



## **Criminal History Reviews of Contractor Employees**

State law requires school districts to conduct criminal history background checks for employees and other persons who have contact with students at school. The law also requires school district contractors and subcontractors to review the criminal histories of their employees who have direct contact with students. Contractor employees with certain convictions are prohibited from working at a school district.

School district contractors are separated into two categories: (1) entities that contract with school districts to provide services (service contractors); and (2) entities that contract directly with a school district to provide engineering, architectural, or construction services to the district (public works contractors). Tex. Educ. Code §§ 22.0834, .08341.

This article answers frequently asked questions about the requirements for criminal history reviews of service and public work contractor employees, certifications as to compliance, and disqualifying offenses.

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### **Types of Criminal History Records**

The criminal history reviews required in Texas school districts involve state criminal history information and national criminal history information:

- State criminal history records (criminal history record information): Criminal History Record Information is information collected by the Texas Department of Public Safety (DPS), a law enforcement or criminal justice agency, or a private entity, that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions. Tex. Gov't Code § 411.082(2); 19 Tex. Admin. Code § 153.1101(4). These records are retrieved primarily based on the name of the individual, although some DPS searches use fingerprints. With the possible exception of reports from private agencies, these records include only data from Texas.

- National criminal history records (*national criminal history record information*): National Criminal History Record Information consists of criminal history records from DPS and the Federal Bureau of Investigation (FBI) retrieved through fingerprint identification information. Tex. Educ. Code § 22.081(2); 19 Tex. Admin. Code § 153.1101(8). The FBI's records include data from Texas and other states.

National criminal history checks are conducted through the DPS Fingerprint Application Clearinghouse of Texas (FACT Clearinghouse), which is a repository of the DPS and the FBI fingerprint-based criminal history results. The FACT Clearinghouse allows an authorized entity access to DPS and FBI criminal history fingerprint results and a notification service for new arrest activity on subscribed persons.

### **Covered Contractor Employees**

#### **Q. Which contractor employees are covered by the law?**

- A. The legal requirements for criminal history background checks depend on the type of contractor.

A service contractor employee is covered by the law if the employee has or will have: (1) continuing duties related to the contracted services; and (2) direct contact with students. Tex. Educ. Code § 22.0834(a), (g), (k); *see also* 19 Tex. Admin. Code § 153.1101(3). TEA rules provide one exception for service contractor employees: a student enrolled in the district where the services are performed is not a covered employee. 19 Tex. Admin. Code § 153.1101(3)(D).

A public works contractor or subcontractor employee is covered by the law if the person has or will have: (1) continuing duties related to the contracted services; and (2) the opportunity for direct contact with students in connection with the person's continuing duties. Tex. Educ. Code § 22.08341(b).

If both elements are met, a national criminal history review is mandatory for both types of contractor employees. If the elements are not met, the law does not authorize the contractor or the district to obtain the contractor employee's criminal history through the FACT Clearinghouse. The contractor or the district may nonetheless obtain the employee's state criminal history records from DPS (although not through the FACT Clearinghouse) if the employee provides written consent.

**Q. What are “continuing duties related to contracted services”?**

- A. Both service and public work contractor employees must have “continuing duties related to contracted services” in order to be subject to a mandatory criminal history review. Tex. Educ. Code §§ 22.0834(a)(1), .08341(b)(1). TEA rules define *continuing duties related to contracted services* as those work duties that are performed pursuant to a contract on a regular, repeated basis rather than infrequently or one-time only. 19 Tex. Admin. Code § 153.1101(2).

**Q. What is “direct contact with students”?**

- A. Both service and public work contractor employees must have “direct contact with students” in order to be subject to a mandatory criminal history review. Tex. Educ. Code §§ 22.0834(a)(2), .08341(b)(2). *Direct contact with students* is contact that results from activities that provide substantial opportunity for verbal or physical interaction with students and that is not supervised by a certified educator or other professional district employee. Examples include unsupervised coaching, tutoring, or other services to students. 19 Tex. Admin. Code § 153.1101(7).

