

**Sec. 1. DEFINITIONS**

“Continuing duties related to contracted services” means work duties performed pursuant to a contract to provide services to Life School on a regular, repeated basis rather than infrequently or one-time only.

A “covered contract employee” is an individual who:

1. Is employed or offered employment by any service contractor or a subcontractor of a service contractor, is an individual independent contractor of Life School, or is an individual subcontractor of a service contractor;
2. Has or will have continuing duties related to the contracted services;
3. Has or will have direct contact with students; and
4. Is not a student of (or enrolled in) Life School.

“Direct contact with students” means contact that results from activities that provide substantial opportunity for verbal or physical interaction with students that is not supervised by a certified educator or other professional Life School employee. Contact with students that results from services that do not provide substantial opportunity for unsupervised interaction with a student or students, such as addressing an assembly, officiating a sports contest, or judging an extracurricular event, is not, by itself, direct contact with students. However, direct contact with students does result from any activity that provides substantial opportunity for unsupervised contact with students, which might include, without limitation, the provision of coaching, tutoring, or other services to students.

A “contracting entity” is an entity that contracts directly with Life School to provide services to Life School. However, 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 contracting entity, and the investigator or intervener is not a covered contract employee.

A “public works contractor” means an entity that contracts directly or subcontracts with an entity that contracts with Life School to provide services to Life School.

A “qualified school contractor” means an entity that (1) contracts or subcontracts to provide services to a school district, charter school, or shared services arrangement and (2) is determined eligible by the Department of Public Safety (“DPS”) to obtain criminal history record information under the National Child Protection Act of 1993 (34 U.S.C. § 40101 et seq.) for an employee, applicant for employment, or volunteer of the qualified school contractor.

A “subcontracting entity” is an entity that contracts with another entity that is not Life School to provide services to Life School or shared services arrangement.

*Education Code 22.0834(p); Government Code 411.12505(a); 19 TAC 153.1101(2)-(3), (7), (10).*

## **Sec. 2. GENERAL APPLICABILITY**

Except as noted in this section, this policy applies to a person who is not an applicant for or holder of a certificate under Subchapter B, Chapter 21, Texas Education Code and who is offered employment by a contracting entity or subcontracting entity that contracts with Life School to provide services if:

1. The employee or applicant has or will have continuing duties related to the contracted services; and
2. The employee or applicant has or will have direct contact with students.

This policy does not apply to an employee or applicant of a public works contractor if:

1. The public work does not involve the construction, alteration, or repair of an instructional facility as defined by Education Code § 46.001;
2. For public work that 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
3. For a public work that involves an existing instructional facility:
  - a. 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
  - b. The contracting entity adopts a policy prohibiting employees, including subcontracting entity 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.

*Education Code 22.0834(a), (a-1).*

## **Sec. 3. CRIMINAL HISTORY RECORD INFORMATION REVIEW REQUIREMENTS**

### **Sec. 3.1. Qualified School Contractors**

If a contracting entity is a qualified school contractor, a covered contract employee must submit to a national criminal history record information review by the qualified school contractor before being employed or serving as a covered contract employee providing services to Life School.

### **Sec. 3.2. Non-Qualified School Contractors**

If a contracting entity or subcontracting entity is *not* a qualified school contractor, a covered contract employee must submit to a national criminal history record information review by Life School.

### **Sec. 3.3. Criminal History Record Information Reviews**

Before or immediately after employing or securing the services of a covered contract employee, the qualified school contractor or Life School shall send or ensure that the person sends to the DPS information that is required by DPS for obtaining national criminal history record information, which may include fingerprints and photographs. DPS shall obtain the person's national criminal history record information and report the results through the criminal history clearinghouse as provided by Government Code 411.0845.

A qualified school contractor of Life School shall obtain all criminal history record information that relates to a covered contract employee through the DPS criminal history clearinghouse as provided by Government Code 411.0845.

A qualified school contractor acting as a contracting entity shall require that any of its subcontracting entities obtain all criminal history record information that relates to a covered contract employee if the subcontracting entity is also a qualified school contractor. A qualified school contractor shall require that any of its subcontracting entities that are not qualified school contractors comply with all requirements set by Life School to conduct a national criminal history record information review as it relates to such employee.

Life School or a qualified school contractor may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom this policy applies.

A qualified school contractor is not required to obtain criminal history record information for a person for whom Life School obtains criminal history record information through the DPS criminal history clearinghouse as provided by Government Code 411.0845.

If a contracting or subcontracting entity determines that an employee is not a covered contract employee, the contracting or subcontracting entity shall make a reasonable effort to ensure that the conditions or precautions that resulted in the determination continue to exist through the time that contracted services are provided.

*Education Code 220.834(c)-(e), (h), (l).*

### **Sec. 3.4. Certification to Life School**

A qualified school contractor shall certify to Life School that it has received all criminal history record information relating to a person who is employed by or under a current offer of employment by the qualified school contractor. *Education Code 22.0834(q)*.

### **Sec. 3.5. Disqualifying Conviction**

Neither Life School nor any qualified school contractor, contracting entity, or subcontracting entity may permit an covered contract employee to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under Education Code 22.085(a). *Education Code 22.0834(o)*.

## **Sec. 4. EMERGENCY EXCEPTION**

In the event of an emergency, Life School may allow a covered contract employee to enter Life School property without the required criminal history record information review if the person is accompanied by a Life School employee. Life School may adopt rules regarding an emergency situation. *Education Code 22.0834(f)*.

## **Sec. 5. CONTRACTORS PROVIDING TRANSPORTATION SERVICES**

### **Sec. 5.1. Individual Drivers**

Except as provided in this section, if Life School contracts with a person for transportation services, Life School shall obtain from any law enforcement or criminal justice agency all criminal history record information that relates to:

1. A person employed by the person as a bus driver; or
2. A person the person intends to employ as a bus driver.

A person who contracts with Life School to provide transportation services shall submit to Life School the name and other identification data required to obtain criminal history information for each person employed as a bus driver or each person the person intends to employ as a bus driver. If Life School obtain information that such a person has been convicted of a felony or a misdemeanor involving moral turpitude, Life School shall notify the transportation provider and the person with the disqualifying criminal history may not be employed to drive a bus on which students are transported without the permission of the Board.

*Education Code 22.084(a)-(b)*.

**Sec. 5.2. Commercial Transportation Companies**

A commercial transportation company that contracts with Life School shall comply with all requirements imposed on a qualified school contractor or contracting entity as outlined in this policy and obtain all criminal history record information that relates to:

1. A person employed by the commercial transportation company as a bus driver, bus monitor, or bus aide; or
2. A person the commercial transportation company intends to employ as a bus driver, bus monitor, or bus aide.

If information is obtained that a person employed or to be employed by the commercial transportation company has been convicted of a felony or a misdemeanor involving moral turpitude, the company may not employ the person to drive or to serve as a bus monitor or bus aide on a bus on which students are transported without the permission of the Board.

*Education Code 22.084(c)-(d).*