

April 23, 2008

Re: Texas Education Code Chapter 22, Criminal History Information

Dear Contractor/Independent Contractor/Vendor:

Effective January 1, 2008, a school district is required to take appropriate steps to protect pupils who may come in contact with a contractor's employees. Pursuant to Texas Education Code Chapter 22, as amended by Senate Bill 9, service contractors shall obtain criminal history record information regarding covered employees and certify to the District that they have done so. Service contractors who have employees who could come into direct contact with students while performing work at the Northside Independent School District through a shared services agreement with your company must pass a criminal background check. Therefore, it is your responsibility to perform a name-based criminal history background check on all affected individuals who were employed by your company prior to January 1, 2008.

All affected employees hired by your company **after** January 1, 2008 must be fingerprinted and run through the Department of Public Safety (DPS) clearinghouse, a database containing an employee's national criminal history based on fingerprints, photos, and other identification that will enable both you and the Northside ISD to have access to the employee's current national criminal history, and updates of the employee's subsequent criminal history. It is your responsibility to complete this process before the employee is hired or performs work in which the employee could have direct contact with students at the Northside ISD.

If an employee has a criminal history background involving any of the following offenses, then that employee is ineligible to work on the premises of the Northside Independent School District:

- An offense involving moral turpitude; ("Moral turpitude" is an act of baseness, vileness, or depravity in the private and social duties which a person owes another member of society or society in general, and which is contrary to the accepted rule of right and duty between persons, including, but not limited to, theft, attempted theft, rape, indecency with a minor, and controlled substances issues.)
- An offense involving a form of sexual or physical abuse of a minor or student, or other illegal conduct in which the victim is a minor or student;
- A felony offense involving the possession, transfer, sale, or distribution of, or conspiracy to possess, transfer, sell or distribute a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 *et seq.*;
- An offense involving the illegal transfer, appropriation, or use of school district funds or other district property; or
- An offense involving an attempt by fraudulent or unauthorized means to obtain or alter a professional certificate or license issued by the Texas Education Agency or the State Board for Educator Certification.

Texas Education Code Section 22.0834 requires that you certify to the Northside Independent School District that you have received all criminal history information on all of your affected employees. In addition, you will need to maintain this information on file for inspection by the Northside Independent School District when requested.

DPS has issued new instructions regarding procedures for fingerprinting newly hired employees of school district contractors covered by the new criminal history information legislation (Tex. Educ. Code 22.0834). Contractors will need to contact DPS, sign a user agreement, get an ORI, (Originating Reference Identification), and then get their FAST Passes (Fingerprint Applicant Services of Texas) directly from DPS, according to the procedures set out in the attached memorandum.

Instructions to School District Contractors Regarding Criminal History Background Searches Under Senate Bill 9

Senate Bill 9 directs school district contractors to obtain state and national criminal history background searches on their employees who will have direct contact with students, and to receive those results through the DPS criminal history clearinghouse (Fingerprint-based Applicant Clearinghouse of Texas –FACT). In order for contractors to receive the information through FACT, they must first establish an account with the DPS for FACT clearinghouse access. The Company owner must sign a user agreement with the DPS. To obtain the user agreement and more information, please contact:

Access and Dissemination Bureau
Texas Department of Public Safety
Crime Records Service
P. O. Box 149322
Austin, Texas 78714-9322

Email: FACT@txdps.state.tx.us
Phone: (512) 424-2365

For fastest service, please email or call. State in the message that you are a school district contractor and need to have an account established for DPS FACT clearinghouse access. Please include:

Company Name
Company Address
Company Phone
Name of Company point of contact
Phone of Company point of contact
Company email to be used for notification of FACT records and messages

The information in the DPS FACT Clearinghouse is confidential, and access must be restricted to the least number of persons needed to review the records. The account must include at least one designated supervisor to make necessary changes and to monitor the site's security and the access to the criminal history data retrieved. Additional users must be limited to those who need to request, retrieve, or evaluate data regarding the individual applicants.

PLEASE NOTE: After you sign the DPS User Agreement for FACT, DPS will provide you with a revised *FAST Fingerprint Pass* that you will have to provide to your employees and applicants. Your employees and applicants will use that *FAST Fingerprint Pass* when scheduling their FAST fingerprinting.

NORTHSIDE INDEPENDENT SCHOOL DISTRICT
SERVICE CONTRACTOR CERTIFICATION
CRIMINAL BACKGROUND CHECK

Introduction: A school district is required to take appropriate steps to protect students who may come in contact with a contractor's employees. Pursuant to Texas Education Code Chapter 22, service contractors shall obtain criminal history record information regarding covered employees and certify to the District that they have done so. Covered employees with disqualifying convictions are prohibited from serving at a school district.

Definitions: *Covered employees:* All employees of a contractor who have, or will have, continuing duties related to the service to be performed at the District and have, or will have, direct contact with students. The District will be the final arbiter of what constitutes direct contact with students.

Disqualifying convictions: One of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an equivalent offense under federal law or the laws of another state.

On behalf of _____ ("Contractor"). I certify that [check one]:

None of Contractor's employees are *Covered Employees*, as defined above.

Or

Some or all of Contractor's employees are *Covered Employees*. If this box is selected, I further certify that:

- (1) Contractor has obtained all required criminal history record information, through the Texas Department of Public Safety, regarding its covered employees. None of the covered employees has a disqualifying conviction. Contractor has taken reasonable steps to ensure that its employees who are not covered employees do not have continuing duties related to the contract services or direct contact with students.
- (2) If Contractor receives information that a covered employee has a disqualifying conviction, Contractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.
- (3) Upon request, Contractor will make available for the District's inspection the criminal history record information of any covered employee. If the District objects to the assignment of a covered employee to the District project on the basis of the covered employee's criminal history record information, Contractor agrees to discontinue using that covered employee to provide services to the District.

Noncompliance by Contractor with this certification may be grounds for contract termination.

Signature: _____ Title: _____

Date: _____

RETURN TO NISD PURCHASING DEPARTMENT