Even casual contact may meet the definition of direct contact. One commenter asked TEA to limit the rules to one-on-one interaction and to provide that *direct contact* does not include “passing by a student in a public location.” TEA rejected both requests, stating that no basis existed in the legislative history for limiting *direct contact* to one-on-one interaction or for concluding that passing a student in a public location, such as a school hallway, does not provide *substantial opportunity* for direct contact. 33 Tex. Reg. 9234-5 (Nov. 14, 2008).

**Q. What is not “direct contact with students”?**

- A. For service contractor employees, contact with students that results from services that do *not* provide substantial opportunity for unsupervised interaction with students is not, by itself, direct contact with students. Examples include addressing an assembly, officiating a sports contest, or judging an extracurricular event. 19 Tex. Admin. Code § 153.1101(7).

For public works contractor employees, a person does not have the opportunity for direct contact with students if:

- the public work does not involve the construction, alteration, or repair of an instructional facility;
- if the public work involves construction of a *new* instructional facility, the person’s duties related to the contracted services will be completed not later than the seventh day before the first date the facility will be used for instructional purposes; *or*

- if the public work involves an *existing* instructional facility:
  - the public work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence that is not less than six feet in height; *and*
  - the contractor adopts a policy prohibiting employees, including subcontractor employees, from interacting with students or entering areas used by students, informs employees of the policy, and enforces the policy at the public work area.

Tex. Educ. Code § 22.08341(c).

“Instructional facility” means real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the curriculum required under Texas Education Code section 28.002. Tex. Educ. Code §§ 22.08341(a)(2), 46.001.

If a service or public work contractor employee is determined not to be covered by the law, contractors and subcontractors have an ongoing responsibility to make a reasonable effort to ensure that the conditions or precautions that resulted in that determination continue to exist throughout the time that the contracted services are provided. Tex. Educ. Code §§ 22.0834(l), .08341(i).

### **Service Contractor Responsibilities**

#### **Q. What is a service contractor?**

A. TEA rules define a *service contractor* broadly as “[a]n entity, including a governmental entity and an individual independent contractor, that contracts or agrees with a school entity by written agreement or verbal understanding to provide services through individuals who receive compensation.” The rules also state that, when conducting an investigation or intervention regarding an alleged crime or act of child abuse on a school campus, a law enforcement agency or the Department of Family and Protective Services is not a service contractor, and the investigator or intervener is not a covered contract employee. 19 Tex. Admin. Code § 153.1101(10).

#### **Q. What responsibilities do service contractors have?**

A. A service contractor must:

- Obtain criminal histories for covered employees;
- Certify to the school district that the service contractor has received all criminal histories for covered employees;
- Require that a subcontractor obtain all criminal histories relating to a covered employee;

- Make a reasonable effort to ensure that the reasons an employee is determined not to be covered continue to exist throughout the time that the contracted services are provided; and
- Prohibit covered employees with disqualifying convictions from serving at a district.

Tex. Educ. Code § 22.0834.

**Q. Where does a service contractor obtain criminal histories for covered employees?**

A. The source of criminal history record information depends on the covered service employee's date of employment:

- For a person employed before January 1, 2008, contractors must obtain state criminal histories. Tex. Educ. Code § 22.0834(g).
- For a person offered employment on or after January 1, 2008, contractors must obtain national criminal histories. Tex. Educ. Code § 22.0834(a), (b).

If a national criminal history is required, the contractor must create an account with DPS to access criminal histories through the FACT Clearinghouse. State criminal histories may be obtained from DPS, another law enforcement agency, or from a private consumer reporting agency.

**Q. How is a covered service employee's date of employment determined?**

A. The determination of "date of employment" depends on whether the covered service employee is an independent contractor or an employee of a contractor:

- Independent Contractor: If the covered service employee is an individual independent contractor, the date of employment is the date of the contract or agreement with the district.
- Employee of Contractor: If the covered service employee is employed by the contractor, the date of employment is the date the employee began providing services to the contractor for compensation.

19 Tex. Admin. Code § 153.1101(5).

**Q. How does a service contractor certify compliance with the criminal history review requirements?**

A. A contractor must certify to the district that it has received the criminal history record information for all covered employees providing the contracted services. Tex. Educ. Code § 22.0834(d), (i). Sample forms for certification by [contractors](#) and [independent contractors](#) are at the end of this article.

