening, occupational licensing, as well as child and elderly protection. State criminal history repository databases are among those searched during school district background checks (SEARCH Group, 2001b).

Federal systems. At the federal level, the FBI maintains criminal history record files on federal offenders, as well as files on state offenders, to the extent that states voluntarily submit information. The FBI has accepted and recorded state offender information for more than 75 years and has compiled a criminal history database that, to a great extent, duplicates the files of the state repositories (SEARCH Group, 2001a, 2001b).

The FBI also maintains a nationwide telecommunications system that enables federal, state, and local criminal justice agencies to conduct national record searches

and to obtain information about individuals who are arrested and prosecuted in other states. In addition, the FBI provides criminal record services to noncriminal justice agencies authorized by federal law to obtain such records (SEARCH Group, 2001b).

Law and Policies

The courts have ruled that constitutional privacy principles have little impact on the collection, maintenance, or dissemination of criminal history record information by criminal justice agencies (SEARCH Group, 2001b). While the courts decided in *Whalen v. Roe* (1977) that the U.S. Constitution does recognize legitimate privacy interest in sensitive personal information, in 1976 the U.S. Supreme Court held in *Paul v. Davis* (1976) that constitutional privacy principles do not limit dissemination by criminal justice agencies of information about official acts, such as an arrest (SEARCH Group, 2001b).

In a statutory context, in *Department of Justice v. Reporters Committee for Freedom of the Press* (1989), the court recognized a privacy interest in an automated comprehensive criminal history record. Most experts, however, think it is unlikely that this principle will be applied in such a way as to permit the Constitution to pre-empt state statutes that make criminal history record information available to the public or to specified public users (SEARCH Group, 2001a, 2001b).

Common law privacy doctrines have also proven to be largely irrelevant to the handling of criminal history record information. Sovereign immunity, civil and official immunity, and the need to show tangible harm arising from the alleged misuse of the

criminal history records pose insurmountable obstacles to most common law actions by record subjects (SEARCH Group, 2001a, 2001b).

Federal and state statutes and regulations govern the collection, maintenance, and dissemination of criminal history record information. At the federal level, the Congress by law and the U.S. Department of Justice by regulation have established minimum requirements for the management of criminal history record systems, leaving it at the state level to develop more specific laws and policies to attempt to ensure that state criminal history records are complete, accurate, easily accessible to lawful users, and held in confidence with respect to the public and other authorized users (SEARCH Group, 2001b). The FBI's basic statutory authority to maintain criminal history records is found in Section 534 of Title 28 of the United States Code (Government Organization and Employees, 2004). Specifically, subsections (a)(1) and (a)(4) authorize the Attorney General to "acquire, collect, classify, and preserve identification, criminal identification, crime and other records" and to "exchange such records and information with, and for the official use of, authorized officials of the federal government, the states, cities, penal and other institutions" (p. 207).

The National Child Protection Act of 1993

In 1993, a federal law whose provisions included the establishment of a national criminal background check system was enacted that directed a designated criminal justice agency in each state to report or index child abuse crime information for childcare provider background checks. As such, each state operates a central criminal history record repository that receives case processing information contributed

by law enforcement agencies, prosecutors, courts, and corrections agencies throughout the state. These repositories compile this information into comprehensive criminal history records or rap sheets. Rap sheets are made available to criminal justice personnel, for authorized purposes, by means of statewide website telecommunications system. State repositories also make criminal history records available to some noncriminal justice agencies, such as state agencies and other governmental agencies – including school districts – authorized by law to obtain the records for such purposes as applicant screening and occupational licensing (SEARCH Group, 2001b).

The Volunteer Protection Act of 1997

The Volunteer Protection Act of 1997 protects volunteers from liability and negligence lawsuits when serving schools, other governmental entities, and nonprofit organizations. To be protected, a volunteer must act within the scope of his or her responsibilities in the organization. It requires plaintiffs to show clear and convincing evidence that the volunteer acted intentionally or with flagrant indifference to the plaintiff's safety (Van Voris, 2000). However, the legislation does not shield volunteers from all lawsuits. Volunteers are not protected by this law in cases of criminal or reckless misconduct, gross negligence, sexual offenses, civil rights violations, or if they are under the influence of drugs or alcohol. In addition, the legislation does not protect the school district. Without providing any relief to schools themselves (Altman & Kelly, 1997), the school district and board of trustees can still be sued for any incident involving a volunteer ("New law," 1997).

Texas Criminal Justice Information Process

Texas Department of Public Safety

Established in 1935, the broad objective of the department, as established by the Texas legislature, is to maintain public safety in the state of Texas. This state-level department accomplishes this goal with existing regulations and in cooperation with other agencies with mutual or related responsibilities (Texas Department of Public Service, 2004a). To achieve the goal of maintaining public safety, the Department of Public Safety seeks to preserve order by protecting lives, rights, property, and privileges of state residents (Texas Department of Public Service, 2004c).

On January 1, 1976, the state of Texas adopted the Uniform Crime Report as its official statewide criminal history crime report repository composed of data on offenses that became known to police. As such, the Department of Public Service accepted the responsibility to collect, validate, and tabulate crime reports from all reporting jurisdictions within the state. To handle this task, the Uniform Crime Reporting Section was activated within the Identification and Criminal Records Division (now called Crime Records Division) to coordinate the collection, processing, and publication of information regarding major crime in Texas (Davis et al., 2002).

Texas Crime Records Service. Originating in 1957 as the Identification and Criminal Records Division, the unit was later known as the Crime Records Division and was assigned its current title in 1992. The Crime Records Service is the Texas state control terminal for three national criminal justice programs: the National Crime Information Center, the National Uniform Crime Reporting Program, and the Interstate

Identification Index, which is a national index of criminal history records. The Crime Records Service is responsible for the conduct and administration of these programs in Texas. Each system processes records from local agencies throughout the state into a statewide file from which data are forwarded to the FBI national databases. These systems provide critical operational data to law enforcement agencies in Texas and throughout the country (Texas Department of Public Safety, 2004b).

Texas criminal history repository. The objective of the Crime Records Service is to provide valid data to law enforcement, criminal justice, and authorized noncriminal justice users to be used in the fulfillment of their respective responsibilities and missions. To accomplish this, under Texas law, all people arrested for offenses categorized as Class B misdemeanors and above are fingerprinted. The fingerprints are then sent to the Crime Records Service for processing through the Automated Fingerprint Identification System. After the person has been entered into the Automated Fingerprint Identification System, the arrest data are entered into the Texas Computerized Criminal History file and is available over the Texas Law Enforcement Telecommunications System to all law enforcement agencies in Texas.

Texas statutes also authorize many noncriminal justice agencies in the state to use the criminal history file to assist in making suitability determinations for people to be licensed, employed, or to volunteer in service to vulnerable populations, in security-sensitive positions, and other purposes, as determined by the legislature. The Criminal History Repository also includes data on juveniles charged with offenses that would be categorized as Class B misdemeanors, or above, had an adult committed them. Crime

records' strategies are designed to assist and encourage reporting to the statewide repository by the local entities that handle the arrested persons – law enforcement agencies, prosecutors, and courts. Timeliness and accuracy of data are priorities of the Crime Records Service (Flores, 2003; Klein, 2003; Texas Department of Public Service, 2004b).

Recently, the criminal records repository process was enhanced when the Texas Department of Public Service created the Electronic Arrest Reporting program in response to a mandate of Chapter 60 of the Code of Criminal Procedure, which requires states to accept electronic criminal history information. This procedure is more accurate than paper submissions and eliminates redundancies within criminal history reporting (Flores, 2003).

Criminal history information. Criminal history record information is the data collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising there from, sentencing, correctional supervision, and release (Cooper & Belair, 1981).

The overwhelming consensus of the literature indicates that the general public regards criminal history record information as a legitimately significant factor in determining employment suitability (Baas, 1990; Cooper & Belair, 1981; SEARCH Group, 2001b; Splitt, 1988; Titus & DeFrances, 1989). In a somewhat aged study, 66 of 75 employers interviewed said that they would not consider hiring an applicant with an assault arrest even if the arrest never led to a conviction (Schwartz & Skolnick,

1962). Standard operating procedures would indicate that employers could be expected to try especially hard to exclude violent or dangerous employees from unsupervised settings or from settings where these individuals are exposed to children or other vulnerable individuals. Similarly, employers can be expected to make special efforts to exclude dishonest or untrustworthy employees from positions in which they will handle large sums of money, or be responsible for expensive or sensitive tangible resources, or be entrusted with proprietary information (Cooper & Belair, 1981). Interestingly, there are currently no Department of Public Service guidelines for users on how to make decisions using criminal history information (Klein, 2003).

Texas computerized criminal history system. Chapter 60 of the Code of Criminal Procedure defines the Computerized Criminal History System as the statewide repository of criminal history data reported to the Department of Public Safety by local criminal justice agencies in Texas. Chapter 60 of the Code of Criminal Procedure also requires that information on arrests, prosecutions, and the disposition of the case for persons arrested for Class B misdemeanor or greater violation of the Texas criminal statutes be included in the computerized Criminal History System (Texas Code of Criminal Procedure, 1990; Texas Department of Public Safety, 2003). The Computerized Criminal History System is composed of a triad of reporting entities – arresting agencies, prosecuting agencies, and court clerks – each providing data input at various stages of criminal processing. In other words, police departments, sheriff's offices, or any other criminal justice arresting agency in Texas that arrests a person for a Class B misdemeanor or higher violation of a Texas statute is required by Chapter 60

of the Code of Criminal Procedure to report that event to the Department of Public Safety within seven days. Chapter 60 also requires that any county attorney or other prosecuting agencies receiving a Class B misdemeanor or greater offense must report to the Department of Public Safety the decision to accept, reject, change, or add to the charge for trial. County clerks, district clerks, or other clerks whose courts try Class B misdemeanor or greater violations of Texas statutes must report the disposition of the case to the Department of Public Safety (Texas Code of Criminal Procedure, 1990; Texas Department of Public Safety, 2003). Despite these mandates, an analysis by the Criminal Justice Policy Council in May 2002 estimated that only about 60% of the dispositions in local courts are present in the Computerized Criminal History System (Klein, 2003; Texas Department of Public Safety, 2003).

Volunteers in Public Schools

Volunteers in public schools provide many services that contribute to the success of educating students (Harshfield, 1996). Schools are ideal environments to optimize volunteers (Sikorski, Niemiec & Walberg, 1999), and schools have the potential to benefit greatly from thoughtfully planned, organized, and focused volunteer programs (Brent, 2001). Since parents have a big stake in the success of their children and their peers, parents are the biggest sources of volunteers (Sikorski et al., 1999). Campus principals agree that the many benefits produced by volunteers outweigh their related costs (Brent, 2001); however, the reality is that there are

dishonest and dangerous individuals who will seek out and affiliate with schools (Dorn, 2001).

When recruiting for school volunteers, schools target parents of current district students, retirees who live in the community, graduates of the school system, former district employees, entrepreneurs and other business people, and men and women who already volunteer in civic and service organizations (“When casting,” 1995).

Unfortunately, today, every industry, profession, and volunteer organization has individuals who not only have criminal records, but who are also actively seeking to further their criminal activities through their positions (Shaffer, 2002). Volunteers associated with activities involving large numbers of children create an ideal situation for pedophiles to check out which children are most vulnerable and logically might be the easiest victims (Lear, 1997)

Conviction Records

Preliminary research suggests that between 36 and 40 million people have criminal records, roughly one-quarter to one-third of the workforce; however, more recent analysis places the number at 64 million (Bureau of Justice Statistics, 2003). These staggering statistics are alarming if these same people volunteer with youth, especially when one considers the sexual abuse of children as one of our most pressing national problems. In 1995, more than 350,000 incidents of child molestation were reported in the United States (Salmon, 1996) reflecting only a fraction of the assaults that actually occurred (Lear, 1997). Through volunteers, schools can gain a large pool of human energy, more diversified talent, and more capacity to individualize

instruction; unfortunately, incidents around the nation document that many unfit and even dangerous individuals attempt to work with and around children in schools (Dorn, 2001; Karp, 2000; Lear, 1997).

In 2001, states held approximately 64 million criminal records on individuals. Nationally, about 9 out of 10 of these records were automated and 3 out of 4 automated records were accessible for conducting background checks (Bureau of Justice Statistics, 2003). In response to these staggering numbers of criminal records, the laws of many states provide that individuals who have been convicted of certain crimes – usually drug related or of a sexual nature – may not be employed in school districts or are ineligible to hold positions involving children (Bureau of Justice Statistics, 2003; Seidler, 1990).

*School Volunteer Background Checks to
Protect Children – State Legislation*

No one wants to disallow volunteers from participating in schools; however, it is the role of the school district to identify volunteers who may have criminal or other backgrounds that make their participation questionable (Sikorski et al., 1999). With that as a reality, and in response to the influx of volunteers in schools, many state legislatures have enacted laws requiring schools to carry out thorough background checks on prospective applicants before they work in schools to protect children from dangerous criminals (Jacobson, 2003; “New California laws,” 1997; “News in brief,” 1994, 1995, 1996; Sausner, 2003), tending to focus on the danger posed by the pedophile (Titus & DeFrances, 1989; Karp, 2000). Sexual child predators seek access

to children and school systems that do not conduct criminal history checks – without such criminal history background checks schools will inevitably allow a pedophile to work with children and potentially victimize innocent students (Dorn, 2001).

The National School Safety Center estimates about half of the nation's 15,500 public school districts have background checks for volunteers (Warren, 2002) that typically screen out those individuals with a history of sex crimes against children (Titus & DeFrances, 1989). In addition to identifying potential sexual offenses, background checks also allow school districts to check on financial, criminal, and civil history information (Springer, 2003). Although states have responded to the federal call to action with increased regulation in screening practices for child and youth workers, no state currently mandates criminal background checks of all volunteers working with children (Lear, 1997). The Texas statutes do not specifically mandate restrictions that bar public school districts from retaining any person who has been convicted of a serious or violent felony crime – instead, Texas legislation *permits* (versus mandates) school districts to conduct criminal background checks on volunteers (Lake, 1996; West Group, 2004). In contrast, California takes action a step further and disallows participation unless the person has received a certificate of rehabilitation or pardon (“New California laws,” 1997). Interestingly, state legislation regarding the conduct of criminal history investigations in schools, rarely considers the broader range of behaviors that might make a candidate unsuitable for work around children, such as alcoholism, mental illness, drug abuse, or a history of criminality or violence (Titus & DeFrances, 1989).

A Heightened Interest in Security

There is more than one impetus driving the need for background checks for volunteers. In an era of heightened concern for security, an ever-increasing number of schools and school districts are requiring parents and others who want to volunteer or mentor in schools to submit to criminal background checks, for security reasons (Jacobson, 2003; “Single police record,” 1997). Whether guarding against security risks for the school or a pedophile, Warren (2002) acknowledges that parental anxiety regarding lurid-kidnappings and priest-molestation scandals are prompting more and more school districts to require background checks. In many schools, parents must to undergo criminal background checks before being allowed to accompany their children on field trips or to help out with holiday parties – in some cases, requiring the parents or volunteers to pay for their records check (Thornton, 2002).

Our Litigious Society

In addition to a heightened interest in security, with our litigious society, the issue of employers conducting background checks on applicants is increasingly salient and standard procedure (Geller, 2004; Springer, 2003). With security-conscious employers stepping up scrutiny of job candidates, background checks have become a standard procedure at many companies (Geller, 2004), and school districts are no different (Karp, 2000). As such, school districts have the responsibility to properly manage volunteers in order to protect children from negligent behavior (Harshfield, 1996). Since pedophiles are apt to seek out opportunities for intimate contact or interaction with children (Titus & DeFrances, 1989; Sausner, 2003) and, if parent

volunteers will be in a position to have unsupervised time with children, school districts must conduct a criminal background check on them (Sausner, 2003). Trying to actively safeguard the employees and children in a school system goes a long way toward limiting potential litigations. Despite the obvious need for background checks, some parents and volunteers find background investigations to be overly invasive (Baas, 1990). Parent-involvement experts say the way school staff members convey the need for background checks can make a big difference in how parents respond (Jacobson, 2003). Getting parents educated on the need for background checks and getting them to understand that these checks reduce the legal costs of defending against claims of negligence, is a major step toward safety and limiting liability. The reality is that schools are always vulnerable to litigation because schools are involved with an extremely vulnerable commodity – the child – and possess large sums of public funds making schools a target for litigation (Seidler, 1990).

Under Texas law, governmental entities – including school districts – are entitled to sovereign immunity both from suit and from liability. Although Section 11.151 of the Texas Education Code specifies that the trustees of an independent school district can sue and be sued in the name of the district, that language, standing alone, is not an express waiver of immunity. “Immunity from a suit and capacity to be a party to a lawsuit are separate concepts. An entity can have the capacity to be sued and still be immune from suit in certain instances” (Carter, 2004, p. 288). For example, the legislature has waived sovereign immunity for certain tort claims under the Texas Tort Claims Act and the Texas Whistleblower Act. Thus, a governmental entity such as

a school district can be subject to liability within the parameters of those two Acts (B. Bender, personal communication, August 29, 2004; Carter, 2004).

Risk Management

Risk is an unavoidable fact of life. Risk management is the process of identifying and reducing the frequency and severity of incidents and financial impact of negligence (Harshfield, 1996). Performing criminal background checks on employees and prospective employees is a growing necessity in order to adequately manage risks and protect lives and property (Shaffer, 2002). The reality is that stolen property is just as gone if removed by a smiling parent volunteer, as if removed by a thief in the middle of the night (Dorn, 2001). Employers have the right, and a growing responsibility, to know the kind of people who are working in their organizations. This is important not only as part of an asset protection program, but also in order to limit the exposure to liability that could result from the actions of a person with a prior criminal record volunteering in schools (Shaffer, 2002; Titus & DeFrances, 1989). Personal-injury lawsuits against volunteers are increasing – even if no damages are awarded, legal fees can mount quickly (Kritz & Gest, 1990).

