

Board of Directors
Annual Meeting
January 1, 2008

TABLE OF CONTENTS

SB O ER IE

DEFINITIONS

THE FINGERPRINTING PROCESS

3

SB

RA

Under Senate Bill passed in the most recent legislative Session the Department of Public Safety DPS the State Board for Educator Certification SBEC Texas Education Agency TEA and Local and Regional Education Authorities will work together to obtain state Texas and national FBI criminal history record information CHRI on all active certified educators non certified employees substitute teachers student teachers volunteers open enrollment charter school employees and contract employees To perform the required criminal history record information CHRI check each individual will be required to submit demographic data fingerprints and a digital image photograph in compliance with SB In addition the Fingerprint Based Applicant Clearinghouse of Texas FACT has been established to provide the criminal history search results and allow an entity to subscribe to the record of an individual The subscribed entity will receive electronic notification via email if the individual is subsequently arrested or has other activity on their Texas record Notice of out of state arrests or updates is not yet available via this subscription service



These definitions are provided to help clarify how these words are used in this document and are not intended to modify or supersede any statutory definitions.

AFIS *Automated Fingerprint Identification System*

Automated Fingerprint Identification System A computer system that contains a database of fingerprints of arrested persons and non-criminal just applicants for a permit and compares submitted fingerprints of newly arrested persons or of persons applying for jobs etc against those existing prints. When a set of search fingerprints from a new arrest matches hits against an existing set of arrest fingerprints, the new arrest is added to the existing arrest record in the computerized criminal history file. When a set of search fingerprints from an applicant submission hits against an existing set of arrest fingerprints, the inquiring agency is notified that their applicant has a criminal history record. Latent fingerprints from crime scenes are also searched against the existing fingerprints. The DPS and the FBI both use AFIS technology to support their computerized criminal history systems. The FBI AFIS is called the Integrated Automated Fingerprint Identification System (IAFIS).

CCH *Computerized Criminal History system*

Computerized Criminal History system At DPS a computer system that contains information reported by local criminal justice authorities regarding the arrests by law enforcement agencies, prosecutions by prosecuting attorneys, adjudications and sentences by criminal courts, so the information regarding supervision by the Texas Department of Criminal Justice (TDCJ). The CCH file is linked to the AFIS file through a State Identification Number which is a part of the Td

TJ TJ

criminal history record statement or a listing of the details of the criminal history record. FACT is used to provide results to agencies on initial fingerprint submission at which time the submitting agency is subscribed to their



FINGERPRINT APPLICANT SERVICES OF TEXAS (FAST)

FAST Overview

To better serve applicants agencies and employers the DPS has partnered with Live Scan Solutions to provide applicant fingerprint processing services. Fingerprint locations have been established throughout the state to collect applicant's fingerprints using Live Scan technology and submit them electronically to the state's Automated Fingerprint Identification System (AFIS) thus eliminating delays, poor quality and inconveniences associated with processing manually inked and conventionally mailed fingerprint cards.

The actual fingerprinting process varies depending upon the type of education applicant involved. The process very generally includes the following steps:

- The applicant will be given a FAST Fingerprint Pass that they must take to the fingerprinting appointment.
- The applicant will call or go online to set an appointment to be fingerprinted.
- The applicant will be printed and photographed.
- FAST sends the fingerprints and photo to DPS who sends it to FBI where the fingerprints are checked for a criminal history record.
- DPS sends the results of the search to the Fingerprint Based Applicant Clearinghouse of Texas (FACT) and notifies the inquiry school district, TEA, charter school, etc. that the search response is available in the FACT Clearinghouse.
-

SB Fingerprint Requirements

Individuals that are required by SB to submit to a CHRI review must use the DPS contracted Fingerprint Application Services of Texas FAST. If the individuals do not use the FAST they will be unable to participate in the Fingerprint Based Applicant Clearinghouse of Texas FACT. All demographic information, fingerprints and

pTJ Td pTJ Td pTJ BT e F Ai c n

MMARY - RQ R M N R M H B LL

Regarding: Non-Certified Employees Hired Before January 1, 2008

Bill Text

SECTION 7. The heading to Section 22.083, Education Code, is amended to read as follows:

contracted services; and

Regarding: Certified Educators

Bill Text

SECTION 9. Subchapter C, Chapter 22, Education Code, is amended by adding Sections 22.0831 through 22.0837 to read as follows:

Sec. 22.0831. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTIFIED EDUCATORS. (a) In this section, "board" means the State Board for Educator Certification.

(b) This section applies to a person who is an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who is employed by or is an applicant for employment by a school district, open-enrollment charter school, or shared services arrangement.