**Q. What are a service contractor's responsibilities with respect to subcontractors?**

A. A *subcontractor* is an entity that contracts with a contractor to provide services to a school district. A contractor must require that any subcontractors obtain criminal history record information on the subcontractor's covered employees. A contractor complies with this requirement if the contractor obtains a written certification from each subcontractor. The certification must state that the subcontractor has obtained the required criminal history record information for covered employees of the subcontractor and that the subcontractor has obtained certification from each of the *subcontractor's* subcontractors. Tex. Educ. Code § 22.0834 (l), (m), (p).

**Q. What is the date of employment of a subcontractor's employee?**

A. For subcontractors, the date of employment is the later of: (1) the date the contractor secured the services of the subcontractor; or (2) the date the subcontractor secured the services of the employee. 19 Tex. Admin. Code § 153.1101(5)(C).

**Q. Is a subcontractor required to provide a certification?**

A. Yes. A service subcontractor must certify to the district and the service contractor that the subcontractor has obtained all criminal history record information that relates to a covered employee of the subcontractor. The subcontractor must also certify that it has obtained similar written certifications from its subcontractors. Tex. Educ. Code § 22.0834(n). A [model form](#) related to this subcontractor certification is attached.

**Public Work Contractor Responsibilities**

**Q. What is a public work contractor?**

A. A public work contractor is an entity that contracts directly with a school district to provide engineering, architectural, or construction services to the school district. A public work subcontractor is an entity that contracts with a contractor to provide engineering, architectural, or construction services to a school district. Tex. Educ. Code § 22.08341(a).

**Q. What responsibilities do public work contractors and subcontractors have?**

A. Public work contractors and subcontractors must:

- Obtain criminal histories for covered employees through the FACT Clearinghouse;
- Certify to the school district that the public work contractor has received all criminal histories for covered employees;
- Certify to the school district that the public work contractor has obtained written certification that any subcontractor has received all criminal histories for the subcontractor's covered employees;
- Make a reasonable effort to ensure that the reasons an employee is determined not to be covered continue to exist throughout the time that the contracted services are provided; and
- Prohibit covered employees with disqualifying convictions from serving at a district.

Tex. Educ. Code §§ 22.08341(d), (e), (f), (i).

**Q. What type of criminal history review is required for covered public work employees?**

A. Public work contractors and subcontractors must obtain national criminal history record information for their covered employees. Tex. Educ. Code § 22.08341(e)(1). Unlike service contractor employees, the law does not require obtaining state criminal history record information for persons employed before a certain date.

**Q. How do public work contractors and subcontractors certify compliance with the criminal history review requirements?**

A. Public work contractors and subcontractors must certify to the district that the criminal history review requirements for all covered employees working on a public work project have been satisfied. Tex. Educ. Code § 22.08341(e), (f). Sample forms related to certification by [contractors](#) and [subcontractors](#) are at the end of this article.

**District Responsibilities**

**Q. What responsibilities do school districts have regarding contractors, subcontractors, and their employees?**

A. A school district must ensure that contractors and subcontractors have obtained all criminal history record information required by law. A school district may not allow an employee of a contractor to serve at the district if the district obtains information of a disqualifying offense described below at "Disqualifying Offenses." Tex. Educ. Code § 22.085(c).

**Q. What if a district has an urgent need for services and there is not enough time to obtain the criminal history of a contractor employee?**

A. In an emergency, a school district may allow a covered contractor employee to enter district property if the person is accompanied by a district employee. *Emergency* is not defined, however the district may adopt a policy or rules regarding an emergency situation for these purposes. Tex. Educ. Code §§ 22.0834(f), .08341(j).

**Q. Can a school district acquire criminal histories of covered contractor employees for the contractor?**

A. No. The law requires each *contractor or subcontractor* to send or ensure that the covered employee sends information to DPS that is required for obtaining national criminal history record information. The contractor or subcontractor, not the district, must contact DPS directly to set up a FACT Clearinghouse account to obtain national criminal histories. The district cannot send information for the contractor, nor may the district provide the contractor or subcontractor with a FAST pass (Fingerprint Applicant Services of Texas). Tex. Educ. Code §§ 22.0834(c), .08341(e).

