CERTIFICATION OF CRIMINAL HISTORY RECORD INFORMATION
SUBCONTRACTOR

Background: Texas Education Code Chapter 22 requires entities that contract with school districts, and their subcontractors, 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 ___ISD that they have complied and must obtain similar certifications from their subcontractors. Criminal history information should be obtained from the Texas Department of Public Safety criminal history clearing house.

Definitions:

Covered employees: Employees of a subcontractor who: *(1) have or will have continuing duties related to the service to be performed at a school district, and (2) have or will have direct contact with students*. What qualifies as a covered employee shall be determined by ___ISD.

Public Works Exception to Covered Employees: Covered employees do <u>not</u> include employees of a contracting or subcontracting entity that is providing engineering, architectural, or construction services on a project to design, construct, alter, or repair a public work if: (1) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by Texas Education Code Section 46.001; (2) the employee's duties will be completed more than seven (7) days before a new instructional facility will be used for instruction; or (3) for an existing instructional facility, the work area contains sanitary facilities separated from all areas used by students by a fence at least six (6) feet high, and the Contractor adopts, informs employees of, and enforces a policy prohibiting employees and any subcontractor's employees from interacting with students or entering areas used by students.

Disqualifying criminal history: (1) a conviction or other criminal history information designated by ___ISD; (2) a felony or misdemeanor offense that would prevent a person from being employed under Texas Education Code § 22.085(a), that is: if at the time of the offense, the victim was under 18 or was enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense on conviction for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an offense under federal law or the laws of another state that is equivalent to (a) or (b).

Subcontractor has entered into a contract with _____ ("Contractor") to provide services in connection with the contract between ___ISD and Contractor. I, the undersigned authorized representative of _____("Subcontractor"), certify to ___ISD that [check one]:

[ ] None of Subcontractor's employees are <u>covered employees</u>, as defined above. I further certify that Subcontractor has taken precautions or imposed conditions to ensure that its employees will not become covered employees during the term of this contract.

Or

[ ] Some or all of Subcontractor's employees are <u>covered employees</u>. 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 ___ISD in writing within 3 business days.

  (3) Upon request, Subcontractor will provide ___ISD with the name and any other requested information of covered employees so that ___ISD may obtain criminal history record information on the covered employees.

If ___ISD 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 ___ISD.

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

_____   _____   _____
Signature   Title   Date