

KSDE LEGAL PROCESS

- If **anything** shows up on a background check for an application for a teaching license, it will automatically be referred to KSDE Legal Dept.
 - If a conviction was expunged, you do not need to disclose it on the application. If you wait to expunge it until after you've submitted your application and KSDE is aware of the conviction, they will handle it as any other offense that they are aware of. (*see Expungement below*)
 - KSDE can, and will, look at diversions unless it has been expunged.
 - These offenses **do not require a hearing** and you do not need to mark "yes" on the application:
 - DUI (if it is the 1st or 2nd one—a misdemeanor)
 - Battery
 - Traffic offenses
 - Criminal damage to property
 - MIP
 - These offenses **will require a hearing**:
 - Theft (misdemeanor or felony)
 - Possession of drugs/paraphernalia
 - Crimes involving children, including "hosting" minors
- 1) Example: If someone has a diversion agreement for possession of small amount of pot, should mark "no" to being convicted of a felony, "no" to being convicted of any crime involving drugs, etc. and "yes" to have you entered into a diversion agreement for drugs.
 - 2) Someone does not need to have a criminal conviction in order to have a license denied.
 - 3) Applicants don't get the results of the fingerprint check unless KSDE Legal Dept contacts you.
 - 4) If you had an *Emergency Substitute Teaching License* issued and you had disclosed something at that time, you still need to disclose it again when applying for another license.

If you:

- assume or have been told your diversion took the crime off your record – **IT DIDN'T**
- are "not sure" whether you had something expunged - **YOU DID NOT**
- assume you don't have to report it because you were a juvenile – **YOU MUST REPORT IT**
- forget" your past record and you don't reveal it, this is considered dishonesty and creates another issue with KSDE who will aggressively review your case. **DO NOT LIE**

EXPUNGEMENT

An **expungement** proceeding is a type of lawsuit in which a first time offender of a prior criminal conviction seeks that the records of that earlier process be sealed, making the records unavailable through the state or Federal repositories. If successful, the records are said to be "expunged".

- Must wait 3 years (misdemeanors) or 5 years (felonies), depending on the offense
- Certain conditions must be met, e.g. no intervening incidents, incident considered not too serious, etc.
- Felony DUI = 10 years
- Almost always handled by court of origin
- Time starts when the sentence, probation, or diversion ends – **seek expungement ASAP after that**

Advice about getting a record expunged:

it's a fairly simple process that may not require a lawyer;
can take 4-6 weeks to complete;
start by contacting the court (county or municipal) where the conviction/diversion occurred OR
look for the paperwork on the court website;
check to make sure of the time required for an expungement to be completed;
if it can be completed well before you apply for a license, DO IT NOW;
if it cannot be completed before you apply, REPORT IT on your license application;
an expungement can benefit you in more ways than just your license application!