In assessing potential for litigation, the most obvious place to begin the analysis of risk is by examining a school district's personnel policies and practices. Splitt (1988) cautioned school administrators to not make drastic changes in policies and procedures or institute new ones until the school attorney has conducted a comprehensive review of state laws, regulations, and court cases. While the need for

background checks may be real, there are reputations at stake and privacy considerations that cannot be overlooked.

Criminal History Checks of Volunteers – Advocacy

Advocates of policies that mandate criminal history checks on volunteers see the screening process as a way to protect children's safety (Warren, 2002) and help eliminate people who are likely to harm children ("Single police record," 1997; Titus & DeFrances, 1989). Citing concerns for heightened security, advocates claim criminal history background checks send an immediate notice to would-be volunteers with a background of misconduct that they are not wanted, and that if they do slip into the school, they will be watched (Jacobson, 2003). With safety concerns uppermost on their minds, school districts subject parents to criminal background checks before allowing them to serve as volunteers in classrooms. This underscores the growing use of what many officials see as a violence-prevention tool ("Last month," 2002).

Criminal histories containing felonies, like assault and battery, often call for mandatory exclusion, but volunteers with other lesser offenses may be allowed to participate. Advocates acknowledge there is flexibility in the system in that decisions regarding participation can be determined on a case-by-case basis (Sausner, 2003). However at the extreme, criminal convictions, and sometimes merely an arrest, can lead to a ban on volunteering (Warren, 2002). Often prospective volunteers with a questionable criminal record are initially disqualified, with the opportunity provided for the applicant to explain the circumstances if he or she really wants to pursue it

further. Sometimes, upon receipt of additional information and circumstances, there is a rational reason to override the initial disapproval (Sausner, 2003). Instituting criminal background check precautions may initially offend well-meaning parents who want to spend time helping students and teachers; however, many school administrators say the practice is well worth any momentary awkwardness it may cause, and it is eventually welcomed by the majority of parents (Jacobson, 2003).

For a number of years, the American Association of School Administrators has endorsed laws allowing for the regular screening of existing teachers and staff. However, the National Education Association supports background checks for *prospective* employees, only clarifying that when it comes to staff already in the school system, a person's record should speak for itself (Karp, 2000). Clearly, there is a difference in opinion as to the approach of using criminal background checks to protect children in schools. However, advocates acknowledge the reality that master criminals can be very well disguised, blending neatly and imperceptibly into the local landscape (Wragg, 1994). Therefore, the requirement to screen all school applicants properly is a legal necessity (Dorn, 2001; Splitt, 1988)

In summary, careful examination of prior work history, along with a criminal record check, can help reduce the risk of tragedies in schools. Incidents involving volunteers with a criminal history background result in significant legal expenses, loss of confidence in those who educate our children, damaged morale of school employees and, most importantly, irreversible damage to those who are victimized (Dorn, 2001).

Criminal History Checks of Volunteers – Criticism

Even though critics acknowledge the need to protect students from potentially dangerous adults, some educators say they do not believe background checks are the direction that schools should take (Jacobson, 2003). Critics claim that undertaking such searches is highly invasive of an applicant's privacy and potentially very damaging (Baas, 1990), as well as rarely uncovering a criminal conviction that could have an impact (Gershman, 2004), and it is an intrusion on individual freedom (Schnaiberg & Sommerfield, 1996). Furthermore, volunteers state that checking criminal histories discourages people from getting involved with schools (Gilchrist, 2003).

Criticism centers upon the premise that blanket background checks provide little benefit to schools and often create a counter-productive atmosphere of distrust (Springer, 2003) and devastation among those who have a history and are denied the ability to volunteer (Warren, 2002). Instituting background check procedures can offend well-meaning parents who want to spend time helping students and teachers (Jacobson, 2003). Other opponents of background checks say it is unfair to bar everyone with a criminal record from the classroom, that the checks often go too far, uncovering embarrassing information that may date back many years and would have little or no impact on how the person might currently act toward students and coworkers ("Single police record," 1997; Sturge, 1989).

There are also concerns that the criminal history background check process may not be totally effective. Critics challenge the notion that criminal history background checks will protect school officials from looking foolish in approving someone who

has a previous conviction for child molestation to work with children. However, probably less than 1% of child molesters are charged with offenses – fewer are found guilty. Therefore, it is suggested that criminal background checks do not always protect children because many child molesters do not have criminal records. As a cautionary note, these checks may thus give rise to a false sense of security and diminish vigilance and supervision (Sturge, 1989; Warren, 2002).

Opponents further acknowledge that people make mistakes in their lives, deserve a second chance, and parents appreciate the opportunity for volunteers to interact with their kids if those with a criminal background have cleaned themselves up and become a good role model (Willmsen, 2004). Appreciating anyone from any walk of life who takes the time to visit a child's school, Froetschel (2004) states every parent, regardless of level of education, record of conviction, health status or any other problem, has a right to visit and volunteer in his or her child's school.

Another criticism is that the information discovered may be unrelated to an applicant's ability to perform the volunteer job (Gershman, 2004; Springer, 2003). Will the institution use the criminal history information to disqualify otherwise qualified candidates? What is applicable, what is not; what is actionable, what is not? What if an employee commits a crime or breaks the law? An employer who knew of such past bad acts may be held responsible for failing to act on that knowledge, even if future actions were and are difficult to predict (Springer, 2003). Critics state that even the broadest checks cannot always predict the subsequent behavior of an administrator, a teacher, or a volunteer (Helm & Youngquist, 2003). Thus, unless administrators are willing to act

on every possible background problem, they increase their liability by conducting background checks and selectively disallowing some, yet allowing others, to participate (Springer, 2003).

In summary, it is argued that criminal history records are notoriously imprecise, lacking the context in which the crime was committed (Gershman, 2004). Titus and DeFrances (1989) observed that public school screening of criminal histories ought to center on drug abuse or alcoholism, mental illness, child abuse, or other indications of unsuitability for work around children. Opponents further worry about branding parents unfit, even after they have paid their legal penalty for crimes, or when their offenses – such as bouncing checks or shoplifting – do not suggest a threat to student safety (Warren, 2002).

Administrative Issues With Criminal History Background

Checks on Volunteers

Since organizations assume the legal responsibility for the activities of individuals working for the benefit, under the direction, and by consent of the organization (Harshfield, 1996), criminal background checks must be performed and applied fairly (Springer, 2003). When information about convictions is handled on a case-by-case basis, it naturally fosters differing standards. This results in a lack of written policies with which to inform potential volunteers about types of convictions that could preclude service. When screening systems appear arbitrary, they tend to result in distrust among those who attempt community service and discourage those

who have learned from past mistakes (Froetschel, 2004). Simply asking parents to fill out the volunteer application forms serves as a screening process in and of itself. Often adults who think something in their backgrounds will be uncovered simply do not pursue volunteering (Jacobson, 2003). However, in reality, there is difficulty in interpreting the criminal background information received on a criminal background check and determining its relevance to the job in question (Sturge, 1989). This furthers the concern that not only could the selective application of a background check policy result in direct discrimination, but even equally applied policies may disproportionately affect a protected class of employees resulting in a “disparate impact” discrimination claim (Springer, 2003). This increases the potential for lawsuits against school districts that reject volunteer applicants on allegedly improper grounds. Other administrative-type problems that have been reported concerning criminal history checks include (a) creating delays, (b) adding to the cost of administering the program, (c) losing some good applicants, (d) creating problems with certain minority groups, and (e) encouraging potential lawsuits by rejected applicants (Titus & DeFrances, 1989; Splitt, 1988).

Difficulties Encountered by School Officials

When Interpreting Criminal Records

Just as schools differ on how they implement background check policies, they also vary on how they handle a situation in which a background check turns up a prior offense (Jacobson, 2003). Criminal convictions, and sometimes merely an arrest, can lead to a school district disapproval of volunteering (Warren, 2002). At times, the

reading, the analysis, the classification, and the interpretation of criminal records can be a very complex and often frustrating process requiring skill, knowledge, and experience to avoid making costly mistakes (Shaffer, 2002). Some districts acknowledge that just because a prospective volunteer got into trouble as a young adult, does not mean he or she engages in such behavior later in life especially once they are parents (Jacobson, 2003).

Problems in Deciphering Records

Chaiken (1995) reported that it is especially important for users to be able to look at a criminal history and quickly determine whether particular types of information are contained in it. To accomplish the task of making informed decisions, complete, accurate, timely, accessible, and easily understandable criminal history record information is needed. Unfortunately, many of the criminal history records currently circulated by various state repositories are difficult to decipher, particularly by noncriminal justice users. This occurs because noncriminal justice users often lack a sufficient familiarity with criminal justice case processing and criminal justice terminology to be able to easily interpret and understand the records made available to them (SEARCH Group, 2001b).

Background Check Processing Delays

One of the biggest drawbacks to using criminal background checks as a way of protecting children is that it may take time for such a check to be processed. This delay may have serious consequences, if support staffs are urgently needed (Titus & DeFrances, 1989).

Background Checks Which Identify Prior Offenses

Schools differ on how they handle a situation in which a background check turns up a prior offense (Jacobson, 2003). Some school administrators are only willing to allow volunteers with a clean record to work in schools. Others make accommodations for such offenses as driving under the influence of alcohol by merely disallowing those parents from driving students on field trips or to sporting events, but would still allow them to work in classrooms. However, if the charge was selling drugs or possession of drugs, there is a reluctance to take a chance. Interpreting background checks may be as subjective as a gut instinct. Resorting to gut instinct, if campus administrators are not comfortable allowing a volunteer to work with children – or if a parent objects to having the background check completed – the administrator may try to steer that person toward other activities that support the school, such as working in the copying room (Jacobson, 2003).

Negligent Hiring

Generally speaking, negligent hiring is the failure of an employer to use reasonable care in carrying out a pre-employment investigation of a candidate's past performance and fitness for the job to be filled (Barada, 1994). School districts need to consider the legal implications of negligent acts by volunteers (Baas, 1990; Harshfield, 1996). Except for the field of health care, probably no other occupational area has a greater duty than public education to use reasonable care in screening prospective employees. The entire education community holds a special trust for the security and safety of students. If a student is harmed and it can be shown that the school district

knew, or should have known, about an applicant's past behavior, the district would be in grave risk of liability for injuries caused by the person (Barada, 1994). Yet, applicants for certain types of jobs in schools, particularly volunteers, get screened less thoroughly or not at all (Titus & DeFrances, 1989).

The advent of negligent hiring litigation has increased the importance of careful screening of prospective school applicants (Barada, 1994; Titus & DeFrances, 1989). The recent spate of personal-injury lawsuits against volunteers – for example, a church youth-group leader's estate was assessed \$12.8 million in damages for injuries to a teenager in an automobile accident in which the volunteer leader died; a high-school baseball catcher injured by a runner sued volunteer coaches for failing to teach proper base-running techniques; volunteer football coaches who do not know that players need plenty of water were sued for accidents that resulted from dehydration (Kritz & Gest, 1990), – substantiating the need for careful screening of all who come in contact with students (Karp, 2000).

In determining school district liability for sexual molestation by its volunteers, a district may be held to a higher legal standard of care in selection and continued retention of adults who are entrusted with the well-being of children in public schools (Kozlowski, 2000). As such, school districts may need to demonstrate, in a court of law, that steps were taken to avoid accidents or wrongful acts (Harshfield, 1996). As noted by the courts, an employer can be held liable for negligent hiring if the employer (a) knows the applicant is unfit, or (b) has reason to believe the applicant is unfit, or (c) fails to use reasonable care to discover the applicant's unfitness (Kozlowski, 2000);

Mario R. Juarez v. Boy Scouts of America, 2000), or (d) knew or should have known the criminal propensities of the volunteer (*Big Brother/Big Sister of Metro Atlanta v. Terrell*, 1987).

Monetary Costs of Checking Criminal Histories

Splitt (1988) stated that conducting background checks could be a prohibitively expensive and time-consuming effort. An obvious question is whether the number of unsuitable applicants identified by the process justifies the cost and effort of criminal record checks. The difficulty of such research is that we cannot know how many pedophiles never apply in the first place, if a school district is known to have very stringent screening procedures. If the number were high, the procedures would give the appearance of being less valuable than they really are (Titus & DeFrances, 1989).

Liability Issues of Using Volunteers in Public Schools

With the current liability thresholds for negligent acts, risk management of volunteers should not be overlooked as a significant consideration. School districts need to evaluate the probability of legal action against the school district because of negligent acts by volunteers (Harshfield, 1996).

Respondent Superior, Sovereign Immunity, and the

Scope of Employment

To gain an understanding of the liability issues, it is important to review the concepts of respondent superior, sovereign immunity, and the scope of employment (or in this case, volunteer service). English common law applies the doctrine of *respondent*

superior to address the injuries caused by employees (Kahn, 1985). The respondent superior doctrine establishes that the master (employer) is liable for the torts committed by servants (employees) (Harshfield, 1996).

Baxter v. Morningside (1974) demonstrated the essence of respondent superior. In this case, a volunteer performing work for Morningside (a nonprofit organization) was the cause of an automobile accident. The courts found the charitable organization was liable under the respondent superior doctrine, holding that the charitable organization had the responsibility to control the activities of their volunteers. In this case, a person working as a servant in the eyes of the community, is regarded as a part of the employee's own working staff. Therefore, it can be deduced that a volunteer's liability for the organization extends to any negligent behavior that is within the scope of the volunteer service (Harshfield, 1996).

To establish the requirement of *respondeat superior* liability against an organization, the plaintiff must show that the volunteer-tortfeasor was acting as a servant of the organization. Under the negligent hiring doctrine, the plaintiff would not only have to prove that the volunteer committed the tort, but also that (a) information concerning the volunteer's incompetence was reasonably accessible, (b) the organization failed to take reasonable measures to obtain the information, (c) the harm would probably not have occurred had the organization taken care in screening, (d) and the harm was a foreseeable risk of the organization's failure to screen (Lear, 1997).

Sovereign immunity is based on the English common law that held the king could do no wrong. Sovereign immunity was adopted in the United States under the

common law tradition. Although several states have retained sovereign immunity, the majority has consented to accept some liability for torts. Each state's statutes define the limits of sovereign immunity in that state (Harshfield, 1996).

The Different Types of Criminal Background Checks

Three types of background searches are commonly employed to screen new school hires: (a) in-state criminal records checks, (b) national FBI criminal checks, and (c) fingerprint record checks ("Single police record," 1997). A database check is a search of criminal records that has compiled in county or state computer databases. A flaw in the system occurs when a person has a criminal record in a jurisdiction not covered by the databases. In this situation, his or her record will not be found when the database search is performed (Shaffer, 2002).

The Challenge Facing Public School Administrators

An employer is challenged trying to develop a balance between the need to know background information and the right of applicants to retain their privacy. In striving to develop policies concerning applicant processing, employers must take into account the various federal laws governing employment, differing legislation for each state, and case law regarding the rights of employers and applicants (Seidler, 1990; Splitt, 1988).

When developing policy, rather than handling all situations, school districts should try to formulate procedures to judge various circumstances. Although there has

been extreme criticism of the U.S. criminal justice system, some individuals have been rehabilitated and have served as productive members of society (Seidler, 1990). When one deals with an individual who has had a conviction, it is necessary to evaluate items such as the nature of the offense, the recency of the conviction, and the individual's record subsequent to the conviction. To develop a policy that precludes any individual convicted of a felony may deprive the district of a worthwhile candidate (Seidler, 1990). Some states hold government entities fully responsible for acts of gross negligence, such as not conducting an adequate investigation into an individual's background and placing that person in a classroom without a background check ("Hawaii high court," 2002). With a systematic method of checking backgrounds, a school district adds a valuable component to the selection process and will not only be spared possible legal liability and embarrassment from inappropriate candidates, but will select the best candidate for vacant positions (Seidler, 1990).

Equal Employment Opportunity Commission (EEOC) Guidelines

Although not necessarily applicable to the selection of school volunteers, the EEOC and the U.S. courts require the examination of several factors in determining whether someone who has been convicted of a crime may be disqualified for employment. The commission states that an employer may deny employment to any applicant based on prior conduct if the conduct indicates that the applicant would be unfit for the position, even if no arrest was made. In other words, it is the *conduct*, not the arrest or conviction, which the employer may consider. The EEOC forbids, however, a blanket policy barring employment to those who have been arrested for a

crime. EEOC guidelines also indicate that consideration should be given to factors such as the age of the individual when the conviction occurred, the length of time since the conviction, and whether the individual is rehabilitated. The most important factor and the one most often cited by the courts is the relationship of the nature of the conviction to the specific position the applicant is seeking. Therefore, it is a good idea for employers to make a separate evaluation for each person who has been convicted of a crime against the requirements of the specific job (Nadell, 2004).

Self-Esteem Associated With Criminal History

Moral standards for educators are higher than for the average person. Those associated with education are role models – more so than any other profession outside of the clergy. The job of teaching involves a moral component. Fair or not, educators' reputations matter (Parker, 2002).

Child Victimiziers

Published jointly by the U.S. Department of Justice and the Office of Juvenile Justice and Delinquency Prevention, Greenfield (1996) sheds light on the most serious types of child abuse and victimization – those offenses for which a term of imprisonment was imposed or in which a child was murdered. Nationally, 19% of violent state prison inmates committed their crime against a child and 78% of those convicted of sexual assault had abused a child.

Identification of Individuals Disqualified From Working With Children

There are problems associated with interpreting information needed to disqualify individuals working with children. The Bureau of Justice Statistics' (2000) *Continuing Criminal History Records Improvement Evaluation: Final 1994-98 Report*, an evaluation report produced by the U.S. Department of Justice, noted that agencies requesting background checks on individuals working with children do not always know if a particular conviction is disqualifying for a particular job. As such, agencies are not necessarily qualified to understand the plethora of violation and conviction codes contained in the reports they receive. For example, sometimes users cannot distinguish whether a felony violation involved a child, and hence whether it is disqualifying. The report further identified the need for developing a framework that incorporates a core set of outcome measures with which non-criminal justice communities may assess records (SEARCH Group, 2001b). At a 1992 national conference on criminal justice data quality issues, United States Attorney General Dick Thornburgh stated that criminal history records are the most widely used records within the criminal justice process (Thornburgh, 1992; SEARCH Group, 1992) and officials from three states also acknowledged during question-and-answer periods that interpretation of state records has presented a problem (SEARCH Group, 1992; SEARCH Group, 2001b).