(c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.

(d) The board shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.

(e) The board may allow a person who is applying for a certificate under

Those individuals will not have to pay the fee for the DPS and FBI criminal history search

Short Description of the Process to Fulfill this Requirement

For New Applicants:

New applicants will be enrolled in the FACT Clearinghouse after having been fingerprinted through the FAST fingerprinting process. Please refer to TEA's website for instructions on how that process should be accomplished.

For Existing Certified Employees Identified by TEA:

DPS and TEA SBEC have teamed with FAST to fingerprint all existing certified educators on scheduled basis between January and August. The process will begin with a pilot in the Austin Independent School District in January. Under the proposed plan, the FAST vendor, IBT, will visit each school district with a mobile fingerprinting service to capture the fingerprints of the existing certified educators locally. Any existing certified educators who are not fingerprinted during their district's designated printing time will have to be fingerprinted at an existing FAST location. This process will be coordinated by TEA and IBT. Please refer to TEA for details on the implementation of this process.

Please refer to *Frequently Asked Questions - Senate Bill 9 for Administrators* on the SBEC website for information about the process. Generally, school districts will notify TEA of their certified educators, and TEA will issue the *FAST Fingerprint Passes*.

See <http://www.sbsec.state.tx.us/SBECOnline/fpfaq/SB.asp>

Regarding Certain Open-Enrollment Charter School Employees

Bill Text

Sec. 22.0832. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTAIN OPEN-ENROLLMENT CHARTER SCHOOL EMPLOYEES. (a) The agency shall review the national criminal history record information of an employee of an open-enrollment charter school to whom Section 12.1059 applies in the same manner as the State Board for Educator Certification reviews certified educators under Section 22.0831. If the agency determines that, based on information contained in an employee's criminal history record information, the employee would not be eligible for educator certification under Subchapter B, Chapter 21, the agency shall notify the open-enrollment charter school in writing that the person may not be employed by the school or serve in a capacity described by Section 12.1059.

(b) An open-enrollment charter school must provide the agency with any information requested by the agency to enable the agency to complete a review under Subsection (a). Failure of an open-enrollment charter school to provide information under this subsection is a material violation of the school's charter.

For Reference, Text of Section 12.1059 Education Code

§ 12.1059. AGENCY APPROVAL REQUIRED FOR CERTAIN EMPLOYEES.

A person may not be employed by or serve as a teacher, librarian, educational aide, administrator, or counselor for an open-enrollment charter school unless the person has been approved by the agency following a review of the person's national criminal history record information as provided by Section 22.0832.

Key Points

This section pertains to:

A teacher, librarian, educational aide, administrator, or counselor for an open enrollment charter school as identified in Section 12.1059 Education Code

This section directs that these employees in Open Enrollment Charter School should be treated in the same manner as Certified Educators under the above section Section 22.0832 Education Code for criminal background check purposes

Short Description of the Process to Fulfill this Requirement

See description of Certified Educator process above. As with school district certified educators, TEA will issue the *FAST Fingerprint Pass*.

Regarding Non-Certified Employees—After January 2008

Key Points

This section applies to

Persons offered non certified employment after January 1, 2008. This section applies to a person who is not a holder or applicant for certification and

who on or after January 1, 2008, is offered employment by:

- (1) a school district or open-enrollment charter school; or*
- (2) a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present*

The local education authority must notify TEA of the applicant's name which will cause the national criminal history search process to begin

DPS must respond through the FACT Clearinghouse

Short Description of the Process to Fulfill this Requirement

This process is described by TEA on their website. TEA will issue the FAST Fingerprint Pass for these individuals as part of the process. See *District Fingerprinting Procedures for Non-Certified Employees under Senate Bill 9* on the State Board For Educator Certification website.

<http://www.sec.state.tx.us/SBECOnline/fpdf/SB9.asp?>

Regarding Certain Contract Employees—After January 2008

Bill Text

Sec. 22.0834. CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTAIN CONTRACT EMPLOYEES. (a) This subsection applies to a person who is not an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who on or after January 1, 2008, is offered employment by an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement 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.

(b) A person to whom Subsection (a) applies must submit to a national criminal history record information review under this section before being employed or serving in a capacity described by that subsection.

(c) Before or immediately after employing or securing the services of a person to whom Subsection (a) applies, the entity contracting with a school district, open-enrollment charter school, or shared services arrangement shall send or ensure that the person sends to the department information that is required by the department for obtaining national criminal history record information, which may include fingerprints and photographs. The department shall obtain the person's national criminal history record information and report the results through the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(d) An entity contracting with a school district, open-enrollment charter school, or shared services arrangement shall obtain all criminal history record information that relates to a person to whom Subsection (a) applies through the criminal history clearinghouse as provided by Section 411.0845, Government Code. The entity shall certify to the school district that the entity has received all criminal history record information relating to a person to whom Subsection (a) applies.