**Q. Can a contractor show a covered employee's criminal history record to the school district?**

A. No. An individual's criminal history is confidential and the contractor may not show it to the district. It is a criminal offense for a person to knowingly or intentionally obtain criminal history record information in an unauthorized manner, use the information for an unauthorized purpose, or disclose the information to a person who is not entitled to the information. Tex. Gov't Code §§ 411.084, .085.

**Q. Can a school district obtain criminal histories of contractor employees?**

A. Yes. A school district may obtain national criminal histories of contractor employees from the FACT Clearinghouse. Tex. Educ. Code §§ 22.0834(e), .08341(h). If a service contractor employee was not subject to a national criminal history review, the district may obtain state criminal history information from any law enforcement or criminal justice agency. Tex. Educ. Code § 22.0834(h). In either case, the district must pay the cost of obtaining the history, unless the district and the contractor have agreed otherwise. By subscribing to the FACT Clearinghouse for contractor employees, the district has the benefit of obtaining electronic updates should a contractor employee be arrested or otherwise have a change in criminal history.

For practical purposes, districts may be more concerned with obtaining updated employee lists from contractors than with obtaining updated criminal history records. Particularly on construction projects, the ebb and flow of workers may necessitate careful tracking of staff to ensure that the district knows who is working on the project. A district may want to build into its agreement with a contractor a requirement that the contractor provide regular updates of employees.

### **Disqualifying Offenses**

#### **Q. When is a contractor employee prohibited from working at a district?**

A. The law prohibits a covered contractor employee from working at a school district if the person has been convicted of certain offenses, described below (mandatory restrictions). In addition, districts may adopt and enforce local eligibility standards.

#### **Q. What criminal history will disqualify a contractor employee?**

A. A contractor or subcontractor may not permit a covered employee to provide services at a school if the employee has been convicted of the following offenses and the victim was under 18 years of age or was enrolled in a public school:

- A felony offense under Title 5 of the Texas Penal Code;
- An offense requiring registration as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure; or
- An equivalent offense under federal law or the laws of another state.

Public work contractor employees may be permitted to work if the conviction is more than 30 years old. That exception does not apply to service contractor employees. Tex. Educ. Code §§ 22.0834(o), .08341(d), .085(a)

Title 5 felony offenses include criminal homicide; kidnapping, unlawful restraint, and smuggling of persons; trafficking of persons; sexual offenses; and assaultive offenses.

#### **Q. Can a school district adopt stricter standards for eligibility to work at the district?**

A. Yes. The standard set forth in the statutes is a minimum standard. To ensure consistency and objectivity in decision-making, TASB Legal Services recommends that districts adopt written local standards. These standards may be different from the standards the district adopts for its own employees. The district should clearly communicate any local standards to contractors and subcontractors.

## **Miscellaneous**

### **Q. Is UIL required to review the criminal histories of sports officials?**

- A. No. Texas law does not require the University Interscholastic League (UIL) to review the criminal histories of sports officials. In fact, sports officials are not employed by UIL or the Texas Association of Sports Officials. Most sports officials in Texas are independent contractors retained by school districts on a game-by-game basis.

Criminal history reviews are not required for sports officials whose activities on campus are limited to officiating sports contests. Officiating a game typically does not provide substantial opportunity for unsupervised interaction with students. Sports officials may, however, be subject to district rules regarding campus visitors. 19 Tex. Admin. Code § 153.1101(7).

### **Q. Does the law apply to after-school activities, such as Boy Scouts or after-school child care? Does the law apply to organizations that lease school facilities?**

- A. It depends on the relationship between the district and the provider or entity. Most after-school programs fall into two categories: contractors and lessees. Contractors are those organizations that provide services under a contract with the district. For example, an organization retained by the district to run the district's after-school child care program would be a contractor. The law would apply to such an organization.

Lessees, on the other hand, are organizations that lease facilities from the district. This might include the Boy Scouts, a local church, or a private lesson instructor (e.g., karate or dance classes). Lessees do not contract to provide services to the district, although their programs may benefit district students. The Education Code does not authorize school district lessees to conduct criminal background checks through DPS (although providers of children's programs may be authorized or required to conduct criminal background checks by other laws). Moreover, the district does not have authority to run criminal background checks through DPS on a lessee's employees and volunteers because they are not district employees, contractors, or volunteers. The district may, however, require these persons to submit to any background checks that are required of campus visitors.

