

# SB 9/CRIMINAL HISTORIES PRESENTATION AT REG. 12 ESC

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Andrew Allen, Assistant Counsel  
TEA, Educator Quality and Standards

[andrew.allen@tea.state.tx.us](mailto:andrew.allen@tea.state.tx.us); 512-936-8238

**SENATE BILL 9**, EFFECTIVE 6/15/07, AMENDS:  
Texas Education Code (TEC), Chapter 22, School  
District Employees and Volunteers, Subchapter C,  
Criminal History Records, Sections 22.081 through  
22.087; (available online at:  
<http://tlo2.tlc.state.tx.us/statutes/ed.toc.htm> )

REQUIRED CRIMINAL HISTORY RECORD  
INFORMATION REVIEW OF PUBLIC SCHOOL  
EDUCATORS & EMPLOYEES

**OVERVIEW**

# SUMMARY


(summary tables at end of slide show)

SB 9 is a comprehensive statute requiring **various levels/types of criminal history review** for specific types of public employees, including:

- All **certified educators** working in public schools who have not been previously fingerprinted;
- All **non-certified** public school employees;
- All **charter school employees** serving in teaching & professional positions;
- All **substitute teachers**;
- **School Contractor employees** who have direct contacts with students; and
- **Student teachers** and **volunteers**, with certain exceptions.

# TYPES OF CRIMINAL HISTORY REVIEW


To understand what review is required by SB 9, it is necessary to distinguish the two basic types of criminal history review referred to in the statute. They are:

- criminal history record information , and
- national criminal history record information review



The type of review that is required depends upon the school employee's certification status, the level of contact with students their position allows, and the nature and tenure of their relationship with a school.

# WHAT IS CRIMINAL HISTORY RECORD INFORMATION ?



- **Criminal History Record Information** consists of records of arrests, detentions, formal criminal charges, and criminal dispositions.
- It may be collected by the Texas Department of Public Safety (**DPS**), a criminal justice or law enforcement agency, or a private entity under the Fair Credit Reporting Act.
- As opposed to **National Criminal History Record Information**, it does not require fingerprints and usually comes from a **name-based search**  **criminal or credit**

# WHAT IS NATIONAL CRIMINAL HISTORY RECORD INFORMATION?


- National Criminal History Record Information is criminal history record information that is obtained from both the DPS and the FBI, so that it includes national as well as state records.
- Must come from fingerprint identification information (only way to access FBI data).



# CERTIFIED EDUCATORS

- TEC 22.0831 (link on Slide 2)
- By September 1, 2011, SBEC must conduct a **national criminal history record information**  review on all certified educators who are employed by a Texas public school.
- SBEC has conducted **national criminal history record information**  reviews on applicants for educator certification since late 2003; those educators will not have to be reviewed again.
- SBEC rules for certified educator criminal histories (19 TAC Chapter 232, Subchapter C) are available at:  
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=19&pt=7&ch=232&sch=C&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=19&pt=7&ch=232&sch=C&rl=Y)




# CERTIFIED EDUCATORS CONT.

- All other active certified educators will be identified and uploaded by school districts to TEA/SBEC on a district by district basis from now until 2011; educator must submit fingerprints so that **national criminal history record information**  can be obtained.
- Before a district is notified to upload all its certified educators, newly hired certified educators do not need to be submitted, but after the district wide upload, all new certified hires do need to be submitted to TEA/SBEC.



# SUBSTITUTE TEACHERS

- TEC 22.0836 (link on Slide 2); TEA rules at 19 TAC 153.1101 et seq:  
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=19&pt=2&ch=153&sch=DD&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=19&pt=2&ch=153&sch=DD&rl=Y)
- Whether certified or not, must submit fingerprint information
- Identified and uploaded by school districts to on a district by district basis from now until 2011, at the same time as the district wide certified upload.
- Before a district is notified to upload all its substitute teachers, newly hired substitutes do not need to be submitted, but after the district wide upload, all new substitute hires do need to be submitted

# NON-CERTIFIED EMPLOYEES

- TEC 22.0833 (link on Slide 2); TEA rules at 19 TAC 153.1101 et seq (link on Slide 9)
- All new non-certified public school employees hired **on or after January 1, 2008** must submit the fingerprint and identification information necessary for a **national criminal history record information** review to DPS & TEA before they begin employment. 
- After fingerprints have been submitted, the employee may begin work conditionally, pending receipt by the school and TEA of all **national criminal history record information.** 
- Schools must conduct their own name-based **criminal history record information**  review on all non-certified public school employees hired by the school **before January 1, 2008.**

# SCHOOL CONTRACTORS

- TEC 22.0834 (link on Slide 2); link to proposed rules on Slide 12
- A school contractor must obtain criminal history information on all its employees who:
  - Have **continuing duties** related to the school contract
  - Have **direct contact** with students
- If the employee was hired by the contractor before 1/1/08, the contractor must certify that it has obtained name-based **criminal history record information**  on the employee.
- If the employee was hired by the contractor on or after 1/1/08, the employee must submit to a **national criminal history record information**  review.