Discriminating Between Violent and Nonviolent Criminal Involvement

Perkins and Moore (1979) found that empirical research concerning violent behavior in emotionally disturbed criminal offenders offered little insight into the

etiology and prediction of this behavior. Their resultant study involved the investigation of the relationship between a wide variety of objective variables and violence in an attempt to determine those variables that identify violent individuals. The results were intended to identify a pattern of characteristics as a first step in isolating variables on which research involving the prediction of violence might focus.

Life history variables, which might influence violent and nonviolent actions, have been suggested by prior studies. The comprehensive, pioneering research by Robbins (1966) has indicated that the best predictor of sociopathic personality in adulthood is the degree of juvenile antisocial behavior. Other research supports the relationship between history of juvenile delinquency and criminal violence in adults (Cocozza & Stedman, 1974; Greenland, 1971). In addition, Robbins (1966) determined that among those who were antisocial as youths, the best predictor of sociopathy is whether or not they were ever placed in a correctional institution. Similarly, West (1969) discovered that disordered conduct in childhood is significantly related to later delinquency. Other variables associated with delinquency in the study by West were: (a) being from a large family, (b) having an unstable mother, (c) having an unstable father, and (d) being separated early in life from a mother or father.

In response to increases in crime, there has been an increasing concern on the part of social scientists, mental health professionals, and law enforcement personnel to develop effective methods for the assessment of violence potential. Although an abundance of information describing the socioeconomic and psychological effects of violence exists, there has been limited progress in discovering a reliable and valid set

of measures for the identification of potentially violent individuals. This is partially because of a lack of agreement as to what constitutes violent behavior. Based on the available literature, the assessment of violence is a complex problem requiring multiple assessments of interacting variables (Selby, 1984).

Conclusions

The magnitude of the crime problem in the United States is fairly well known (Schwabe, 1999; *Uniform Crime Reports*, 2003) and the statistics in Texas indicate crime volume increased 3% in 2002 when compared to the previous year (Davis et al., 2002). In the past, police information has not been organized into a uniform, formatted, and comprehensive set of cross-referenced retrievable data files available to all officers (Bittner, 1990). However, recent federal and state initiatives concerning the use and management of criminal history record information have vastly improved the system (SEARCH Group, 2001b).

Through volunteers, schools can gain a large pool of human energy, more diversified talent, and more capacity to individualize instruction. Unfortunately, incidents around the nation document that many unfit and even dangerous individuals attempt to work with and around children in schools (Dorn, 2001; Karp, 2000; Lear, 1997). It is unpopular to disallow volunteers from participating in public schools. However, it is the role of the school district to identify volunteers who may have criminal or other backgrounds that make their participation questionable and limit their influence on children (Sikorski et al., 1999).

In recent years, administrators at schools have become more vigilant about bolstering security on their campuses and focusing on keeping students and staff safe from harm (Kennedy, 2001; Warren, 2002). Nonetheless, while school districts are very concerned about the backgrounds of the people they allow in schools, they are also faced with growing complaints about unwarranted intrusions into applicant privacy (Seidler, 1990).

In 1993, federal law directed each state to report child abuse information on individuals who were working with children. Since then, vast strides have been made, both in terms of the extent in which the criminal background check system is organized, as well as in terms of the quality of the system's product. State repositories that manage the majority of crimes prosecuted under state law make these criminal history files available to state agencies authorized by law to obtain the records for such purposes as employment screening, occupational licensing, as well as child protection (SEARCH Group, 2001b).

In an era of heightened concern for security, an ever-increasing number of schools and school districts are requiring parents and others who want to volunteer or mentor in schools, to submit to criminal background checks, for security reasons (Jacobson, 2003; "Single police record," 1997). However, despite the security and safety concerns, there are those who support and those who criticize the criminal history review process in schools (Jacobson, 2003; Karp, 2000; Sturge, 1989; Titus & DeFrances, 1989; Warren, 2002). Advocates of policies that mandate criminal history checks on volunteers say the screening process is a way to protect children's safety

(Warren, 2002) and help eliminate people who are likely to harm children (Titus & DeFrances, 1989). With safety concerns uppermost on their minds (“Last month,” 2002), advocates acknowledge there is flexibility in the system in that decisions regarding participation can be determined on a case-by-case basis (Sausner, 2003). Advocates acknowledge the reality that master criminals can be very well disguised, blending neatly into the local landscape (Wragg, 1994). Therefore, failure to screen all applicants properly is an invitation to disaster (Dorn, 2001).

Even though critics acknowledge the need to protect students from potentially dangerous adults, some educators do not believe background checks are the direction that school districts should take (Jacobson, 2003). Critics claim that undertaking criminal history searches are highly invasive of an applicant’s privacy and potentially very damaging as well as rarely uncovering a criminal conviction that could have an impact (Gershman, 2004). Opponents further acknowledge that people make mistakes in their lives and deserve a second chance. Parents appreciate the opportunity for volunteers to interact with their children if those with a criminal background have cleaned themselves up and become good role models (Willmsen, 2004).

Despite these concerns both pro and con, since organizations – and schools – assume the legal responsibility for the activities of individuals working for the benefit, under the direction, and by consent of the organization (Harshfield, 1996), criminal background checks are well advised, if applied fairly (Springer, 2003). Many difficulties confront school administrators when implementing background check policies resulting in variances in how they handle a situation in which a background

check turns up a prior offense (Jacobson, 2003). Additional difficulties surface because noncriminal justice users often lack a sufficient familiarity with criminal justice case processing and criminal justice terminology to be able to easily interpret and understand the record made available to them (SEARCH Group, 2001b).

In response to increases in crime, there has been an increasing concern on the part of social scientists, mental health professionals, and law enforcement personnel to develop effective methods for the assessment of violence potential. However, there has been limited progress in discovering a reliable and valid set of measures for the identification of potentially violent individuals. Based on the available literature, the assessment of violence is a complex problem requiring multiple assessments of interacting variables (Selby, 1984).

Every volunteer has the potential to enhance the school's academic performance and efficiency. By conducting criminal history background checks on potential volunteer applicants, school administrators can improve the likelihood that the person will not, instead, create problems and become a source of liability (Nadell, 2004).

CHAPTER III

METHODOLOGY

Following a review of the literature, this study was designed to examine the influence of criminal history background checks on the selection of volunteers by large, medium, and small public school districts in Texas. Information reported in Chapter II provided some data reflecting that criminal background checks do positively affect the selection of classroom volunteers. This study sought to examine the extent to which policies and procedures existed, the interpretation of certain aspects of criminal histories, and the effectiveness of the criminal history background check process, as identified by human resource professionals in Texas public school districts. Additionally, the study compared the impact, if any, based on the size of the school district based on student population. Using a researcher-developed survey, the researcher investigated the degree to which policy and procedures exist; the extent to which selected variables of recency of offense, types of offense, multiple number of offenses, adjudication process, and type of criminal history check impact interpretation of criminal background checks on school volunteer selection; and the effectiveness of criminal background check procedures. Data collected provided the basis for a review of the various prohibitions on volunteers participating in schools. The data further described the extent to which the selected variables affect the outcome of volunteer approval for participation in school events.

The author obtained information for this study through a request by letter to human resource professionals and superintendents of Texas school districts. The request asked for internal policy and procedure documents, as well as completion of a quantitative questionnaire regarding the manner in which volunteer criminal history background checks were processed and reviewed for approval or disapproval of volunteers in schools.

The three major questions to be answered through this research were as follow:

1. Does the size of the school district impact the existence of policies and procedures regarding school volunteer applicant criminal background checks as reported by human resource professionals of selected Texas public school districts?
2. Does the size of the school district significantly influence the interpretation of recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check regarding school volunteer selection as reported by human resource professionals of selected Texas public school districts?
3. Are criminal background check procedures effective in eliminating potential school volunteers who might pose a threat or risk to teachers, staff, and students as reported by human resource professionals in Texas public school districts?

The methodology utilized to accomplish this study is disclosed in detail in this chapter under the following divisions: population, procedures, instrumentation, and data analysis.

Population

Ninety Texas school districts were randomly selected for this study based on student populations. Thirty school districts with student populations greater than 10,000 students were identified for the study as large-sized school districts, 30 school districts with student populations between 1,600 and 9,999 students were identified for the study as medium-sized school districts, and 30 school districts with student populations up to 1,599 were identified for the study as small-sized school districts (Table 1).

Table 1. Texas School Districts With Enrollment Data

School District	Student Population	Total Number of Texas Districts
Large-Sized School Districts	Greater than 10,000	87
Medium-Sized School Districts	1,600-9,999	278
Small-Sized School Districts	10-1,599	673

From Texas Education Code, n.d.

Of the 30 large school districts surveyed, 26 responded; of the 30 medium-sized school districts surveyed, 22 responded; of the 30 small-sized school districts surveyed,

20 responded; and 23 districts provided a copy of their policy or procedure for analysis (Table 2).

Table 2. Response Rate to Survey Questionnaire Regarding Criteria for Selection of Volunteers to Participate in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts by Size of School District Based on Student Population

School District Category	Total Number of Texas Districts	Number of Responses	Percentage
Large-Sized School Districts	87	27	90.0
Medium-Sized School Districts	278	22	73.3
Small-Sized School Districts	673	21	70.0
Total	1,038	70	77.7

Instrumentation

The researcher-designed questionnaire was developed following the suggested sequence for instrument development in *Educational Research: An Introduction* (Gall, Borg, & Gall, 1996) after a thorough review of the literature on the topic. The development of the survey questionnaire items was based on these factors: (a) defining the research objectives; (b) selecting a sample population; (c) designing the questionnaires format; (d) submitting questionnaire for expert peer review; (e) field

testing the questionnaire; (f) writing a cover letter and distributing the questionnaire; (g) following up with non-respondents; and (h) analyzing questionnaire data.

The questionnaire was developed to determine the impact of criminal background checks on school district policies and procedures concerning the selection of school volunteers. The questionnaire was designed to help identify (a) the degree to which policies and procedures existed; (b) if a relationship existed between the selected variables – types of offenses identified on criminal background checks, recency of offense, an individual's number of offenses (multiple offenses), adjudication, the type of background check used; and (c) how effective criminal background check procedures are in eliminating potential volunteers who might pose a threat or risk to students and teachers.

The instrument was titled Human Resource Professional Questionnaire (Appendix A). The research topic was identified in the introduction of the questionnaire, as well as the operational definition of classroom volunteer (West Group, 2004). The questions addressed the general areas of policy and procedures, interpretation of criminal histories, effectiveness of procedures, and additional information.

Policy and Procedures

The first section of the survey requested information regarding the extent of written policies and/or procedures designed to review criminal histories on volunteers prior to allowing their assistance in schools. Other questions in this section clarified

“unofficial” procedures that may be in effect but are not codified in formal district policy.

Interpretation of Criminal Histories

The second section requested information regarding the interpretation of the selected variables of recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check regarding school volunteer selection. Other questions in this section attempted to establish the timeframe beyond which incidents were not considered relevant to the decision to allow volunteers to assist in schools. Clarification regarding arrests involving moral turpitude, as they pertain to volunteer approval to participate, was also included in this section.

Effectiveness of Procedures

The third section of the questionnaire requested information regarding the effectiveness of criminal background checks on volunteers in protecting teachers and/or students.

Additional Information

The fourth and final section of the questionnaire requested information concerning the scope of volunteer activities for which background checks were performed. This section also provided the opportunity for respondents to provide additional comments or clarifications.

The questionnaire was developed by the researcher under the guidance of his statistics professor and then sent to the researcher’s chair of the doctoral committee for

his review. Content validity was established using the procedures set forth in Gall et al. (1996) by submitting the instrument to seven experts for review. Two of the experts were school attorneys, three experts worked in this area of education at district level and at an Educational Service Center, and two human resource professionals worked in school districts not identified for survey. To declare the instrument valid, questions were examined to ensure they were measuring what they purported to measure. After the review by the panel of experts, minor modifications of the instrument were made for clarity purposes

Field testing of the questionnaire occurred in May 2002 following the revisions of the questionnaire based on the panel of experts' review. This field test by a group of four human resource professionals, who would not be participants in the study, pretested the instrument for readability, understanding, and clarity and to provide an estimated time of completion for the questionnaire. The average completion time for the questionnaire was 10-15 minutes. There were no responses that indicated any concerns with the clarity of the instrument.

The final draft questionnaire (Appendix A), survey information sheet (Appendix B), initial cover letter (Appendix C) and follow-up cover letter (Appendix D) were forwarded on May 5, 2004, to the Texas A&M University Institutional Review Board for review in accordance with university protocols governing human subjects in research. On June 28, 2004, the Institutional Review Board approved the research topic and proposed questionnaire. The request of waived signed consent was also approved.

The sample selection for this study is discussed in specific detail earlier in the population section of this chapter. The sample for this study was composed of human resource professionals associated with criminal background check procedures for volunteers in their respective public school districts. The implementation of the distribution of the questionnaire is described in specific detail in the procedures section of this chapter. The analysis of the questionnaire data is discussed briefly in the data analysis section of this chapter and in specific detail in the following Chapter IV.

Procedures

The researcher downloaded the *Texas School Directory* school district personnel data for the entire state from the Texas Education Agency (n.d.) website on August 8, 2004, and converted the file into a Microsoft Excel workbook. Charter schools and Texas Youth Commission schools were deleted from the listing because they did not meet the population criteria for this project. School districts were further sorted by large-sized, medium-sized, and small-sized school districts based on the identified student population of the district. School districts in each category were randomly selected to obtain 30 school districts in each grouping. All 90 school district websites were then researched for the name of the appropriate administrator responsible for personnel/human resource services. If a district did not have a personnel office (typically smaller school districts), the survey was directed to the superintendent of that school district for action.

The mail-out procedure for this project used Microsoft Office XP programs Excel and Word to form cover letters individualized for each respondent using the mail merge capability of the software. All letters of request were sent via first-class mail, and each included a stamped return-addressed envelope using the software label making capability.

Respondents were assured via an information sheet that their responses to the questionnaire were confidential. Survey questionnaires were sequentially numbered for tracking purposes only; however, once the data were collected, this identification link between survey instrument and respondent was destroyed.

The request for policy and procedure documentation and questionnaire was mailed to the senior human resource professional of the school district on August 11, 2004, with a request to direct the questionnaire to the person most cognizant of their volunteer applicant screening practices at their district. The initial mailing consisted of the questionnaire (Appendix A), survey information sheet (Appendix B), initial cover letter (Appendix C), and a letter of endorsement from the Executive Director of the Texas Association of School Personnel Administrators (Appendix E). Of the 90 Texas school districts identified for study, 42 school districts responded to the initial request.

A post card reminder was mailed via first class mail on August 24, 2004, 13 days after the initial mailing as a reminder and to generate interest among survey participants who had not returned the questionnaire (Appendix F).

A follow-up letter (Appendix D) along with a second copy of the questionnaire (Appendix A), survey information sheet (Appendix B), and letter of endorsement

(Appendix E), as a second request, was mailed on September 3, 2004, via first class mail to those who did not respond. The second mail-out yielded 22 additional district responses.

Each survey mail-out allowed for at least a two-week response time. After the second two-week period had elapsed, the researcher telephoned each district that did not respond during the allotted timeframe. Three opportunities to respond to the questionnaire were provided over a ten-week period (Table 3).

Table 3. Final Response Rate to Survey Questionnaire Regarding Criteria for Selection of Volunteers to Participate in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts by Size of School District Based on Student Population

	Number of Responses	Percentage
First Mail-Out	42	46.6
Second Mail-Out	22	24.4
Response to Telephonic Request	6	6.6
Total	70	77.7

During October 2004, responses from the districts were compiled and statistical analysis performed on the data.

Data Analysis

All appropriate statistical tools and techniques were used to analyze the data elements. Quantitative statistical data were obtained using basic research techniques as outlined in *Educational Research: An Introduction* (Gall et al., 1996) and analyzed using Statistical Package for Social Studies (SPSS, Version 11.5.1, 2002). Results of the study were reported using numerical and quantitative techniques to report inferential statistics such as means, frequencies, and percentages. Pattern grouping of shared elements was also administered. Tables were used to present the findings.

Data interpretation and analysis were done following the procedure described in *Educational Research: An Introduction* (Gall et al., 1996). The Statistical Package for Social Studies (SPSS, Version 11.5.1, 2002) computer program was employed to obtain an analysis of the desired information regarding the degree to which the selected variables of recency of offense, types of offense, multiple number of offenses, adjudication process, and type of criminal history check incorporated in the policies, impact interpretation of criminal background checks on school volunteer selection. The following procedures and research design were used in the treatment of data:

1. The Statistical Package for Social Studies (SPSS, Version 10.0, 2000) computer program computed the descriptive statistics such as mean, standard deviation, variance, frequency and percentage for each variable.
2. The Statistical Package for Social Studies (SPSS, Version 11.5.1, 2002) computer program was also used to compute Pearson product-moment correlation coefficient to test the research questions stated in Chapter I.

The stated procedures were chosen for their applicability to the data as well as the research objective. The three underlying assumptions for analysis of variance according to Spatz (1997) were met: (a) normality of variance distribution within the population, (b) homogeneity of variance is approximately equal, and (c) random sampling from the population. Treatment of all data were restricted to the three primary research questions of this study. The two-tailed test for Pearson product-moment correlation coefficient that showed significance at the $p \leq .001$ level was identified. The procedures are discussed in more detail in Chapter IV.

In summary, the population for this study was 90 randomly selected Texas school districts with varying student enrollment. This total population was identified using student enrollment data contained in the Texas Education Agency (n.d.) *Texas School Directory*. Of the 90 school districts identified, 70 responded during the period of the survey, resulting in a survey population of 70 respondent school districts. The total response rate was 77.7%.

The researcher determined that by using this process, he was able to collect, analyze, and interpret his data. Due to the significant amount of research and the various responses to the questionnaire, many of the procedures and philosophies employed at various school districts became evident during the dissertation process. Therefore, the researcher was able to draw inferences and conclusions from the emerging data.