(e) A school district, open-enrollment charter school, or shared services arrangement may obtain the criminal history record information of a person to whom this section applies through the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(f) In the event of an emergency, a school district may allow a person to whom Subsection (a) or (g) applies to enter school district property if the person is accompanied by a district employee. A school district may adopt rules regarding an emergency situation under this subsection.

(g) An entity iy0 8.33333 0 0 cm 0c32.32f 0c32 a person to whom

(2) the employee has direct contact with students.

(h) A school district, open-enrollment charter school, or shared services arrangement may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom Subsection (g) applies.

(i) An entity shall certify to a school district that it has received all criminal history record information required by Subsection (g).

(j) The commissioner may adopt rules as necessary to implement this section.

Key Points

- This section requires contractors to obtain national criminal history searches on certain employees. The section applies
“...to a person who is not an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who on or after January 1, 2008, is offered employment by an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement 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.””
- The contracting company is responsible for obtaining the national criminal background check and certifying to the local education authority that it has been done
- DPS must reply to the contractor through FACT
- The local education authority may also go on FACT to review the search results
- The local education authority may subscribe to the FACT record of the contractor employees as long as they work at that school

Short Description of the Process to Fulfill this Requirement

See specific instructions at the following link

[GUIDE FOR SCHOOL CONTRACTORS](#)

Regarding Student Teachers and Volunteers

Bill Text

Sec. 22.0835. ACCESS TO CRIMINAL HISTORY RECORDS OF STUDENT TEACHERS AND VOLUNTEERS BY LOCAL AND REGIONAL EDUCATION AUTHORITIES. (a) A school district, open-enrollment charter school, or shared services arrangement shall obtain from the department and may obtain from any other law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to:

(1) a person participating in an internship consisting of student teaching to receive a teaching certificate; or

(2) a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the district, school, or shared services arrangement.

(b) A private school or regional education service center may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person who volunteers or has indicated, in writing, an intention to serve as a volunteer with the school or service center.

(c) A person to whom Subsection (a) or (b) applies must provide to the school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government.

(d) A person to whom Subsection (a) applies may not perform any student teaching or volunteer duties until all requirements under Subsections (a) and (c) have been satisfied.

(e) Subsections (a) and (c) do not apply to a person who volunteers or is applying to volunteer with a school district, open-enrollment charter school, or shared services arrangement if the person:

(1) is the parent, guardian, or grandparent of a child who is enrolled in the district or school for which the person volunteers or is applying to volunteer;

(2) will be accompanied by a school district employee while on a school campus;
or

(3) is volunteering for a single event on the school campus.

(f) A school district, open-enrollment charter school, or shared services arrangement may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom Subsection (e) applies.

(g) A school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement may require a student teacher, volunteer, or volunteer applicant to pay any costs related to obtaining criminal history record information under this section.

Key Points

Run a name based criminal history check through the DPS Secure Site for criminal history information

OR

Request a national criminal history review by having the person submit their fingerprints through the FAST fingerprinting process. Since these persons will not be reviewed by the Texas Education Agency TEA will not issue a *FAST Fingerprint Pass*. A local education authority may require these individuals to

Regarding Substitute Teachers

Bill Text

Sec. 22.0836. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF SUBSTITUTE TEACHERS. (a) This section applies to a person who is a substitute teacher for a school district, open-enrollment charter school, or shared services arrangement.

(b) A person to whom this section applies must submit to a national criminal history record information review under this section.

(c) A school district, open-enrollment charter school, or shared services arrangement shall send or ensure that a person to whom this section applies sends to the department information that is required by the department for obtaining national criminal history record information, which may include fingerprints and photographs.

(d) The department shall obtain the person's national criminal history record information and report the results through the criminal history clearinghouse as
pro8iaphsq 8.33333 0 0 8.330n133(e)4(nr)-1(ol1aphs)-ORsu00195(s)-1(t)-2(hr)-1(ough t)-2(h195(s)-1(t)-(s

(j) The department in coordination with the commissioner may adopt rules necessary to implement this section.

Key Points

This section applies to:

- A person who is a substitute teacher for a school district open enrollment charter school or shared services arrangement

These persons must submit to national criminal history record information review

The DPS must reply through the FACT Clearinghouse

TEA must review the records as well

TEA must review the national criminal history record information of all substitute teachers by October

Short Description of the Process to Fulfill this Requirement.