# CONTRACTORS CONT.

- TEA is proposing commissioner's rule to clarify:
  - Direct contact with students and level of supervision
  - Continuing duties and the frequency of those duties
  - Whether athletic officials and UIL judges are covered
  - Date of hire for individual contractors(initial proposal available at:  
<http://www.tea.state.tx.us/rules/commissioner/proposed/0508/153dd-ltrprop.html>)
- Department of Public Safety administers the contractor criminal history process
- Contractor **must establish an account** with DPS and sign a **user agreement** with DPS, agreeing to maintain confidentiality of information
- District has the ability to view **national criminal histories** of contract employees in DPS clearinghouse, and may run its own name-based criminal histories on those covered contract employees not subject to fingerprinting









# Student Teachers and Volunteers

- TEC 22.0835 (link on Slide 2); no TEA rules
- SB 9 requires **name searches only** for student teachers and volunteers
- A student teacher **must comply with SB 9 prior to beginning student teaching**
- Volunteers **must comply with SB 9 prior to volunteering** with the following exceptions:
  - Parent, guardian, or grandparent of a child who is enrolled in the district
  - Accompanied by a school district employee
  - Volunteering for a single event

# **QUICK REFERENCE CHARTS FOR CRIMINAL HISTORY REQUIREMENTS**

**NOTE: THESE ARE GENERAL SUMMARY  
STATEMENTS; YOU SHOULD CONSULT THE  
STATUTES AND RULES REGARDING ANY  
SPECIFIC SITUATION**

(SOME OF THE COST NUMBERS ON THE SECOND  
CHART ARE OUTDATED, AS CONTRACTOR FINGER-  
PRINT FEES ARE GENERALLY APPROX. \$44)

Employee Type	National Criminal History (finger print; photo; etc.)	DPS or Private Name-based Check	Notes
Applicants for Certification			All new applicants for certification since 10/01/2003
Current Active Certified Employees			Employed in 2006-2007 as identified by PEIMS by 09/11/2011
Substitute Teachers			All subs to be entered into DPS clearing house by 09/01/2011
Current Non-Certified Employees			To be obtained by ISD as soon as possible
Non-Certified Employees New Hires			Hired after 01/01/2008
Student Teachers and Regular Volunteers			ISD shall obtain as soon as possible
Parent/G-Parent or 1 – time Volunteer			Relative no restriction/ 1-time volunteer must be escorted
New Hires of Contractor	 (Direct Contact w/Students)		Hired after 01/01/2008 - ISD requires – no TEA review of criminal history
Current Contractor Employees		 (Direct Contact w/Students)	Hired before 01/01/2008 – ISD requires – no TEA review of criminal history
Emergency Contractor			Must be escorted by district employee
Campus Visitor <i>Document of External Origin</i>			Campus option to check – but must have board approved action policy

<b>Employee Type</b>	<b>FBI/DPS Check</b> (finger print; photo; etc.)	<b>DPS or Private</b> <b>Name-based Check</b>	<b>Cost</b>
<b>New Certified Employees</b>	<b>Current Law</b>	<b>Current Law</b>	\$52/\$1 thereafter
<b>Current Certified Employees (employed in 2006-2007)</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	To be paid by state/\$1 thereafter
<b>Substitute Teachers</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1-time \$52/\$1 thereafter
<b>New Non-Certified Employees</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1-time \$52/\$1 thereafter
<b>Current Non-Certified Employees</b>		<input checked="" type="checkbox"/>	\$1 DPS – avg. \$25 private vendor/****will be fingerprinted if they move districts
<b>Student Teachers and Regular Volunteers</b>		<input checked="" type="checkbox"/>	\$1 DPS or avg./\$25 private vendor
<b>Parent/G-Parent or 1 – time Volunteer</b>			Relative no restriction/ 1-time volunteer must be escorted
<b>Regular Contractor</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$52 Contractors responsible
<b>Emergency Contractor</b>			Must be escorted by district employee
<b>Campus Visitor</b>			*Campus option to check – but must have board approved action policy