CHAPTER IV

ANALYSIS OF THE DATA

Introduction

The purpose of this study was to examine the impact of criminal background checks on school district policies and procedures that guide the approval of school volunteers to work in schools as reported by human resource professionals in selected Texas public school districts. Specifically, the study sought to determine (a) the degree to which these policies and procedures exist, (b) if a relationship exists between the selected variables – types of offenses identified on criminal background checks, recency of offense, individual's number of offenses (multiple offenses), adjudication, the type of background check used, and (c) how effective criminal background check procedures are in eliminating potential volunteers who might pose a threat or risk to teachers, staff, and students. Additionally, the study attempted to determine if there was a difference in responses based on the size of the school district.

The findings of the study are reported in this chapter. Chapter IV provides an analysis of the data resulting from the Human Resource Professional Questionnaire responses. The chapter then provides the demographic data of the population that responded to the questionnaire. Next, each research question is addressed with the corresponding data analysis. The procedures for analyzing the data and a summary of the findings are included. Descriptive and inferential statistical data are presented.

The results presented in this chapter address three research questions:

1. Does the size of the school district impact the existence of policies and procedures regarding school volunteer applicant criminal background checks as reported by human resource professionals of selected Texas public school districts?
2. Does the size of the school district significantly influence the interpretation of recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check regarding school volunteer selection as reported by human resource professionals of selected Texas public school districts?
3. Are criminal background check procedures effective in eliminating potential school volunteers who might pose a threat or risk to teachers, staff, and students as reported by human resource professionals in Texas public school districts?

Data Analysis Procedure

The researcher developed and utilized a survey instrument named the Human Resource Professional Questionnaire that provided the information for the research results presented in this chapter. The various data elements collected with the questionnaire were analyzed using the statistical software program SPSS 11.2 Version II for Windows. The first section of this chapter presents demographic data that identifies the manner in which 90 public school districts were chosen to participate in

this study based on categories of Texas public school districts as determined by student enrollment data presented in the Texas Education Agency (n.d.) *Texas School Directory*.

The next section of this chapter presents data from the questionnaire responses used to answer each of the three research questions. Out of the 90 total possible school districts surveyed, 70 (77.7%) were returned. Although there were a total of 70 participants, some of the participants did not respond to each of the items of the survey. For this reason, response rate discrepancies from one item to another have occurred. Survey item wording is condensed when included in tables of analysis. The complete wording of each survey item is located in Appendix A. Data for the research questions are reported through the use of frequency numbers and the magnitude of the relationship. The Chi-square test used in this study is a nonparametric test of statistical significance that is used when the research data are in the form of frequency counts for two or more categories (Gall et al., 1996). Statistical significance was established based on an alpha level of 0.05. Other ancillary findings are also discussed in this section of the chapter.

Demographic Data

This study was conducted during the spring and summer of 2004. The population of the study was 90 public school districts randomly selected based on student populations from the 1,038 public school districts with the state of Texas. Thirty school districts with student populations greater than 10,000 students were

identified for the study as large-sized school districts, 30 school districts with student populations between 1,600 and 9,999 students were identified for the study as medium-sized school districts, and 30 school districts with student populations up to 1,599 were identified for the study as small-sized school districts (Table 4).

Table 4. Size Categories of the 1,038 Texas Public School Districts as Determined by Student Enrollment Data Presented in the Texas Education Agency *Texas School Directory*

School District Size	Number of Students
Large-Sized	10,000+
Medium-Sized	1,600-9,999
Small-Sized	0-1,599

Of the 90 questionnaires sent to targeted school districts, a total of 70 questionnaires were returned. Of the 30 large school districts surveyed, 26 responded, which represented 90% of the sample. Of the 30 medium-sized school districts surveyed, 22 responded, which represented 73.3% of the sample. Of the 30 small-sized school districts surveyed, 20 responded, which represented 70.0% of the sample. Additionally, 23 districts provided a copy of their policy or procedure for analysis. Table 5 reports the response rate by the size of the school district.

Table 5. Comparison of Number of Texas Districts Surveyed and Response Rate to Survey Questionnaire Regarding Criteria for Selection of Volunteers to Participate in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts by Size of School District Based on Student Population

Size of School District	Number of Texas Districts in Category	Number of Texas Districts Surveyed	Number of Questionnaires Returned	Percentage
Large-Sized	87	30	27	90.0
Medium-Sized	278	30	22	73.3
Small-Sized	673	30	21	70.0
Total	1,038	90	70	77.7

The researcher also numerically coded the data by the size of the school district. This helped to determine if the number of respondents were representative of the various size categories of participating districts. Using stratified random selection procedures, the researcher determined that the demographic components of the sample effectively represented the whole of the public school districts of the state of Texas; the researcher will now examine the specific research questions of this study.

Analysis of Research Questions

The first section of the questionnaire addressed *Policy and Procedures*. This section of the survey contained three questions that requested information regarding the extent of written policies and/or procedures designed to review criminal histories on volunteers prior to allowing their assistance in schools. Other questions in this section

clarified “unofficial” procedures that may be in effect but are not codified in formal district policy. A space was provided for additional comments.

The second section of the questionnaire addressed *Interpretation of Criminal Histories*. This section of the survey contained 12 questions that requested information regarding the interpretation of aspects of the selected variables of recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check regarding school volunteer selection. Other questions in this section attempted to establish the timeframe beyond which incidents were not considered relevant to the decision to allow volunteers to assist in schools. Clarification regarding arrests involving moral turpitude, as they pertain to volunteer approval to participate, was also included in this section. When appropriate, a space was provided for additional comments.

The third section of the questionnaire addressed *Effectiveness of Procedures*. This section contained one question that requested information regarding the effectiveness of criminal background checks on volunteers in protecting teachers, staff, and students. Again, a space was provided for optional comments.

Research Question 1

Does the size of the school district impact the existence of policies and procedures regarding school volunteer applicant criminal background checks as reported by human resource professionals of selected Texas public school districts?

In order to evaluate this question, the researcher reviewed the data collected from the first three questions of section one of the questionnaire.

Survey question 1a – Policy and procedures: Use of written policy and procedures. On the Human Resource Professional Questionnaire, question 1a investigated the question: Does your school district use written policies and/or procedures (program of actions or set of principles on which they are based) designed to review criminal histories on volunteers prior to allowing their assistance in schools? Survey question 1a examined the relationship between the sizes of the school district as it pertained to the existence of written policies and/or procedures. On this question, survey participants could respond to three options: (a) yes; (b) no, we do not conduct criminal background checks on volunteers in our district; or (c) other comment, with an opportunity to explain his or her particular situation further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. A Chi-square analysis is an inferential statistics technique that tests the association between categorical variables and can assist the researcher in rejecting or failing to reject a null hypothesis by providing a sampling distribution that gives probabilities about frequencies. The results of the raw data of the responses to question 1a are displayed in Table 6.

Table 6. Cross-Tabulation of Human Resource Professional Questionnaire Question 1a Regarding the Use of Written Policies and/or Procedures Designed to Review Criminal Histories on Volunteers Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Use Written Policies and/or Procedures?			Total
	Yes	No	Other	
Large-Sized	15	4	7	26
Medium-Sized	11	5	6	22
Small-Sized	9	10	1	20
Total	35	19	14	68

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.064. The results of the Chi-square test are presented in Table 7.

Table 7. Chi-Square Test of Human Resource Professional Questionnaire Question 1a Regarding the Use of Written Policies and/or Procedures Designed to Review Criminal Histories on Volunteers Prior to Allowing Their Assistance in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	8.876	4	0.064

As indicated in Table 7, the level of significance for the procedure was 0.064. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which these sample means were drawn, the two variables are unrelated. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference based on size of the school district in the response rates regarding the use of written policies and/or procedures designed to review criminal histories on volunteers as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Survey question 1b – Policy and procedures: Use of “unofficial” procedures.

On the Human Resource Professional Questionnaire, question 1b investigated: Does your school district review criminal histories of volunteer applicants using “unofficial” procedures? Survey question 1b examined the relationship between the sizes of the school districts to the existence of “unofficial” procedures. On this question, survey participants could respond to six options: (a) yes, we review criminal histories and render a decision to allow or disallow volunteer participation on a case-by-case basis without policy or procedural guidelines (i.e., decision criteria is not formalized in policy or procedure); (b) yes, we review criminal histories and render a decision to allow or disallow volunteer participation solely on “gut instinct” without policy or procedural guidelines (i.e., decision criteria is not formalized in policy or procedure); (c) no, “unofficial” procedures for reviewing criminal histories on volunteers are not

used; (d) no, “unofficial” procedures are not used, instead, policies or procedures exist to ensure consistency of decision to allow or disallow volunteer participation; (e) we do not conduct criminal background checks on volunteers in our district; (f) other comment, with an opportunity for the respondent to explain his or her particular situation further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. The total results of the raw data of the responses to question 1b are displayed in Table 8.

Table 8. Cross-Tabulation of Human Resource Professional Questionnaire Question 1b Regarding the Use of “Unofficial” Procedures Designed to Review Criminal Histories on Volunteers Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Use “Unofficial” Procedures?					We Do Not Conduct Background Checks		Total
	Yes, on Case-by-Case Basis	Yes, Solely on “Gut Instinct”	No, Unofficial Procedures Are Not Used	No, Formal Policies Exist	Other			
Large-Sized	9	1	2	7	0	0	19	
Medium-Sized	9	2	3	3	1	0	18	
Small-Sized	6	0	2	4	0	1	13	
Total	24	3	7	14	1	1	50	

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.639. The results of the Chi-square test are presented in Table 9.

Table 9. Chi-Square Test of Human Resource Professional Questionnaire Question 1b Regarding the Use of “Unofficial” Procedures Designed to Review Criminal Histories on Volunteers Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	7.895	10	0.639

As indicated in Table 9 the level of significance for the procedure was 0.639. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred that based on descriptive statistics in the population from which this sample was taken, the two variables were unrelated. That is, there is statistical independence between these two variables.

This survey question provided a wide range of options for response. It readily became evident to the researcher that there were several columns that contained so low a level of response that to try to make any statistical inference over these columns (with less than ten responses) seemed statistically unreasonable. Nevertheless, there were clearly two predominant responses which emerged: (a) yes, on a case-by-case basis and

(b) no, formal policies exist, as compared to the other responses. The results of the raw data for these two critical responses to question 1b were collapsed, discarding the small n-counts of irrelevant data. The emerging cross-tabulation was further studied using Chi-square analysis. The collapsed results for survey question 1b are displayed in Table 10.

Table 10. Collapsed Cross-Tabulation of the Two Critical Issues That Emerged on Human Resource Professional Questionnaire Question 1b Regarding the Use of “Unofficial” Procedures Designed to Review Criminal Histories on Volunteers Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Use “Unofficial” Procedures?		Total
	Yes, on a Case-by-Case Basis	No, Formal Policies Exist	
Large-Sized	9	7	16
Medium-Sized	9	3	12
Small-Sized	6	4	10
Total	24	14	38

To investigate any significance within the collapsed cross-tabulation of survey question 1b, a Chi-square analysis was performed to test the association between categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.064. The results of the Chi-square test are presented in Table 11.

Table 11. Collapsed Chi-Square Test of Human Resource Professional Questionnaire Question 1b Regarding the Use of “Unofficial” Procedures Designed to Review Criminal Histories on Volunteers Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	1.094	2	0.579

As indicated in Table 11, the level of significance for the procedure was 0.579. This was greater than the alpha level of 0.05. As a result, the decision was made by the researcher to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which the sample was taken, the two variables were independent of each other. In other words, if one knows the size of the school district, there is no insight into the review procedure that takes place regarding the use of “unofficial” procedures designed to review criminal histories on volunteers as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Survey question 1c – Policy and procedures: Use of a self-report. On the Human Resource Professional Questionnaire, question 1c investigated: Does your school district use a “self-report” form whereby volunteer applicants are asked to “self-identify” if they have ever been convicted of a felony or crime involving moral turpitude (for example, do you ask applicants if they have been convicted of a felony or crime involving moral turpitude)? Survey question 1b examined the relationship

between the sizes of the school districts to the existence of volunteer “self-reporting” of criminal history record. On this question, survey participants could respond to five options: (a) yes, and there is no further checking of the applicant’s criminal history (permission to volunteer is based solely on the applicant’s response); (b) yes, and only those applicants who indicate there is a criminal background are checked further; (c) yes, and a formal criminal background check is initiated regardless of the applicant’s response; (d) no, we do not use a “self-report” form; however, we do ask volunteer applicants to provide some identifying data (for example, name, Texas drivers license number, date of birth) to run a formal criminal background check; (e) other comment, with an opportunity for the respondent to explain his or her particular situation further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of a “self-reporting” form whereby applicants “self-identify” if they have a been convicted of a felony or crime involving moral turpitude. The total results of the raw data of the responses to question 1c are displayed in Table 12.

Table 12. Cross-Tabulation of Human Resource Professional Questionnaire Question 1c Regarding the Use of “Self-Reporting” Form Whereby Applicants “Self-Identify” if They Have Been Convicted of a Felony or Crime Involving Moral Turpitude Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Uses “Self-Reporting” Procedures				Total
	Yes, With No Further Checking	Yes, Then Investigate Those Who Indicate a Criminal History	Yes, Followed by Formal Criminal History Background Check	No, No “Self-Report” Form is Used	
Large-Sized	0	0	10	13	23
Medium-Sized	1	1	10	6	18
Small-Sized	0	0	3	10	13
Total	1	1	23	29	54

To investigate any significance within the cross-tabulation, a Chi-square analysis was preformed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.197. The results of the Chi-square test are presented in Table 13.

Table 13. Chi-Square Test of Human Resource Professional Questionnaire Question 1c Regarding the Use of “Self-Reporting” Forms Whereby Applicants “Self-Identify” if They Have Been Convicted of a Felony or Crime Involving Moral Turpitude Prior to Allowing Their Assistance in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	8.607	6	0.197

As indicated in Table 14, the level of significance for the procedure was 0.197. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which the sample was taken, the variables have no association. That is, there is statistical independence.

This survey question provided a wide range of options for response. It readily became evident to the researcher that there were several columns that contained so low a level of response that to try to make any statistical inference over these columns (with less than ten responses) seemed statistically unreasonable. Nevertheless, there were clearly two predominant responses that emerged: (a) yes, followed by formal criminal background check and (b) no, no “Self-Report” form used, as compared to the other responses. The results of the raw data for these two critical responses to question 1c were collapsed, discarding the small n-counts of irrelevant data. The emerging cross-tabulation was further studied using Chi-square analysis. The collapsed results for survey question 1c are displayed in Table 14.

Table 14. Collapsed Cross-Tabulation of the Two Critical Issues That Emerged on Human Resource Professional Questionnaire Question 1c Regarding the Use of “Self-Reporting” Forms Whereby Applicants “Self-Identify” if They Have Been Convicted of a Felony or Crime Involving Moral Turpitude Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Uses “Self-Reporting” Procedures		Total
	Yes, Followed by Formal Criminal Basis Background Check	No, No “Self-Report” Form is Used	
Large-Sized	10	13	23
Medium-Sized	10	6	16
Small-Sized	3	10	13
Total	23	29	52

To investigate any significance within the collapsed cross-tabulation of survey question 1c, a Chi-square analysis was performed to test the association between categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.104. The results of the Chi-square test are presented in Table 15.

Table 15. Collapsed Chi-Square Test of Human Resource Professional Questionnaire Question 1c Regarding the Use of “Self-Reporting” Forms Whereby Applicants “Self-Identify” if They Have Been Convicted of a Felony or Crime Involving Moral Turpitude Prior to Allowing Their Participation in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	4.529	2	0.104

As indicated in Table 15, the level of significance for the procedure was 0.104. This was greater than the alpha level of 0.05. As a result, the decision was made by the researcher to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which the sample was taken, the two variables were not dynamically linked. In other words, if we know the size of the school district, there is no insight into the use of “self-reporting” forms whereby volunteer applicants “self-identify” if they have been convicted of a felony or crime involving moral turpitude as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Research Question 2

Does the size of the school district significantly influence the interpretation of recency of offense, types of offense, multiple numbers of offenses, adjudication process and type of criminal history check regarding school volunteer selection as reported by human resource professionals of selected Texas public school districts?

In order to evaluate this question, the researcher reviewed the data collected from the first three questions of section two of the questionnaire.

Survey question 2a – Interpretation of criminal histories: Recency of offense.

On the Human Resource Professional Questionnaire, question 2a investigated: Regarding applicants who have a criminal history (arrest or conviction), does the recency of offense (the period of time between arrest and the date of criminal history checks for comparative or similar crimes) influence the decision to allow volunteers to

assist in schools? Survey question 2a examined the relationship between the size of the school district and how the recency of offense on a criminal background check influences the decision to allow an applicant to be approved for volunteer service. On this question, survey participants could respond to three options: (a) yes, (b) no, and (c) depends upon the nature of the offense. If this final option was selected, the respondent was provided the opportunity to explain further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. A Chi-square analysis is an inferential statistics technique that tests the association between categorical variables and can assist the researcher in rejecting or failing to reject a null hypothesis by providing a sampling distribution that gives probabilities about frequencies. The results of the raw data of the responses to question 2a are displayed in Table 16.

Table 16. Cross-Tabulation of Human Resource Professional Questionnaire Question 2a Regarding the Effect of Recency of Offense on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Does the Recency of Offense Effect Volunteer Selection?			Total
	Yes	No	Depends	
Large-Sized	13	3	4	20
Medium-Sized	5	0	6	11
Small-Sized	8	2	2	12
Total	26	5	12	43

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.193. The results of the Chi-square test are presented in Table 17.