REG LC N RAC RC
DPS AND FBI CRIMINAL HISTORY CHECKS

Legislative Requirement

Sign the Secure Site User agreement and return it to DPS. You may fax the signed copies to the Access and Dissemination Bureau and send the originals in the mail. Originals must be received within 5 days.

ii. a. User Agreement for FACT

Sign the FACT User Agreement and return it to DPS. This is necessary because it is more restrictive than the Secure Site User Agreement. You may fax the signed copies to the Access and Dissemination Bureau and send the originals in the mail. Originals must be received within 5 days.

iii. The Security Policy for Non-Criminal Justice Agency Access Use and Dissemination of Criminal History Record Information

When you sign the User Agreement you are agreeing to abide by the Security Policy requirements.

iv. a request for the front page and signature page of your contract with a school district, open enrollment charter school, or shared services arrangement.

Please fax those documents to the Access and Dissemination Bureau and mail the originals to be mailed with the other submissions.

- c. After the User Agreements are received, DPS will notify you of your approval and provide you with a form called a Fast Fingerprint Pass with your company's User Number for use on FACT. The form will be sent to your Message Center on the Secure site. That form must be given to each employee who will work at a school as described by Senate Bill

2. Perform criminal history background searches on employees who will work at a school, under the conditions described in Senate Bill 9 (listed above in *Legislative Requirement*).

- a. Direct those employees set an appointment for fingerprinting through the DPS Fingerprint Applicant Services of Texas (FAST) contractor at the phone and email listed on the *Fast Fingerprint Pass*. The person must take the *Fast Fingerprint Pass* with them to the appointment. The person will pay the fees. See Section below either at the time of scheduling or at the time of fingerprinting.

After the person is fingerprinted, FAST will send the fingerprints to DPS electronically. DPS will search the fingerprints through the DPS Automated Fingerprint Identification system (AFIS) which contains the fingerprints of persons reported to DPS as having been arrested in Texas.

DPS will then send the fingerprints to the FBI for searching through the FBI AFIS which contains the fingerprints of persons reported to the FBI as having been arrested in other states

- c DPS will consolidate the results from the DPS and FBI and place them in the FACT Clearinghouse. At that time FACT will send you an email notice that the results are available for you to review. You will sign on the FACT website to review the results and make a determination regarding the suitability of that person to work in the schools.
- d At the time that you are notified of the results you are also automatically subscribed to that person's record in FACT. That means that if the person is arrested in Texas in the future you will receive an email from FACT telling you that the person's record has been updated. See #1 and #2 below.
- e Senate Bill 100 requires that you certify to any school district at which you work that this process has been followed. The school district may ask for a person's name, driver license number and other information to inquire into the FACT Clearinghouse and verify the results as well.

3
b. **Unsubscribe to records of employees who leave your employment.**

- a You are only authorized to see a person's criminal history as long as they are in your employment as described in Senate Bill 100. If a person leaves your employment you must unsubscribe to that record. See #2 below. The FACT website gives you an unsubscribe feature that you must use whenever a person leaves your employment. That person will remain on your FACT list of employees but will be inactive. If the person returns to your employment you can simply reactivate the record. This is intended to assist with managing the background check requirements of seasonal employees.

Respond to subscription notices of updates to the criminal history record information.

- a When a person to whom you are subscribed is reported to DPS as having been arrested in Texas you will receive an email notification of an update to the criminal history record. You must sign into the FACT website and review the notice.

Prior to viewing the updated criminal history record information you must verify from your own records that the person is still an employee and that you are still authorized to receive the record. If the person is no longer employed by your company you are no longer authorized to receive the updated criminal history record information.

- c The website gives you the opportunity to review the record or to unsubscribe from the record. If you are still authorized to view the record, click the appropriate button to view the record. If you are no

6. Fees

The charge for the applicant to be fingerprinted at the FAST location is

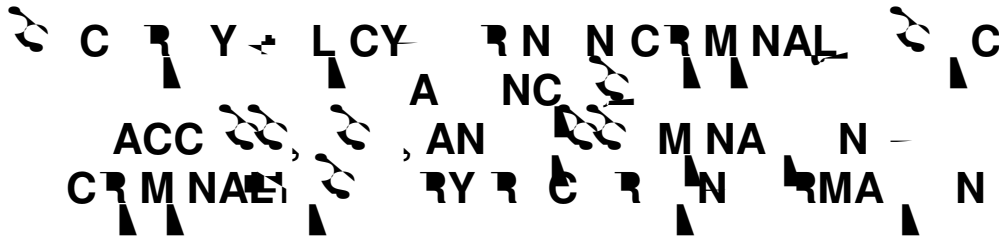
The charge for the search of the DPS criminal history file is

3 The charge for the search of the FBI criminal history file is

The total fee of _____ is payable in one of two methods

- a. On line at the time of scheduling the fingerprinting appointment. Methods of on line payment are credit card or debit card. On line payment requires a surcharge less than _____ convenience fee paid to the state electronic payment service. That fee is not included in the _____ identified above.
Or
At the time of fingerprinting by personal check, cashiers check, or money order.