These subtle legal distinctions may create public relations challenges for districts. Parents and other community members sometimes assume that districts conduct background checks on after-school care providers. To avoid misunderstandings, a district may opt to provide a disclosure statement to parents.

**Q. Does the law apply to dual credit programs and other instructional arrangements with higher education institutions?**

- A. Institutions of higher education may instruct school district students in a variety of contexts, such as high school courses, remedial courses, college courses, or dual credit courses. The institution's employee are subject to background check requirements only if the person is providing services to the district under a contract between the district and the institution.

For example, a district may enter into a formal, written agreement with a community college under which the college conducts classes on district property. Because this is a contract for a service and the instructor will have direct contact with district students, the instructor would be a covered employee and background check requirements apply. On the other hand, the requirements will not apply to the instructor of a college course merely because the district has chosen to assign credit to a student who completes the course. The requirements also will not apply to an instructor of a course on district property based only on a facilities use agreement.

A district should consult its school attorney when determining if the background check requirements apply to a particular instructional arrangement. As the application of the law can be complex, the district should also communicate to parents and students the extent of the district's responsibility for instructor background checks in dual credit program materials and other relevant publications to alleviate any confusion they may experience.

**Q. Who pays the cost of obtaining criminal history record information for contractor employees?**

- A. The statute does not specify who will pay the cost of obtaining criminal history record information for covered employees. Accordingly, the district and the contractor should determine this responsibility before performance under the contract begins.

A district that is beginning the contracting process may wish to determine in advance whether contractor employees are likely to be covered employees. If so, it may be prudent to include a reference to the criminal history review requirements in the request for proposal or bid specifications and to factor in the additional contractor and administrative costs.

**Q. Where can I find more information about criminal history record requirements for contractor employees?**

- A. Contractors and subcontractors should contact DPS for assistance with creating accounts and obtaining criminal histories. For legal questions, contractors and subcontractors should consult their own attorneys or associations. TASB Legal Services cannot advise contractors or subcontractors because of the potential conflict of interest.

School district representatives can contact TASB Legal Services at 800-580-5345 or [legal@tasb.org](mailto:legal@tasb.org) for guidance. For in-depth issues, districts should contact their school attorneys. For information about criminal background checks for school district employees and volunteers, see [Criminal History Reviews of District Employees and Volunteers](#).

For more information on this and other school law topics,  
visit TASB School Law eSource online at [schoollawsource.tasb.org](http://schoollawsource.tasb.org).

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.*

*Updated January 2018*

## Sample Contractor Certification

**Introduction:** The Texas Education Code require entities that contract with school districts to obtain criminal history records on covered employees. Covered employees with disqualifying criminal histories are prohibited from serving at a school district. Contractors must certify to the district that they have complied and must obtain similar certifications from their subcontractors.

The district may not obtain criminal histories for contractors. The law requires each contractor to obtain the criminal histories of its covered employees. For more information or to set up an account, a contractor should contact the Texas Department of Public Safety's Crime Records Service at 512.424.2474.

### Definitions:

*Covered employees:* 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 *continuing duties* or *direct contact* with students.

*Disqualifying criminal history:* (1) a conviction or other criminal history information designated by the District; or (2) 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; (c) an equivalent offense under federal law or the laws of another state.

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On behalf of \_\_\_\_\_ ("Contractor"), I, the undersigned authorized signatory for Contractor, certify to \_\_\_\_\_ Independent School District ("District") that [check one]:

None of Contractor's employees are *covered employees*, as defined above. If this box is checked, I further certify that Contractor has taken precautions or imposed conditions to ensure that its employees will not become *covered employees*. Contractor will maintain these precautions or conditions throughout the time the contracted services are provided.

Or

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

- (1) Contractor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history.

- (2) If Contractor receives information that a covered employee subsequently has a reported criminal history, 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 provide the District with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.

If the District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Contractor agrees to discontinue using that covered employee to provide services at the District.

I also certify to the District on behalf of Contractor that Contractor has obtained certifications from its subcontractors of compliance with Texas Education Code chapter 22.

Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

\_\_\_\_\_  
Signature  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date

## Sample Subcontractor Certification

**Introduction:** The Texas Education Code requires entities that contract with school district contractors to obtain criminal history record information regarding covered employees. Covered employees with disqualifying criminal histories are prohibited from serving at a school district. Subcontractors must certify to the district and to the contractor that they have complied.

The district may not obtain criminal histories for subcontractors. The law requires each subcontractor to obtain the criminal histories of its covered employees. For more information or to set up an account, a contractor should contact the Texas Department of Public Safety's Crime Records Service at 512.424.2474.

### Definitions:

*Covered employees:* Employees of a subcontractor 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 *continuing duties* or *direct contact* with students.

*Disqualifying criminal history:* (1) a conviction or other criminal history information designated by the District; or (2) 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; (c) an equivalent offense under federal law or the laws of another state.

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Subcontractor has entered into a contract with \_\_\_\_\_ ("Contractor") to provide services in connection with the contract between \_\_\_\_\_ Independent School District ("District") and Contractor. On behalf of \_\_\_\_\_ ("Subcontractor"), I, the authorized signatory for Subcontractor, certify to the District and Contractor that [check one]:

None of Subcontractor's employees are *covered employees*, as defined above. If this box is checked, I further certify that Subcontractor has taken precautions or imposed conditions to ensure that its employees will not become *covered employees*. Subcontractor will maintain these precautions or conditions throughout the time the contracted services are provided.

Or

[ ] Some or all of Subcontractor's employees are *covered employees*. If this box is checked, I further certify that:

- (1) Subcontractor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history.
- (2) If Subcontractor receives information that a covered employee subsequently has a reported criminal history, Subcontractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.
- (3) Upon request, Subcontractor will provide the District with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.

If the District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Subcontractor agrees to discontinue using that covered employee to provide services at the District.

I also certify to the District and Contractor on behalf of Subcontractor that Subcontractor has obtained certifications from its subcontractors of compliance with Texas Education Code chapter 22.

Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

\_\_\_\_\_  
Signature  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date

## Sample Independent Contractor Certification

**Introduction:** The Texas Education Code requires that an independent contractor who enters into a contract with the school district to submit to a criminal history review if the independent contractor will have continuing duties related to the contracted services and direct contact with students. Each independent contractor must certify to the District that the contractor has complied.

The district may not obtain criminal histories for individual independent contractors. The law requires each contractor to obtain the criminal histories of its covered employees. For more information or to set up an account, a contractor should contact the Texas Department of Public Safety's Crime Records Service at 512.424.2474.

A covered independent contractor with a disqualifying criminal history is prohibited from serving at a school district. The following offenses are disqualifying: (1) a conviction or other criminal history information designated by the District; or (2) 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; (c) an equivalent offense under federal law or the laws of another state.

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I certify to \_\_\_\_\_ Independent School District ("District") that I have obtained all required criminal history record information regarding myself through the Texas Department of Public Safety's Fingerprint-based Applicant Clearinghouse of Texas (FACT). I further certify to the District that I do not have a disqualifying criminal history. I agree to notify the District in writing within 3 business days if I am arrested or adjudicated for a disqualifying reason during the contract term.

I agree to provide the District, upon request, my full name and any other requested information so that the District may obtain my criminal history record information. I understand that the District may terminate my services at any time if the District determines, at its sole discretion, that my criminal history is not acceptable.

Noncompliance or misrepresentations regarding this certification may be grounds for contract termination.

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Signature

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Date

***(DPS may require confirmation that a contractor is providing services to a school district. If the district and contractor do not have a written agreement, the following letter may be used to provide confirmation.)***

**Sample Confirmation of Contractor Status**

Texas Department of Public Safety  
Crime Records Services  
Access and Dissemination Bureau  
Post Office Box 4143  
Austin, Texas 78765

Date: \_\_\_\_\_

Dear Sir or Madam:

This letter confirms that \_\_\_\_\_ Independent School District (District) has entered into a contract or agreement with \_\_\_\_\_ (Contractor) to provide services to the district. Contractor may have covered employees for whom Contractor is required to obtain state and national criminal history record information, as applicable, under Texas Education Code chapter 22, subchapter C.

If there are any questions or you need further information from the District, please contact the undersigned.

Sincerely,

(authorized District representative)