Table 17. Chi-Square Test of Human Resource Professional Questionnaire Question 2a Regarding the Effect of Recency of Offense on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	6.079	4	0.193

As indicated in Table 17, the level of significance for the procedure was 0.193. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of difference. Therefore, it was inferred using descriptive statistics that in the population from which the sample was taken, the two variables were independent of each other. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the recency of offense concerning the review of criminal histories on volunteers as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Survey question 2b – Interpretation of criminal histories: Timeframe beyond which incidents are not considered. On the Human Resource Professional Questionnaire, question 2b investigated the question: What is the timeframe beyond which incidents are not considered relevant to the decision to allow volunteers to assist in schools? Survey question 2b examined the timeframe beyond which incidents were not considered to be relevant. On this question, survey participants could respond to eight options: (a) less than 2 years old; (b) between 2 years and 3 years old; (c) between 4 and 5 years old; (d) between 5 and 7 years old; (e) between 8 and 9 years old; (f) greater than 10 years old; (g) different timeframes based on the nature of the offense, with an opportunity to explain his or her particular situation further in writing; or (h) not considered an issue in our school district.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. The total results of the raw data of the responses to question 2b are displayed in Table 18.

Table 18. Cross-Tabulation of Human Resource Professional Questionnaire Question 2b Regarding the Timeframe Beyond Which Criminal History Incidents are Not Considered to Impact Approval of Volunteers to Participate in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Timeframe Beyond Which Incidents Are Not Considered Relevant							Total
	Less Than 2 Years Old	Between 4 and 5 Years Old	Between 6 and 7 Years Old	Between 8 and 9 Years Old	10 or More Years Old	Different Timeframes Per Offense	Not Considered Issue	
Large-Sized	0	2	2	1	1	11	2	19
Medium-Sized	0	1	0	0	5	8	0	14
Small-Sized	1	2	0	0	4	2	2	11
Total	1	5	2	1	10	21	4	44

To investigate any significance within the cross-tabulation, a Chi-square analysis was preformed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.145. The results of the Chi-square test are presented in Table 19.

Table 19. Chi-Square Test of Human Resource Professional Questionnaire Question 2b Regarding the Timeframe Beyond Which Criminal History Incidents are Not Considered to Impact Approval of Volunteers to Participate in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	17.117	12	0.145

As indicated in Table 19, the level of significance for the procedure was 0.145. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables.

This survey question provided a wide range of options for response. It readily became evident to the researcher that there were several columns that contained so low a level of response that to try to make any statistical inference over these columns (with less than ten responses) seemed statistically unreasonable. Nevertheless, there were clearly two predominant responses which emerged: (a) ten or more years old and (b) different timeframes per offense, as compared to the other responses. The results of the raw data for these two critical responses to question 2b were collapsed, discarding the small n-counts of irrelevant data. The emerging cross-tabulation was further studied using Chi-square analysis. The collapsed results for survey question 2b are displayed in Table 20.

Table 20. Collapsed Cross-Tabulation of the Two Critical Issues That Emerged on Human Resource Professional Questionnaire Question 2b Regarding the Timeframe Beyond Which Criminal History Incidents are Not Considered to Impact Approval of Volunteers to Participate in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School School District	Timeframe Beyond Which Incidents Are Not Considered Relevant		
	10 or More Years Old	Different Timeframes Per Offense	Total
Large-Sized	1	11	12
Medium-Sized	5	8	13
Small-Sized	4	2	6
Total	10	21	31

To investigate any significance within the collapsed cross-tabulation of survey question 2b, a Chi-square analysis was performed to test the association between categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.036. The results of the Chi-square test are presented in Table 21.

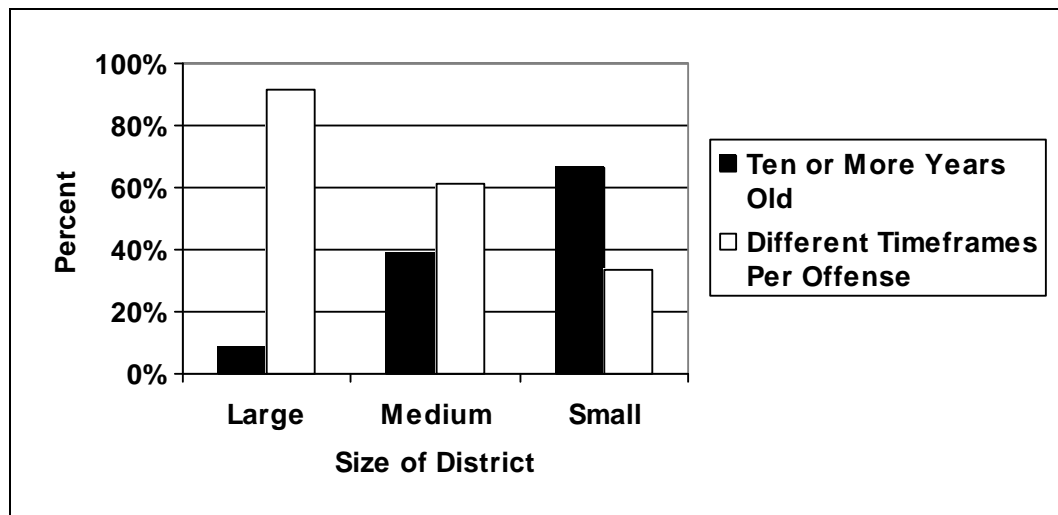
Table 21. Collapsed Chi-Square Test of Human Resource Professional Questionnaire Question 2b Regarding the Timeframe Beyond Which Criminal History Incidents are Not Considered to Impact Approval of Volunteers to Participate in Schools as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	6.623	2	0.036*

* $p \leq 0.05$.

As indicated in Table 21, the level of significance for the procedure was 0.036. This was less than the alpha level of 0.05. As a result, the decision was made by the researcher to reject the null hypothesis of no association. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are related. That is, there is statistical dependence between these two variables. In other words, if we know the size of the school district, we now have some insight into the timeframe beyond which incidents are considered to impact the selection process as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts. Figure 1 further displays this information.

Figure 1. Comparison of collapsed survey response rates based on size of school district and timeframe beyond which criminal history record incidents are not considered relevant for decision-making regarding volunteers in schools as reported by human resource professionals of selected Texas public school districts.



The statistical dependence is graphically displayed for the three district groupings. Large-sized school districts use a variety of different timeframes per offenses over a standard of ten-plus years. They employ more precise decision-making rules depending on the nature of the offense. However, small-sized school districts use the rigid older than ten years rule with little flexibility when exempting criminal history events from consideration.

Survey question 2c – Interpretation of criminal histories: Type of offense. On the Human Resource Professional Questionnaire, question 2c investigated the question: Regarding volunteer applicants who have a criminal history (arrest and conviction), does the type of offense (severity or magnitude of the crime) influence the decision to allow volunteers to assist in schools? Survey question 2c examined the relationship between the size of the school district and how the type of offense on a criminal background check influences the decision to allow an applicant to be approved for volunteer service. On this question, survey participants could respond to three options: (a) yes; (b) no; and (c) depends upon the nature of the offense, in that some offenses result in mandatory exclusion and other offenses may be discretionary. If this final option was selected, the respondent was provided the opportunity to explain further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. A Chi-square analysis is an inferential statistics technique that tests the

association between categorical variables and can assist the researcher in rejecting or retaining a null hypothesis by providing a sampling distribution that gives probabilities about frequencies. The results of the raw data of the responses to question 2c are displayed in Table 22.

Table 22. Cross-Tabulation of Human Resource Professional Questionnaire Question 2c Regarding the Effect of Type of Offense on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Does the Type of Offense Effect Selection as Volunteer?			Total
	Yes	No	Depends	
Large-Sized	11	1	2	20
Medium-Sized	13	0	4	17
Small-Sized	11	1	1	13
Total	41	2	7	50

To investigate any significance within the cross-tabulation, a Chi-square analysis was preformed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.563. The results of the Chi-square test are presented in Table 23.

Table 23. Chi-Square Test of Human Resource Professional Questionnaire Question 2c Regarding the Effect of Type of Offense on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	2.970	4	0.563

As indicated in Table 23, the level of significance for the procedure was 0.563. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the type of offense concerning the review of criminal histories on volunteers as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Survey question 2d – Interpretation of criminal histories: Number of offenses.

On the Human Resource Professional Questionnaire, question 2d investigated the question: Regarding volunteer applicants who have a criminal history (arrest and conviction), does the number of offense (more than one arrest record) influence the decision to allow or disallow volunteers to assist in schools? Survey question 2d examined the relationship between the size of the school district and how the type of

offense on a criminal background check influences the decision to allow an applicant to be approved for volunteer service. On this question, survey participants could respond to three options: (a) yes, (b) no, and (c) depends upon the nature of the offenses. If this final option was selected, the respondent was provided the opportunity to explain further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. A Chi-square analysis is an inferential statistics technique that tests the association between categorical variables and can assist the researcher in rejecting or retaining a null hypothesis by providing a sampling distribution that gives probabilities about frequencies. The results of the raw data of the responses to question 2d are displayed in Table 24.

Table 24. Cross-Tabulation of Human Resource Professional Questionnaire Question 2d Regarding the Effect of Number of Offense on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Does the Number of Offenses Effect Selection as Volunteer?			Total
	Yes	No	Depends	
Large-Sized	11	1	2	20
Medium-Sized	13	0	4	17
Small-Sized	11	1	1	13
Total	41	2	7	50

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.241. The results of the Chi-square test are presented in Table 25.

Table 25. Chi-Square Test of Human Resource Professional Questionnaire Question 2d Regarding the Effect of Number of Offenses on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	5.487	4	0.241

As indicated in Table 25, the level of significance for the procedure was 0.241. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the type of offense concerning the review of criminal histories on volunteers as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Survey question 2e – Interpretation of criminal histories: Adjudication process.

On the Human Resource Professional Questionnaire, question 2e investigated the question: If the adjudication process is not complete at the time of the application to volunteer, (that is, there has been an arrest record; however, there is no record of conviction or final adjudication), does this situation influence the decision to allow or disallow volunteers to assist in schools? Survey question 2e examined if the adjudication process on a criminal background check impacted the decision to allow an applicant to be approved for volunteer service. On this question, survey participants could respond to three options: (a) yes, (b) no, and (c) depends upon the nature of the offenses. If this final option was selected, the respondent was provided the opportunity to explain further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. A Chi-square analysis is an inferential statistics technique that tests the association between categorical variables and can assist the researcher in rejecting or retaining a null hypothesis by providing a sampling distribution that gives probabilities about frequencies. The results of the raw data of the responses to question 2e are displayed in Table 26.

Table 26. Cross-Tabulation of Human Resource Professional Questionnaire Question 2e Regarding the Effect of Incomplete Adjudication Process on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Effect of Incomplete Adjudication Process on Selection?			Total
	Yes	No	Depends	
Large-Sized	17	2	2	21
Medium-Sized	13	0	4	17
Small-Sized	11	1	0	12
Total	41	3	6	50

To investigate any significance within the cross-tabulation, a Chi-square analysis was preformed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.268. The results of the Chi-square test are presented in Table 27.

Table 27. Chi-Square Test of Human Resource Professional Questionnaire Question 2e Regarding the Effect of the Incomplete Adjudication Process on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	5.197	4	0.268

As indicated in Table 27, the level of significance for the procedure was 0.268. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the impact of the incomplete adjudication process concerning the review of criminal histories on volunteers as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Survey question 2f – Interpretation of criminal histories: Deferred adjudication. On the Human Resource Professional Questionnaire, question 2f investigated the question: If a volunteer possesses a criminal history of arrest and the prosecution (charge) and conviction (court action) result in a deferred adjudication, does this event disqualify the applicant from assisting in schools? On this question, survey participants could respond to three options: (a) yes, (b) no, and (c) depends upon the nature of the offenses. If this final option was selected, the respondent was provided the opportunity to explain further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or

procedures. A Chi-square analysis is an inferential statistics technique that tests the association between categorical variables and can assist the researcher in rejecting or retaining a null hypothesis by providing a sampling distribution that gives probabilities about frequencies. The results of the raw data of the responses to question 2f are displayed in Table 28.

Table 28. Cross-Tabulation of Human Resource Professional Questionnaire Question 2f Regarding the Effect of Deferred Adjudication on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Effect of Deferred Adjudication on Selection?			Total
	Yes	No	Depends	
Large-Sized	17	2	2	21
Medium-Sized	13	0	4	17
Small-Sized	11	1	0	12
Total	41	3	6	50

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.268. The results of the Chi-square test are presented in Table 29.

Table 29. Chi-Square Test of Human Resource Professional Questionnaire Question 2f Regarding the Effect of the Delayed Adjudication on a Volunteer Criminal History Record as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	5.197	4	0.268

As indicated in Table 29, the level of significance for the procedure was 0.268. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the impact of delayed adjudication concerning the review of criminal histories on volunteers as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Survey question 2g – Interpretation of criminal histories: Method of reviewing criminal history records. On the Human Resource Professional Questionnaire, question 2g investigated the question: What method is used in your school district to check criminal histories on volunteers who apply to assist in schools? On this question, survey participants could respond to as many times as applicable to eight options: (a)

locally-generated questionnaire/form asking volunteer applicants if they have been convicted of a felony or crime involving moral turpitude; (b) Texas Department of Public Safety (DPS); (c) National Federal Bureau of Investigation (FBI); (d) criminal records repository (other State); (e) Regional Education Service Center (ESC); (f) personal references (friends or family members); (f) commercial vendor; and (g) other source. If options (f) or (g) were selected, the respondent was provided the opportunity to explain further in writing. Responses to each source option will be analyzed separately.

Locally-generated questionnaire/form source option. In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. A Chi-square analysis is an inferential statistics technique that tests the association between categorical variables and can assist the researcher in rejecting or retaining a null hypothesis by providing a sampling distribution that gives probabilities about frequencies. The results of the raw data of the responses to question 2g regarding the option of a locally generated questionnaire/form as a source of criminal history record review are displayed in Table 30.

Table 30. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of a Locally-Generated Questionnaire/Form as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Locally Generated Questionnaire/Form as a Source Option for Criminal History Record Review		Total
	Yes	No	
Large-Sized	4	19	23
Medium-Sized	5	12	17
Small-Sized	1	12	13
Total	10	43	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was preformed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.312. The results of the Chi-square test are presented in Table 31.

Table 31. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of a Locally-Generated Questionnaire/Form as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	2.328	2	0.312

As indicated in Table 31, the level of significance for the procedure was 0.312. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of a locally-generated questionnaire/form as a source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Texas Department of Public Safety source option. The results of the raw data of the responses to question 2g regarding the option of the Texas Department of Public Safety as a source of criminal history record review are displayed in Table 32.

Table 32. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of the Texas Department of Public Safety as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Texas Department of Public Safety Source Option		
	Yes	No	Total
Large-Sized	21	2	23
Medium-Sized	5	2	17
Small-Sized	8	5	13
Total	44	9	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.058. The results of the Chi-square test are presented in Table 33.

Table 33. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of the Texas Department of Public Safety as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	5.703	2	0.058

As indicated in Table 33, the level of significance for the procedure was 0.058. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of the Texas Department of Public Safety as a source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Federal Bureau of Investigation (FBI) source option. The results of the raw data of the responses to question 2g regarding the option of the Federal Bureau of Federal Investigation (FBI) as a source of criminal history record review are displayed in Table 34.

Table 34. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of the Federal Bureau of Investigation as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Federal Bureau of Investigation Source Option		Total
	Yes	No	
Large-Sized	1	22	23
Medium-Sized	1	16	17
Small-Sized	0	13	13
Total	2	51	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.691. The results of the Chi-square test are presented in Table 35.

Table 35. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of the Federal Bureau of Investigation as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts, 2004

	Value	df	Significance
Pearson Chi-Square	.739	2	0.691

As indicated in Table 35, the level of significance for the procedure was 0.691. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of the Federal Bureau of Investigation as a source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Criminal records repository (other state) source option. The results of the raw data of the responses to question 2g regarding the option of a criminal records repository (other state) as a source of criminal history record review are displayed in Table 36.

Table 36. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of a Criminal Records Repository (Other State) as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Records Repository (Other State) Source Option		Total
	Yes	No	
Large-Sized	0	23	23
Medium-Sized	1	16	17
Small-Sized	1	12	13
Total	2	51	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.436. The results of the Chi-square test are presented in Table 37.

Table 37. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of a Records Repository (Other State) as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	1.660	2	0.436

As indicated in Table 37, the level of significance for the procedure was 0.436. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of a records repository (other state) as a source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Regional Education Service Center source option. The results of the raw data of the responses to question 2g regarding the option of the Regional Education Service Center as a source of criminal history record review are displayed in Table 38.

Table 38. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of the Regional Education Service Center as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Regional Education Service Center Source Option		Total
	Yes	No	
Large-Sized	3	20	23
Medium-Sized	2	15	17
Small-Sized	1	12	13
Total	6	47	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.886. The results of the Chi-square test are presented in Table 39.

Table 39. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of the Regional Education Service Center as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	.242	2	0.886

As indicated in Table 39 the level of significance for the procedure was 0.886. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of the Regional Education Service Center as a source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Personal references (friends or family members) source option. The results of the raw data of the responses to question 2g regarding the option of personal references (friends and family members) as a source of criminal history record review are displayed in Table 40.

Table 40. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of Personal References (Friends and Family Members) as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Personal References (Friends and Family Members) Source Option		Total
	Yes	No	
Large-Sized	0	23	23
Medium-Sized	2	15	17
Small-Sized	1	12	13
Total	3	50	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.264. The results of the Chi-square test are presented in Table 41.

Table 41. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of Personal References (Friends and Family Members) as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	2.667	2	0.264

As indicated in Table 41, the level of significance for the procedure was 0.264. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of personal references (friends and family members) as a source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Commercial vendor source option. The results of the raw data of the responses to question 2g regarding the option of a commercial vendor as a source of criminal history record review are displayed in Table 42.

Table 42. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of a Commercial Vendor as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Source Option of a Commercial Vendor?		Total
	Yes	No	
Large-Sized	7	16	23
Medium-Sized	3	14	17
Small-Sized	2	11	13
Total	12	41	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was preformed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.489. The results of the Chi-square test are presented in Table 43.

Table 43. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of a Commercial Vendor as a Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	1.431	2	0.489

As indicated in Table 43, the level of significance for the procedure was 0.489. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of a commercial vendor as a source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Other source option. The results of the raw data of the responses to question 2g regarding the option of another source of criminal history record review are displayed in Table 44.

