SB 9 Contractor Certification
Subcontractor

Introduction: Texas Education Code Chapter 22 requires 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.

Subcontractor has entered into a contract with _____ ("Contractor"), to provide services in connection with the contract between Onalaska 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 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 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 the *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 Education Code, Chapter 22.

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

_____	_____
Signature	Date
_____	_____
Printed Name	Title