Table 44. Cross-Tabulation of Human Resource Professional Questionnaire Question 2g Regarding the Option of an Other Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District	Other Source Option		Total
	Yes	No	
Large-Sized	3	20	23
Medium-Sized	1	16	17
Small-Sized	0	13	13
Total	4	49	53

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.346. The results of the Chi-square test are presented in Table 45.

Table 45. Chi-Square Test of Human Resource Professional Questionnaire Question 2g Regarding the Option of an Other Source of Criminal History Record Review as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	2.125	2	0.346

As indicated in Table 45, the level of significance for the procedure was 0.346. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the option of an other source of criminal history record review as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Research Question 3

Are criminal background check procedures effective in eliminating potential school volunteers who might pose a threat or risk to teachers, staff, and students as reported by human resource professionals in Texas public school districts?

In order to evaluate this question, the researcher reviewed the data collected from the first question of section three of the questionnaire.

Survey question 3a – Effectiveness of procedures: Protection of teachers, staff, and students. On the Human Resource Professional Questionnaire, question 3a investigated: Are criminal background checks on volunteers effective in protecting teachers, staff, and students? Survey question 3a examined the relationship between the size of the school district and the extent to which there was agreement concerning the effectiveness of procedures that potentially eliminate school volunteers who might pose a risk to teachers, staff, and students. On this question, survey participants could respond to three options: (a) yes; (b) no; and (c) other comment. If this final option was selected, the respondent was provided the opportunity to explain further in writing.

In order to evaluate this hypothesis, the data were processed by cross-tabulation and by Chi-square tests to determine if the responses of the participants reflected a relationship between size of school district and the use of written policies and/or procedures. A Chi-square analysis is an inferential statistics technique that tests the association between categorical variables and can assist the researcher in rejecting or retaining a null hypothesis by providing a sampling distribution that gives probabilities

about frequencies. The results of the raw data of the responses to question 3a are displayed in Table 46.

Table 46. Cross-Tabulation of Human Resource Professional Questionnaire Question 3a Regarding the Effectiveness of Criminal Background Check Procedures on School Volunteers in Protecting Teachers, Staff, and Students as Reported by Human Resource Professionals of Selected Texas Public School Districts

Size of School District School District	Are Criminal Background Checks on Volunteers Effective in Protecting Teachers, Staff, and Students?			Total
	Yes	No	Other Comment	
Large-Sized	20	0	4	27
Medium-Sized	14	1	6	21
Small-Sized	12	0	2	20
Total	46	1	12	68

To investigate any significance within the cross-tabulation, a Chi-square analysis was performed to test the association between the categorical variables. When the Chi-square test was run, the significant value of that procedure was 0.498. The results of the Chi-square test are presented in Table 47.

Table 47. Chi-Square Test of Human Resource Professional Questionnaire Question 3a Regarding the Effectiveness of Criminal Background Check Procedures on School Volunteers in Protecting Teachers, Staff, and Students as Reported by Human Resource Professionals of Selected Texas Public School Districts

	Value	df	Significance
Pearson Chi-Square	6.079	4	0.498

As indicated in Table 47, the level of significance for the procedure was 0.498. This was greater than the alpha level of 0.05. As a result, the decision was made to fail to reject the null hypothesis of no difference. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables are unrelated. That is, there is statistical independence between these two variables. In other words, the inference is that in the population from which this sample was taken, the variables in no way impact each other, and there is no difference in the response rates regarding the effectiveness of criminal background check procedures on school volunteers in protecting teachers, staff, and students as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts.

Ancillary Information

The Human Resource Professional Questionnaire provided several opportunities for respondents to amplify their response by writing additional comments, if they desired. There were 176 comments related to various aspects of the criminal history check process. These comments are included in Appendix G.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Chapter V presents a summary of the purpose, procedures, and major findings of this research study. A discussion of the implications and recommendations for further study is also presented.

The purpose of this study was to examine the impact of criminal background checks on school district policies and procedures concerning the selection of school volunteers as reported by human resource professionals in selected Texas public school districts. Specifically, the study sought to determine (a) the degree to which these policies and procedures exist; (b) if a relationship exists between the selected variables – types of offenses identified on criminal background checks, recency of offense, individual’s number of offenses (multiple offenses), adjudication, the type of background check used; and (c) how effective criminal background check procedures are in eliminating potential volunteers who might pose a threat or risk to teachers, staff, and students.

Survey responses from human resource professionals representing 70 Texas public school districts were analyzed to provide answers to the following three research questions:

1. Does the size of the school district impact the existence of policies and procedures regarding school volunteer applicant criminal background

checks as reported by human resource professionals of selected Texas public school districts?

2. Does the size of the school district significantly influence the interpretation of recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check regarding school volunteer selection as reported by human resource professionals of selected Texas public school districts?
3. Are criminal background check procedures effective in eliminating potential school volunteers who might pose a threat or risk to teachers, staff, and students as reported by human resource professionals in Texas public school districts?

This study was conducted during the spring and summer of 2004. The population of the study was 90 Texas public school districts randomly selected based on student populations. Thirty school districts with student populations greater than 10,000 students were identified for the study as large-sized school districts, 30 school districts with student populations between 1,600 and 9,999 students were identified for the study as medium-sized school districts, and 30 school districts with student populations up to 1,599 were identified for the study as small-sized school districts. Charter, juvenile justice, and private schools were not considered in this research study.

Following a review of the literature, this researcher designed a questionnaire instrument to use for data collection. The questionnaire items were drawn from the

review of the literature and the researcher's professional experience. An expert peer review panel and field-testing provided evidence of content validity.

The instrument was titled Human Resource Professional Questionnaire and the research topic was identified in the introduction of the questionnaire, as well as the operational definition of school volunteer as defined by the Texas Education Code. The questionnaire contained four sections. The first section of the questionnaire contained three questions to determine the extent to which written policy and procedures existed at the school district to review criminal histories on volunteers prior to allowing their assistance in schools. Other questions in this section clarified "unofficial" procedures that may be in effect, but were not codified in formal district policy. The second section of the questionnaire contained 12 questions requesting information regarding the interpretation of the selected variables of recency of offense, types of offense, multiple number of offenses, adjudication process, and type of criminal history check regarding school volunteer selection. Other questions in this section attempted to establish the timeframe beyond which incidents were not considered relevant to the decision to allow volunteers to assist in schools. A clarification regarding arrests involving moral turpitude, as they pertain to volunteer approval to participate, was also included in this section. The third section of the questionnaire contained one question that requested information regarding the effectiveness of criminal background checks on volunteers in protecting teachers, staff, and students. This section also provided the opportunity for respondents to provide additional comments or clarifications. The Human Resource Professional Questionnaire is located in Appendix A.

The request for policy and procedure documentation and questionnaire were initially sent to human resource professionals of the 90 participating districts with a request to direct the questionnaire to the person most cognizant of their volunteer applicant screening practices at their district. A post card reminder was followed up shortly thereafter by a second request to those districts that did not respond. After the second deadline had passed, the researcher telephoned each district that did not respond during the allotted timeframe to increase the return rate. A total of 70 questionnaires were returned. The researcher entered the data from the responses and the statistical analyses were conducted using SPSS, version 11.5.1.

Summary

Volunteers in public schools provide many services that contribute to the mission of educating students (Harshfield, 1996). As such, volunteers often fill the gap created between declining budgets and increased student and faculty needs (Lake, 2000). As the social and educational needs of American society grow more complex, the demand for classroom volunteers increases (Gardner, 1997). However, the risks associated with bringing volunteers into classrooms are enormous (Harshfield, 1996; Lake, 2000). For example, keeping child molesters and pedophiles out of classrooms is a major task (Hammond, 1994; Lear, 1997). Therefore, every school system should have clear policy guidelines and procedures to screen individuals who have had a criminal background of misbehavior (Hammond, 1994; Henslee et al., n.d.; Lake, 2000) and prevent them from interacting with students. Every volunteer has the

potential to enhance the school's academic performance and efficiency. By conducting criminal history background checks on potential volunteer applicants, school administrators can improve the likelihood that the person will not create problems and become a source of liability (Nadell, 2004).

In Texas, when an incident occurs involving a volunteer, school districts are immune from direct liability, vicarious liability, and negligent hiring under the provisions of the Texas Tort Claims Act (West Group, 2004). However, despite this immunity from prosecution, school districts run the substantial risk of extremely negative media publicity when an incident involves gross negligence by a volunteer (Lear, 1997). School districts have the responsibility to properly manage volunteers in order to protect children from negligent behavior (Harshfield, 1996) and to protect themselves from liability suits (Lake, 2000). In so doing, districts may need to demonstrate, in a court of law, that steps have been taken to avoid accidents or wrongful acts (Lear, 1997). Therefore, criminal history evaluation of volunteers by school districts is prudent as the harm would probably not have occurred had the organization taken care in screening (Lear, 1997). Nonetheless, despite an acknowledgment by school districts of the responsibility to screen volunteers to ensure the safety of the school population, this action is often haphazard, arbitrary, and capricious in application (Lake, 2000). There is the difficulty of interpreting the criminal history information received and its relevance to the job in question (Sturge, 1989). Regarding the use and management of criminal history record information, there

is also a problem associated with non-criminal justice personnel attempting to decipher criminal history records (SEARCH Group, 2001b).

Since it is defensible in Texas to insist upon criminal records checks for every employee in school districts to include classroom volunteers (West Group, 2004), it makes it necessary to do this in an organized manner by universally applying the background check to all categories of people (Henslee et al., n.d.). Just as schools differ on how they implement such a policy, they also vary on how they handle a situation in which a background check turns up a prior offense (Jacobson, 2003). Some administrators disallow anyone without a clean record to volunteer in schools; others restrict volunteers only in the areas where they have had previous problems; and still others rely solely on “gut instinct” (Jacobson, 2003, p. 3). Interestingly, there are currently no Texas Department of Public Safety guidelines for users on how to make decisions using criminal history information (Klein, 2003). The lack of thorough empirical survey work about employer practices precludes confident summations about employer use of criminal history records (Cooper & Belair, 1981). Just as data are lacking about employer perceptions, policies, and practices concerning criminal history background checks (Cooper & Belair, 1981), without a standard, the threshold for approval to volunteer varies by school district. This causes a lack of consistency and opens the door to criticisms and allegations of capricious and arbitrary application of the statute (Lake, 2000). Lack of consistency could also lead to a discrimination complaint and subject the district and its administrators to civil legal actions.

Conclusions

The data resulting from the survey instrument titled the Human Resource Professional Questionnaire led the researcher to utilize a descriptive approach with certain inferential procedures to answer three research questions.

Research Question 1

Does the size of the school district impact the existence of policies and procedures regarding school volunteer applicant criminal background checks as reported by human resource professionals of selected Texas public school districts?

The first question on the Human Resource Professional Questionnaire addressed the degree to which criminal background check policies and procedures existed in small, medium, and large school districts. The second question on the questionnaire further investigated this research question by probing the extent of “unofficial” criminal background check policies in the target population. A final question on the questionnaire even further inquired as to the use of “self-reporting” forms whereby the applicant reports his or her own criminal involvement. Since the data were categorical, the Pearson Chi-square test was used to test the association between the variables. In all three cases, because of the level of significance, the decision was made by the researcher to fail to reject the null hypothesis of no association. Therefore, it was inferred based on the descriptive statistics that the variables in the population from which the sample was drawn, were not associated.

That is, there was no statistical difference between occurrences of the variables in the population.

Implications. These data tells us that there is no difference in the school district approach to policy and procedure making (formal policy, “unofficial” policy, and use of “self-reporting” forms) between large-sized, medium-sized and small-sized districts as it pertains to criminal background checks of school volunteers. The clear majority of school districts in the sample population reported the use of written policies or procedures. For those districts that used “unofficial” procedures, it appears that a case-by-case approach is in effect most often. When a “self-reporting” form is used whereby volunteer applicants “self-identify” if they have been convicted of a felony or crime involving moral turpitude, it appears that districts use the form in addition to a formal criminal history check (rather than rely solely on the data self-reported). Since written policies and procedures appear to prevail, further investigation is warranted into the various interpretations of criminal history events based on these policies.

Research Question 2

Does the size of the school district significantly influence the interpretation of recency of offense, types of offense, multiple numbers of offenses, adjudication process, and type of criminal history check regarding school volunteer selection as reported by human resource professionals of selected Texas public school districts?

The second research question addressed if a relationship existed between the selected variables – types of offenses identified on criminal background checks,

recency of offense, individual's number of offenses (multiple offenses), adjudication, and the type of background check used in small, medium, and large school districts. Since the data were categorical, the Pearson Chi-square test was used to test the association between the variables. In all but one case – timeframes based on offenses was the exception – because of the level of significance, the decision was made by the researcher to fail to reject the null hypothesis of no difference. Therefore, it was inferred based on descriptive statistics that the variables in the population from which the sample was drawn, were unrelated. That is, there was no statistical difference between the occurrences of the variables in the population. Large-sized school districts were significantly more likely to apply a set of varying timeframes for judging offenses.

As mentioned above, regarding the data on question 2b regarding *Interpretation of Criminal Histories: Timeframe Beyond Which Incidents are Not Considered*, there were clearly two predominant responses which emerged: (a) ten or more years old and (b) different timeframes per offense, as compared to the other responses. The results of the raw data for these two critical responses to question 2b were collapsed, discarding the small n-counts of irrelevant data. The emerging cross-tabulation was further studied using Pearson Chi-square analysis. As a result, the decision was made by the researcher to reject the null hypothesis of no association. Therefore, it was inferred using descriptive statistics that in the population from which this sample was taken, the two variables were related. That is, there is statistical dependence between these two variables. In other words, if we know the size of the school district, we now have some

insight into the timeframe beyond which incidents are considered to impact the selection process as reported by human resource professionals in large-sized, medium-sized, or small-sized Texas public school districts. Small-sized school districts tend to use a ten-year rule when reviewing a criminal offense on a prospective volunteer; however, if the offense is greater than ten years old, generally it is set aside and the decision to approve the volunteer to work in schools is granted by school officials. On the other hand, large-sized school districts appear to categorize types of offense and view the timeframe beyond which criminal incidents are not considered based on the nature of the offense prior to making decisions for approval for volunteer participation in schools.

Implications. There were basically no differences in response rate based on the size of the school districts surveyed and those in the population regarding type of offense, number of offenses, adjudication process, and type of criminal history data search. While there is no statistical difference between the conceptual approaches based on the size of school districts on these issues, this study does not tell us what the specific decision-making criterion is and why it is used at the various size categories of school districts. It remains to be determined what number of offenses becomes problematic on selection; it remains to be determined what specific offenses are more greatly impacted by “incomplete or deferred adjudication”; it remains to be determined why one method of criminal history background search is more readily accepted than others. Nonetheless, when the specific question, “Does the recency of offense on a volunteer criminal history record effect volunteer selection,” is posed, this analysis tells

us that there are differences in approach between large-sized and small-sized school districts. It does not tell us why this phenomenon occurs. Possibly, large-sized school districts employ a more sophisticated matrix for analysis of recency of offense depending on the level of offense (Misdemeanor A, B, or C) with small-sized school districts relying on a static ten-year rule. This difference in approach between small-sized and large-sized school districts regarding recency of offense is intriguing and deserves further analysis.

Research Question 3

Are criminal background check procedures effective in eliminating potential school volunteers who might pose a threat or risk to teachers, staff, and students as reported by human resource professionals in Texas public school districts?

The third research question investigated how effective criminal background check procedures were in eliminating potential volunteers who might pose a threat or risk to teachers, staff and students in small, medium, and large school districts. Since the data were categorical, the Pearson Chi-square test was used to test the association between the variables. Because of the level of significance, the decision was made by the researcher to fail to reject the null hypothesis of no association. Therefore, it was inferred based on descriptive statistics that the variables in the population from which the sample was drawn, were unrelated. That is, there was no statistical association between the occurrences of the variables in the population.

Implications. There was no statistical association between the population proportions regarding the effectiveness of criminal background check procedures in

eliminating potential volunteers who might pose a threat or risk to teachers, staff, and students in small, medium, and large school districts. That is, there was no difference in the response rates. Clearly, the results indicate that the perception is that such checks are effective and should be conducted. What this analysis does not tell us is why they are considered effective or how others besides human resource professionals perceive their effectiveness (for example, the opinions of teachers, staff and/or students). Also, this study fails to discover what could be done to increase the effectiveness of criminal background checks on school volunteers.

Recommendations

The purpose of this study was to examine the impact of criminal background checks on school district policies and procedures concerning the selection of school volunteers as reported by human resource professionals in selected Texas public school districts. The study sought to determine (a) the degree to which policies and procedures exist; (b) if a relationship exists between the selected variables – types of offenses identified on criminal background checks, recency of offense, an individual's number of offenses (multiple offenses), adjudication, and the type of background check used; and (c) how effective criminal background check procedures are in eliminating potential volunteers who might pose a threat or risk to students and school personnel. Based upon the review of literature, the findings of this study, and the conclusions drawn from the research, the following recommendations are provided.

Recommendations Based on the Research Study

1. Concerning the degree to which criminal background check policies and procedures exist regarding the selection of school volunteers, the clear majority of school districts in the sample population claimed to use written policies or procedures. It is, therefore, recommended that written procedures be developed in those Texas school districts that do not have written procedures.
2. For those districts that use “unofficial” procedures regarding the manner in which criminal history background checks are used for the selection of school volunteers, it appears that a case-by-case approach is in effect most often. It is, therefore, recommended that a general category matrix be developed so as to ensure consistency of decision-making. This would also deter claims of discrimination when approval discrepancies emerge on volunteers with similar criminal history incidents.
3. When a “self-reporting” form is used whereby volunteer applicants “self-identify” if they have been convicted of a felony or crime involving moral turpitude, it appears that in many cases school districts use the form in addition to a formal criminal history check (rather than rely solely on the data self-reported). It is, therefore, recommended that school districts *not* rely solely on self-reported information and always secure an additional formal criminal history background check to validate the applicant’s report.

This would serve to ensure that no additional involvement has been conveniently overlooked by the applicant.

4. Since the recency of offense indicated on a prospective volunteer's criminal history background check dramatically affects volunteer selection rates, it is recommended that school districts, at the least, implement a rule that generally excludes incidents greater than ten years from consideration in the selection decision. More sophisticated procedures concerning recency of offense may be developed based on an assessment regarding the degree of severity of offense.
5. Since the type of offense indicated on a prospective volunteer's criminal history background check affects volunteer selection rates, it is recommended that school districts categorize types of offenses, differentiating between relatively minor misdemeanor offenses as compared to those that involve moral turpitude, and make the decision based on the categorical type of offense. A complete "zero tolerance" approach is ill advised.
6. Since the number of offenses indicated on a prospective volunteer's criminal history background check clearly affects volunteer selection rates, it is recommended that school districts delineate the reasonable number of offenses beyond which volunteer selection will be disapproved.
7. Since the incomplete adjudication process indicated on a prospective volunteer's criminal history background check affects volunteer selection

rates, it is recommended that school districts not select volunteers who have been charged, but not yet convicted, for a particular criminal offense. It would be best for the court system to be allowed sufficient time to complete its assessment of guilt.

8. Since deferred adjudication identified on a prospective volunteer's criminal history background check affects volunteer selection rates, it is recommended that deferred adjudication be closely examined. If a court renders a deferred adjudication decision, school districts should closely review the type of offense to determine if the offense is sufficiently serious to preclude approval to participate despite the deferred adjudication decision by the court.
9. Since the majority of school districts are using the Texas Department of Public Safety as a source of criminal history background information, it is recommended that school districts that use other sources for criminal history information may very well benefit from using them as a primary source. The department's website is user friendly and reasonably economical as compared to the majority of commercial vendors.
10. Both the literature review and respondents to the survey indicated overwhelmingly that criminal history background checks on school volunteers protected teachers, staff, and students. It is, therefore, recommended that school districts that do not have such a procedure implement one.

Recommendations for Further Research

This study is important because, to date, there had not been a reported analysis of criterion for disallowing volunteers to serve in Texas public school classrooms.

Nonetheless, further study is suggested:

1. This study is based on the opinions and perceptions of human resource professionals of selected Texas public school districts. A similar study could assess the responses from teachers, staff, and/or students to determine if these different education categories possess different perceptions regarding the impact of criminal background checks on school volunteers.
2. This study provided response rates by size of school district based on student population. A further study could analyze the written policies of school districts and determine the decision criteria for each level of offense.
3. Since it has been determined by this study that when the question, “Does the recency of offense on a volunteer criminal history record affect volunteer selection,” is posed, there are differences in approach between large-sized and small-sized school districts. An additional research study could investigate why this phenomenon occurs. If it is determined that large-sized school districts employ a more sophisticated matrix for analysis of recency of offense depending on the level of offense (Misdemeanor A, B, or C), the emerging decision logic table based on analysis of large-sized school district responses would be of assistance to small school districts.

4. A researcher could design a decision-logic table to assist authorities with the approval or disapproval decision based on in-depth analysis of specific approaches to types of offense, the recency of the offense, and deferred adjudication, suggesting recommended action.
5. A researcher could, based on an analysis of written policy in selected Texas public school districts, design a model school board policy for adoption by respective Texas school district Boards of Trustees.
6. This study focused on school volunteers. A more specific research study could focus on the impact of criminal background checks on parent volunteers or conversely be more general focusing on the impact of criminal background checks on teachers (professional employees) or custodians (auxiliary employees).

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APPENDIX A
QUESTIONNAIRE


HUMAN RESOURCE PROFESSIONAL QUESTIONNAIRE

Control No. _____

Research Topic: *The Impact of Criminal Background Checks on the Selection of Volunteers as Reported by Human Resource Professionals in Selected Texas Public Schools*

I am Dick Smith, Director of Human Resources at Schertz-Cibolo-Universal City ISD located just outside of San Antonio. First, let me thank you for sharing your insight and taking the time from your busy schedules to complete the following 18 questions. I know this is a particularly hectic time of year for everyone associated with human resources management. On a personal note, I became interested in the topic of criminal background checks on school volunteers based on discussions with other human resource professionals at our local San Antonio Area Personnel Administrators Association (SAAPAA). As school district HR Directors, several of us were concerned regarding the important need for consistency in this area. Your submission of this questionnaire will generate data which will be used in a meaningful and thoughtful way. Findings and conclusions will be shared at a future Texas Association of School Personnel Administrators (TASPA) conference workshop. Please understand that this topic has a practical life beyond some academic exercise. Thanks again for your support of this endeavor.

Instructions:

Please choose the response for each item by checking the appropriate box  that most closely indicates the manner in which your program is managed (**Note: some questions may result in multiple selections**).

Operational Definition:

School Volunteer: A person providing services for or on behalf of a school district, on the premises of the district or at a school-sponsored or school-related activity on or off school property, who does not receive compensation in excess of reimbursement for expenses (§22.053(b), Texas Education Code).

POLICY AND PROCEDURES

- 1a.** Does your school district use written policies and/or procedures (program of actions or set of principles on which they are based) designed to review criminal histories on volunteers prior to allowing their assistance in schools?
- Yes. If yes, please return a copy of your policy or procedure with this survey or provide a website location _____
 - No. We do not conduct criminal background checks on volunteers in our district; **if selected, skip to question 3a.**
 - Other: If selected, please explain further:

- 1b.** Does your school district review criminal histories of volunteer applicants using *“unofficial” procedures*?
- Yes. We review criminal histories and render a decision to allow or disallow volunteer participation *on a case-by-case basis* without policy or procedural guidelines (i.e., decision criteria is not formalized in policy or procedure)

- Yes. We review criminal histories and render a decision to allow or disallow volunteer participation *solely on "gut instinct" without* policy or procedural guidelines (i.e., decision criteria is not formalized in policy or procedure)
- No. "Unofficial" procedures for reviewing criminal histories on volunteers are not used
- No. "Unofficial" procedures are not used; instead, policies or procedures exist to ensure consistency of decision to allow or disallow volunteer participation
- We do not conduct criminal background checks on volunteers in our district.
- Other: If selected, please explain further:

1c. Does your school district use a "self-report" form whereby volunteer applicants are asked to "self-identify" if they have ever been convicted of a felony or crime involving moral turpitude (for example, do you ask applicants if they have been convicted of a felony or crime involving moral turpitude)?

- Yes and there is no further checking of the applicant's criminal history (permission to volunteer is based solely on the applicant's response)
- Yes and only those applicants who indicate there is a criminal background are checked further
- Yes and a formal criminal background check is initiated regardless of the applicant's response
- No. We do not use a "self-report" form; however, we do ask volunteer applicants to provide some identifying data (for example, name, Texas drivers license, date of birth) to run a formal criminal background check
- Other: If selected, please explain further:

INTERPRETATION OF CRIMINAL HISTORIES

2a. Regarding applicants who have a criminal history (arrest or conviction), does the *recency of offense* (the period of time between arrest and the date of criminal history check for comparative or similar crimes) influence the decision to allow volunteers to assist in schools?

- Yes
- No
- Depends upon the nature of the offense. If selected, please explain:

2b. What is the timeframe beyond which incidents are not considered relevant to the decision to allow volunteers to assist in schools?

- Less than 2 years old
- Between 2 years and 3 years old
- Between 4 and 5 years old
- Between 6 and 7 years old
- Between 8 and 9 years old
- Greater than 10 years old
- Other time period designation. If selected, please explain:

- We use different timeframes based upon the nature of the offense. If selected, please explain:

- Not considered an issue in our school district

2c. Regarding volunteer applicants who have a criminal history (arrest or conviction), does the *type of offense* (severity or magnitude of the crime) influence the decision to allow volunteers to assist in schools?

- Yes
 No
 Depends upon the nature of the offense, in that some offenses result in mandatory exclusion, other offenses may be discretionary. If selected, please explain:

2d. Regarding volunteer applicants who have a criminal history (arrest or conviction), does the *number of offenses* (more than one arrest record) influence the decision to allow or disallow volunteers to assist in schools?

- Yes
 No
 Depends upon the nature of the offenses. If selected, please explain:

2e. If the *adjudication process* is not complete at the time of the application to volunteer, (that is, there has been an arrest record; however, there is no record of conviction or final adjudication), does this situation influence the decision to allow or disallow volunteers to assist in schools?

- Yes
 No
 Depends upon the nature of the offense. If selected, please explain:

2f. If a volunteer possesses a criminal history of arrest, and the prosecution (charge) and conviction (court action) result in a *deferred adjudication*, does this event disqualify the applicant from assisting in schools?

- Yes
 No
 Depends upon the nature of the offense. If selected, please explain:

2g. What *method* is used in your school district to check criminal histories on volunteers who apply to assist in schools? (Check as many as applicable)

- Locally-generated questionnaire/form asking volunteer applicants if they have been convicted of a felony or crime involving moral turpitude
 Texas Department of Public Safety (DPS)
 National Federal Bureau of Investigation (FBI)
 Criminal Records Repository (Other State)
 Regional Educational Service Center (ESC)

- Personal References (Friends or Family Members)
- Commercial Vendor. If selected, please identify:

- Other Source. If selected, please identify:

2h. If a volunteer possesses a criminal history of arrest for a *misdemeanor crime* (for example, shoplifting or non-sufficient fund check), and the charge is later dismissed, does this event disqualify the applicant from assisting in schools?

- Yes
- No
- Depends upon the nature of the offense. If selected, please explain:

2i. If a volunteer possesses a criminal history of arrest for a *felony crime not involving children* (for example, certain categories of drug involvement or possession of an illegal weapon), and the charge is later dismissed, does this event disqualify the applicant from assisting in schools?

- Yes
- No
- Depends upon the nature of the offense. If selected, please explain:

2j. If a volunteer possesses a criminal history of arrest for *felony crimes involving children* (for example, sexual assault against a minor, kidnapping, family violence), and the charge is later dismissed, does this event disqualify the applicant from assisting in schools?

- Yes
- No
- Depends upon the nature of the offense. If selected, please explain:

2k. Does your school district have a working definition of *moral turpitude* to refer to when deciding to allow or disallow volunteers to assist in schools?

- Yes. If yes, please attach or identify the website location of the formal definition you use

- No

2l. Regarding volunteer applicants who have a criminal history (arrest or conviction), do incidents involving *moral turpitude* influence the decision to allow or disallow volunteers to assist in schools?

- Yes
- No
- Depends upon the actual nature of the offense. If selected, please explain:

EFFECTIVENESS OF PROCEDURES

3a. Are criminal background checks on volunteers effective in protecting teachers and/or students?

- Yes
- No
- Other Comment:

ADDITIONAL INFORMATION

4a. For which of these volunteer activities does your school district perform criminal background checks? (Check as many as applicable)

- Classroom activities (under supervision of teacher)
 - Classroom activities (without supervision)
 - Classroom support activities (copier support, cutting/pasting, preparing games and teaching materials, bulletin boards, decorate classroom)
 - Off-Campus field trips
 - Extra-Curricular activities
 - Tutoring assistance
 - Career Day
 - Booster clubs
 - Mentorship programs
 - Assist with grading
 - Help absent students make up work
 - Library services
 - Adjunct faculty (for example, agriculture field extension)
 - Parent observations of his or her own child in classroom learning environment
- Other. If selected, please identify:

4b. Do you have any additional comments or clarifications you would like to provide?

Thank you for your time and effort concerning this questionnaire. Please return the questionnaire in the attached envelope.

Optional If you would like a copy of the results, please provide a mailing address

APPENDIX B
QUESTIONNAIRE INFORMATION SHEET

INFORMATION SHEET

TITLE OF STUDY: The impact of criminal background checks on the selection of classroom volunteers as reported by Human Resource professionals of selected Texas public school districts.

You have been asked to participate in a quantitative research study regarding the use and effectiveness of criminal history background checks on public school volunteers. You were selected as a possible participant because your public school district is in Texas and you are associated with the review of applicant criminal histories prior to approval to participate in volunteer positions in public schools. A total of 90 human resource professionals have been asked to participate in this study. The purpose of this study is to determine (1) the degree to which these policies and procedures exist, (2) if a relationship exists between selected variables, and (3) how effective criminal background check procedures are in eliminating potential volunteers who might pose a threat or risk to students and teachers.

If you agree to this study, you will be asked to respond to a survey instrument. This study will take approximately fifteen minutes of your time to complete the survey. The risks associated with this study are no more than a minimal risk and the probability that something will go wrong is unlikely to occur. Your risk is the time involved in responding to the survey and your possible loss of interest. There are no specific benefits to you and you will receive no monetary compensation for your participation.

This study is CONFIDENTIAL. No identifiers linking you to the study will be included in any sort of report that might be published. The records of this study will be kept private and your survey response will be stored in a secure container. Research records will be stored securely and only the researcher, Richard K. Smith, a Texas A&M University doctoral student, will have access to the records. A code number system on surveys will track district responses; however, once the data is collected, this identification link between survey instrument and respondent will be destroyed. A code number system on surveys will track district responses; however, once the data is collected, this identification link between survey instrument and respondent will be destroyed. Your decision whether or not to participate will not affect your current or future relations with Texas A&M University. If you decide to participate, you are free to refuse to answer any of the survey questions that may make you uncomfortable. You can withdraw at any time without your relations to the university, job, or benefits being affected. You may contact Richard K. Smith, researcher, 210-945-6205 or Dr. Stephen L. Stark, Doctorial Committee Chair, Texas A&M University, Department of Educational Administration and Human Resource Development (EAHR), 511 Harrington Tower, Texas A&M University, College Station, Texas 77843-4226, at 979-845-2656 with any questions about this study.

This research study has been reviewed by the Institutional Review Board—Human Subjects in Research, Texas A&M University. For research-related problems or questions regarding your rights, you may contact the Institutional Review Board (IRB) through Dr. Michael W. Buckley, Director of Research Compliance, Office of Vice President for Research at 979-845-8585 [mw Buckley@tamu.edu].

By returning the attached survey instrument, you hereby agree to voluntarily participate in this study.

APPENDIX C

INITIAL CONTACT LETTER TO QUESTIONNAIRE PARTICIPANTS

RICHARD K. SMITH
 8314 Athenian Drive
 Universal City, Texas 78148
 Mobile – (210) 844-8266

[Date]

[Name]
 [Position Title]
 [District Name]
 [Street Address]
 [City, State, Zip Code]

Dear Educational Administrator:

I am a doctoral student at Texas A&M University working under the supervision of Dr. Stephen L. Stark in Educational Administration. The purpose of my study is to examine the impact of criminal background checks on the selection of classroom volunteers in selected Texas public school districts. This study will provide insight on how to handle situations in which a background check uncovers a prior offense on volunteer applicants in schools.

This research study has been reviewed and approved by the Institutional Review Board—Human Subjects in Research, at Texas A&M University. For research-related problems or questions regarding subjects' rights, you may contact the Institutional Review Board through Dr. Michael W. Buckley, Director of Research Compliance, Office of Vice President for Research at (979) 845-8585 [mwibuckley@tamu.edu].

You are among a select group of human resource professionals chosen to participate in this study. There will be approximately 90 participants in the study. Your responses are vital to the accuracy of this research.

A questionnaire form is enclosed. I ask that you take approximately 10-15 minutes of your time to complete the enclosed questionnaire. Your responses will be kept confidential. A code number system on surveys will track district responses; however, once the data is collected, this identification link between survey instrument and respondent will be destroyed. **Please return the questionnaire in the envelope provided by [date].**

Thank you for taking the time to participate in this very important study. I greatly appreciate your help.

Sincerely,

Richard K. Smith
 Graduate Student
 Department of Educational Administration
 and Human Resource Development
 Texas A&M University

Belinda Pustka, Ph.D.
 Supervising Superintendent
 Schertz-Cibolo-Universal City ISD

Enclosure

APPENDIX D

FOLLOW-UP LETTER TO QUESTIONNAIRE PARTICIPANTS

RICHARD K. SMITH
8314 Athenian Drive
Universal City, Texas 78148
Mobile – (210) 844-8266

September 3, 2004

[Name]
[Position Title]
[District Name]
[Street Address]
[City, State, Zip Code]

Dear Educational Administrator:

On August 11, 2004, you were sent information regarding a study being conducted through Texas A&M University. The response to this study has been phenomenal! However, I have not received your reply to my survey research questionnaire and your response is vital to the accuracy of this research.

You are among a select group of human resource professionals chosen to participate in this study. There are approximately 90 participants in the study. This study will provide insight on how to handle a situation in which a background check uncovers a prior offense on volunteer applicants in schools.

Another questionnaire form is enclosed. Please take the 10-15 minutes needed to complete the enclosed questionnaire. Your responses will be kept confidential. A code number system on surveys will track district responses; however, once the data is collected, this identification link between survey instrument and respondent will be destroyed. **Please return the questionnaire in the envelope provided by September 17, 2004.**

Thank you for taking the time to participate in this very important study. I greatly appreciate your help.

Sincerely,

Richard K. Smith
Graduate Student
Department of Educational Administration
and Human Resource Development
Texas A&M University

Belinda Pustka, Ph.D.
Supervising Superintendent
Schertz-Cibolo-Universal City ISD

Enclosure

APPENDIX E
LETTER OF ENDORSEMENT



Texas Association of School Personnel Administrators

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Meiva V. Cardenas
 Exec Dir HRS
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mcardena@esc18.net

August 9, 2004

Dear Colleague:

Attached you will find a survey concerning the impact of criminal history background checks on the selection of school volunteers. We would appreciate you ensuring the human resources professional in your district who is responsible for reviewing criminal histories complete this survey.

Whether or not you are a member of the Texas Association of School Personnel Administrators (TASPA), this topic is of special interest and the results will be presented at a future TASPA conference and/or covered in a future *TASPA Update* article.

Please keep in mind that this study is CONFIDENTIAL. No identifiers linking you to the study will be included in any sort of report that might be published. An information sheet is attached with further details.

Thank you for your time and assistance with this project.

Sincerely,

Dr. Alejandra (Alex) Martin
 Executive Director

Attachment

APPENDIX F

REMINDER POST CARD TO SURVEY PARTICIPANTS

Dear [Name]:

A survey entitled **HUMAN RESOURCE PROFESSIONAL QUESTIONNAIRE** was mailed to you on August 11, 2004 on the research topic *“The Impact of Criminal Background Checks on the Selection of Volunteers as Reported by Human Resource Professionals in Selected Texas Public Schools.”*

I know this is an extremely busy time of the year for school district administrators; however, the successful completion of this survey and data collection is very important.

Please check to ensure that the appropriate individual on your staff is completing this questionnaire. If the survey has already been returned, please disregard this card. Your cooperation is appreciated.

Thanks!

APPENDIX G
WRITTEN RESPONSES TO QUESTIONNAIRE

WRITTEN RESPONSES TO QUESTIONS CONTAINED IN THE
HUMAN RESOURCE PROFESSIONAL QUESTIONNAIRE

POLICY AND PROCEDURES

- 1a.** Does your school district use written policies and/or procedures (program of actions or set of principles on which they are based) designed to review criminal histories on volunteers prior to allowing their assistance in schools?

Large-Sized School Districts

- We do checks on mentors through our Partners in Education program. Our Policy DC (LEGAL) states we may conduct [background checks] on volunteers.
- We do the [criminal background] checks, but no local policy which specifically delineates who.
- *Criminal history review applies to volunteers entering the District mentoring program.*
- *We do conduct criminal history checks, but no written procedures.*
- *Policy DC (LEGAL) and GKG (LOCAL).*
- *Case-by-case basis.*
- *Our procedures are] unwritten.*
- No written policies. [We are] looking for any offenses involving child molestation or assault.

Medium-Sized School Districts

- *We are almost in a final stage with our guidelines.*
- *We do conduct checks but out grading/ranking/review procedures are not formalized.*
- We conduct background checks; we do not extend employment to any applicant with a felony.
- *We are starting checks [on volunteers] this year.*
- *We conduct [criminal] record checks on volunteers but [guidelines are] not in our policy.*
- *We do use the National Tracking Center but district does not have any written procedures to review the [criminal] histories.*
- *We do not have written procedures on how we evaluate [criminal background checks on volunteers.] We do, however, require a background check. If they have a recent drug offense or any kind of sexual offense or a felony conviction we deny them.*

Small-Sized School Districts

- *Our policy is located in Policy GKG (LOCAL).*
- *Our Policy GKG (LOCAL) requires criminal checks on all volunteers, but does not include how these criminal histories are to be reviewed or criteria to use in determining if they [volunteers] should be allowed to volunteer.*

- 1b.** Does your school district review criminal histories of volunteer applicants using **“unofficial” procedures**?

Large-Sized School Districts

- *We have policy but not written procedures.*
- *However, prior to the beginning of this school year, we decided we should have some written criteria—but we have not begun that process as yet.*

Medium-Sized School Districts

-- *We are still developing our policies [and currently not conducting criminal background checks on volunteers].*

Small-Sized School Districts

-- *We use “official” procedures.*

- 1c.** Does your school district use a “self-report” form whereby volunteer applicants are asked to “self-identify” if they have ever been convicted of a felony or crime involving moral turpitude (for example, do you ask applicants if they have been convicted of a felony or crime involving moral turpitude)?

Medium-Sized School Districts

-- *At the present time, we do not have a procedure for volunteers.*

Small-Sized School Districts

-- *Volunteers are checked [check of criminal background history] if they are new to the district.*

INTERPRETATION OF CRIMINAL HISTORIES

- 2a.** Regarding applicants who have a criminal history (arrest or conviction), does the ***recency of offense*** (the period of time between arrest and the date of criminal history check for comparative or similar crimes) influence the decision to allow volunteers to assist in schools?

Large-Sized School Districts

-- *Felonies or offenses involving kids are not tolerated.*

-- *Any crime involving sex offenses, drugs, or a crime involving a child are given zero tolerance.*

-- *Especially sensitive to weapons, drugs, Title V crimes against persons, or family violence.*

-- *If it involved child abuse, or some major offense—we would not permit that person to become a volunteer.*

-- *Charges relating to drugs, weapons, assaults, sexual crimes are more closely scrutinized.*

-- *We do [criminal checks on] volunteers; we do not have a written policy.*

-- *Discretion based on a case-by-case analysis.*

-- *Hits on sexual misconduct with a minor or possession, use, etc., of a controlled substance will disqualify a volunteer.*

Medium-Sized School Districts

-- *Felony within 10 years.*

-- *Sex crimes, drugs, violent behavior are all types of offenses that would generate a need for a longer lapse of time between offense and hire. Sex crimes are almost always a cause for rejection.*

-- *We do not consider applicants with a felony under any circumstances.*

-- *History of violence of sexual assault—no time limit; minor offenses are considered case-by-case.*

-- *Recency of offense is considered only if conviction does not involve moral turpitude or felony conviction.*

- *The seriousness and nature of the offense.*
- *Our policy as it is being written will “red flag” any offenses related to children.*
- *If DWI is from 10 years ago and he/she won’t be driving kids—we overlook it.*
- *If the offense is a misdemeanor, we accept it, so it [the decision to approve] does depend on the nature of the offense.*

Small-Sized School Districts

- *Sexual offenses are never approved.*
- *If it is a violent crime or substance abuse, we give it more consideration [closer scrutiny].*
- *Old DUI/DWI convictions would not be a problem—volunteers work only with teachers in classrooms [under supervision].*

2b. What is the timeframe beyond which incidents are not considered relevant to the decision to allow volunteers to assist in schools?

Large-Sized School Districts

- *10 years for third degree felony; 5 years for up to 2 years state jail felony.*
- *Minor offenses such as Class C misdemeanor have a short time frame; felony arrests or convictions are judged on the nature of the crime and the timeframe; most felonies do not get approved.*
- *Any crime involving sex offenses, drugs, or a crime involving a child are given zero tolerance—there is no timeframe, it is zero tolerance. For all other offenses a judgment is made in regards to seriousness of the offense and length of time since the offense took place.*
- *We have policy, but not written procedures.*
- *We look at drug-related, moral turpitude, and felony [convictions].*
- *Also consider the dispositions of the case.*
- *We use different timeframes based upon the nature of the offense—nature of charges/disposition considered with timeframe.*
- *The seriousness and the disposition dictate the timeframe.*
- *We use different timeframes based upon the nature of the offense—[we also] consider all factors involved, explanation given by volunteer, and discretion based on each case analysis.*
- *Majority 10 years with the exception of hits on sexual misconduct with a minor or possession, use, etc. of a controlled substance will disqualify a volunteer.*
- *Any offense involving child molestation/assault has no statute of imitations.*

Medium-Sized School Districts

- *Felony within 10 years.*
- *Between 4 and 5 years old generally, for nonviolent minor offenses. Again, certain categories of offenses may require more or longer time limits.*
- *We consider severity of the offense.*
- *Serious offenses may never be overlooked.*
- *Any child-related offense will not have a time frame.*

Small-Sized School Districts

- *Serious offenses would be considered relevant no matter how long ago the offense occurred.*
- *If it is a violent crime or substance abuse, we give it more consideration [closer scrutiny].*

-- *We take into account their [the volunteer's] age at the time of the offense.*

- 2c. Regarding volunteer applicants who have a criminal history (arrest or conviction), does the ***type of offense*** (severity or magnitude of the crime) influence the decision to allow volunteers to assist in schools?

Large-Sized School Districts

- *Drug-related charges, moral turpitude, and felonies.*
- *Case-by-case basis, but always no if the offense involves bodily harm or abuse of a child.*
- *I do not recommend anyone [to be a volunteer] with a [criminal] background.*

Medium-Sized School Districts

- *Offenses against children are mandatory exclusion.*
- *Sex crimes, violent behavior, drug offenses of a certain category are always excluded and only reviewed on appeal.*
- *Child-related offenses [would cause disqualification].*

Small-Sized School Districts

- *Murder of sex crimes.*

- 2d. Regarding volunteer applicants who have a criminal history (arrest or conviction), does the ***number of offenses*** (more than one arrest record) influence the decision to allow or disallow volunteers to assist in schools?

Large-Sized School Districts

- *Again, depending upon the type, and the date, and the nature—case-by-case if there is an obvious pattern—like DWI—we would decline.*
- *[Motor vehicle] speeding excluded.*

Medium-Sized School Districts

- *Number and time both are factors.*
- *Type, number, and recency would be considered.*
- *Child-related offenses [would cause disqualification].*

- 2e. If the ***adjudication process*** is not complete at the time of the application to volunteer, (that is, there has been an arrest record; however, there is no record of conviction or final adjudication), does this situation influence the decision to allow or disallow volunteers to assist in schools?

Large-Sized School Districts

- *Depends on the nature of the offense, if a felony level [offense] then we investigate.*
- *Drug-related or assault-related offenses would trigger a conference with the volunteer to determine where the process stands.*
- *If not a completed [court] matter—we always say no.*

Medium-Sized School Districts

- *Misdemeanor held may never be closed—several factors will play into decision.*
- *For certain categories, the adjudication process must be completed.*
- *We research through campus police to determine disposition of charge. If moral turpitude or felony conviction was pending, we would not allow the individual to volunteer.*

- 2f. If a volunteer possesses a criminal history of arrest, and the prosecution (charge) and conviction (court action) result in a *deferred adjudication*, does this event disqualify the applicant from assisting in schools?

Large-Sized School Districts

- *Felony offense will disqualify volunteer.*
- *Yes, if currently on probation.*
- *Depends on the nature of the offense and the timeframe.*
- *Drug-related, moral turpitude.*
- *Depends upon the nature of the offense based on nature of charge and level.*
- *Depends upon the nature of the offense, the extent and nature of past criminal activities, age at time of crime, explanation given by volunteer.*
- *Subject to case-by-case review.*

Medium-Sized School Districts

- *DWI, writing checks with insufficient funds, certain categories of drug involvement.*
- *Yes, if it is a felony or [crime involving] moral turpitude.*

Small-Sized School Districts

- *A serious offense with deferred adjudication may keep an applicant from volunteering.*
- *We are a small rural community and consider the feelings of the community when determining this [decision].*

- 2g. What *method* is used in your school district to check criminal histories on volunteers who apply to assist in schools?

Large-Sized School Districts

- *EBC, Inc., 1050 N. Central Expressway #309. Dallas, TX 75231; phone 214-360-9122*
- *City and County criminal data*
- *Safe Schools.*
- *Local criminal justice data base, conducted by District police.*
- *GIS; county records.*
- *We use Texas Department of Public Safety; however, if further clarification is required, we use a commercial vendor.*
- *Safe Schools.*
- *NCTC of Lubbock, TX.*
- *Safe Schools.*
- *Local police department.*

Medium-Sized School Districts

- *Police department (especially for out-of-state[offenses]).*
- *NCTC.*
- *DCS.*
- *DNIS.*

Small-Sized School Districts

- *Instant Background Checks.Com*
- *Sheriff's Office.*
- *Safe School.*

- 2h.** If a volunteer possesses a criminal history of arrest for a ***misdemeanor crime*** (for example, shoplifting or non-sufficient fund check), and the charge is later dismissed, does this event disqualify the applicant from assisting in schools?

Large-Sized School Districts

-- *It would depend upon when and the applicant's explanation.*

Small-Sized School Districts

-- *Depends on what the alleged offense was and where they would be volunteering on campus.*

- 2i.** If a volunteer possesses a criminal history of arrest for a ***felony crime not involving children*** (for example, certain categories of drug involvement or possession of an illegal weapon), and the charge is later dismissed, does this event disqualify the applicant from assisting in schools?

Large-Sized School Districts

-- *Case-by-case basis.*

-- *Depends on the nature of the offense and the timeframe.*

-- *No, but we require written explanations.*

-- *It would depend upon when and the applicant's explanation.*

-- *Depends on gravity of offense, frequency, etc.*

Medium-Sized School Districts

-- *Would be investigated by campus/city police.*

Small-Sized School Districts

-- *Depends on how long ago it occurred and other circumstances involved.*

-- *Community sentiment determines if they will be allowed to volunteer. We are a small district in which everyone knows what is going on and what happens.*

- 2j.** If a volunteer possesses a criminal history of arrest for ***felony crimes involving children*** (for example, sexual assault against a minor, kidnapping, family violence), and the charge is later dismissed, does this event disqualify the applicant from assisting in schools?

Large-Sized School Districts

-- *Depends on the nature of the offense and details of the offense.*

-- *Not necessarily, but we require written explanations.*

-- *Yes, probably, however it would have to be a very good explanation.*

-- *Look at it very closely.*

-- *We proceed with caution.*

-- *Depends on the nature of the offense and details of the offense—extent and nature of past criminal activities, explanation and specifics given by volunteers concerning the charge and court record.*

-- *Considered on a case-by-case basis.*

Medium-Sized School Districts

-- *We could require a careful review of the circumstances.*

-- *Case-by-case basis [based upon] how much information we have.*

-- *Would be investigated by campus police/city police.*

-- *We call them in to explain the incident.*

Small-Sized School Districts

-- *The community [public opinion] is taken into account before allowing them to volunteer.*

- 2k. Does your school district have a working definition of ***moral turpitude*** to refer to when deciding to allow or disallow volunteers to assist in schools?

Large-Sized School Districts

-- *Yes, on website.*

-- *Legal description from penal code.*

-- *Texas Administrative Code, Title 19, Part 7, Chapter 249, Subchapter A, Rule 249.3, Subsection (36).*

-- *[Contained in Policy] DH (LOCAL).*

Medium-Sized School Districts

-- *Depending on the nature of the act, the timeframe and if the incident would cause a public relations problem for the district relative to children.*

-- *Not at this time, we are working on it [a definition of moral turpitude].*

-- *Policy DH (LOCAL)*

- 2l. Regarding volunteer applicants who have a criminal history (arrest or conviction), do incidents involving ***moral turpitude*** influence the decision to allow or disallow volunteers to assist in schools?

Large-Sized School Districts

-- *Felony will disqualify.*

-- *Considered on a case-by-case basis.*

Medium-Sized School Districts

-- *Moral turpitude is a broad area. Public conduct is considered.*

EFFECTIVENESS OF PROCEDURES

- 3a. Are criminal background checks on volunteers effective in protecting teachers and/or students?

Large-Sized School Districts

-- *The concern is the constant turnover of volunteers and DPS response time as well as large numbers of volunteers.*

-- *If even one person is screened out of the process, then it can be counted as effective. However, it is a human system run by humans so there is a likelihood of mistakes—you do your level best to err on the side of caution.*

-- *Whether it actually protects them physically we have no basis to prove, but are we protecting the District legally—yes.*

-- *Since we do not conduct such checks, we have no knowledge of effectiveness.*

-- *In the best of our knowledge.*

-- *Any person has potential to react negatively given certain difficult variables.*

-- *Somewhat.*

-- *To a certain extent—yes; however, no situation is absolute, therefore, other procedures are put into place in an effort to protect students (i.e., students are not left alone with*

volunteers, staff members monitor interactions of volunteers with students, criminal background checks occur annually).

Medium-Sized School Districts

- Frankly, I can not provide hard data. So far, it appears we are being successful. The amount of time we have followed this procedure gives us a limited ability to make any statement of certainty.*
- We do not do them [criminal background checks] on volunteers.*
- They [criminal background checks] help.*
- To some extent.*
- I don't know!*
- Most of the time.*

Small-Sized School Districts

- No system is fool proof.*
- They would have to be done yearly and this would be time and cost prohibitive.*
- While we check [criminal backgrounds on volunteers], we have never had a case [or incident involving a volunteer] where it mattered or gave us insight one way or the other.*
- I don't know.*
- Possibly.*
- Our district has found that in one situation a person had committed an offense and it had not been entered into the system yet by the Department of Public Safety. Since their criminal check came back okay, they were allowed to volunteer. Several weeks later, [the volunteer] was arrested on campus by the Sheriff's Office. Decisions are made based on the information available at the time.*
- We do not have a volunteer [criminal background check] program.*
- We do not do them [criminal background checks on volunteers]. We can't afford background checks and we already know our volunteers—we are a small community.*

ADDITIONAL INFORMATION

- 4a.** For which of these volunteer activities does your school district perform criminal background checks?

Large-Sized School Districts

- Any situation where a volunteer/student may have one-on-one involvement.*

Medium-Sized School Districts

- Anyone who enters our schools to work with students or teachers will undergo a background check.*

Small-Sized School Districts

- We do not run background checks on volunteers.*

- 4b.** Do you have any additional comments or clarifications you would like to provide?

Large-Sized School Districts

- I am very interested in your results and would appreciate any policies or procedures for districts conducting criminal history records [checks] on volunteers.*
- We check approximately 9,000 volunteers per year. We decline approximately 200 [volunteers].*
- Any part-time employee who has contact with students.*

- *Even though we do not currently perform criminal background checks on volunteers, we plan to do so starting in July 2005.*
- *If an applicant or volunteer answers “no” to whether or not they have a criminal record—we disqualify the applicant unless it has been 10 years or more or under extenuating circumstances.*
- *I am curious to know that upon concluding your survey, will you have some definitive guidelines? I’d love to have a copy.*
- *The individual who monitored criminal histories retired. There is a new employee (not myself) checking [them now]. I am doing this study to the best of my knowledge.*

Medium-Sized School Districts

- *Criminal history checks are important. We will move forward to check criminal backgrounds on all volunteers working on our campuses. We do a good job of checking criminal backgrounds on all employees and substitute employees.*
- *Each volunteer’s background check is examined on an individual basis. Probably 99% of our volunteers do not have any criminal records.*

Small-Sized School Districts

- *We do criminal background checks on employees only—we don’t really have any volunteers now-a-days... everyone expects to be paid.*
- *We do not do any type of criminal history background check on volunteers; however, this survey has made us review our policy again and reevaluate.*
- *We need to begin this program checking our volunteers.*
- *We use the service center for our background checks for employees. This is a K-8 district—we know everyone that volunteer. There are not that many people who volunteer in our district.*

VITA

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This dissertation was typed and edited by Marilyn M. Oliva at Action Ink, Inc.