TEXAS DEPARTMENT OF PUBLIC SAFETY



I ACCESS BY NONCRIMINAL JUSTICE ENTITIES

A Legislative Authority for Non-criminal Justice Entities' Access

Policy: A non criminal justice entity legislatively authorized by Chapter Su chapter F of the Texas Government Code or other Texas law to receive criminal history record information CHRI from the Department of Public Safety Department may access the DPS data bases. All non criminal justice entities granted access to the DPS CHRI will be subject to all applicable state and federal laws rules regulations and policies that relate to the obtaining use and dissemination of CHRI.

The Federal Bureau of Investigation FBI may authorize certain Texas entities access to FBI criminal history record information based upon approved Texas statutes or federal law.

Commentary: All DPS data bases are maintained by the Department and may be accessed pursuant to Chapter Su chapter F of the Texas Government Code or other Texas law. A non criminal justice entity granted access to the DPS data bases may submit criminal history inquiries through the DPS Access and Dissemination Bureau Criminal History Inquiry Unit through the DPS Secure website for Criminal History Information through fingerprint submission. Results will be provided on line through the DPS Secure website through the Fingerprint Based Applicant Clearinghouse of Texas FACT via the mail or through other means as agreed upon between DPS and the requestor. The DPS data bases will provide a non criminal justice entity only with CHRI originating in Texas. In those instances where fingerprints are submitted under a statute approved for access to the FBI records DPS will forward the fingerprints to the FBI and FBI will provide the record respond through the DPS.

Policy: A non criminal justice entity requesting access to the DPS data bases must provide the Department with a signed written user agreement in which the entity

III FACILITY AND INFORMATION SECURITY

A Facility Security Standards

Policy: The location of all CHRI received from the DPS or FBI data bases must have adequate physical security to protect against any unauthorized viewing or access to displayed stored printed criminal history record information at all times

Commentary: File cabinets or file systems used to maintain CHRI must be protected from unauthorized viewing of or access to CHRI. For example, either locking of the file cabinet or locking the access to the room the files are housed is one component of complying with this policy

B. Information Security Standards

Policy: Criminal history record information obtained from the DPS or FBI data bases is sensitive information and must be maintained in a secure records environment to prevent the unauthorized viewing or use of the criminal history record information

Commentary: None

Policy: When retention of criminal history record information is no longer necessary or is not permitted by law, the criminal history record information shall be properly disposed. A secure manner of disposal must be utilized to destroy thoroughly all elements of the records and preclude unauthorized viewing, access or use.

Commentary: Disposal procedures should include a method sufficient to preclude recognition or reconstruction of information, i.e., shredding. The method should also provide verification that the disposal procedures were successfully completed.

I CRIMINAL HISTORY RECORD INFORMATION

A Obtaining, Use and Dissemination of Criminal History Record Information

Policy:

A non criminal justice entity may retrieve criminal history record information through the DPS or FBI data bases only for legislatively authorized purposes. Criminal history record information received from the DPS or FBI data bases shall be used only for legislatively authorized purposes and may not be disseminated to a person not authorized to receive the information. Upon request by the Department all users must provide an authorized purpose for all criminal history record information inquiries. The ability to retrieve criminal history record information is subject to cancellation if the information is obtained or used in an unauthorized manner or disseminated to a person not authorized to receive the criminal history record information. Criminal sanctions are also in place for the improper obtaining use and dissemination of criminal history record information.

Commentary: Generally criminal history record information held by the DPS and the FBI is confidential and may be disseminated only as authorized by state or federal statute. Specific non criminal justice entities are legislatively authorized to receive criminal history record information for limited specified purposes. The non criminal justice entity is responsible for complying with all laws governing the non criminal justice entity's access to use and dissemination of criminal history record information. State law makes it unlawful for a person to obtain confidential criminal history record information in an unauthorized manner use the information for an unauthorized purpose or disclose the information to a person not entitled to the information. State law also makes it unlawful for a non criminal justice entity to provide a person with a copy of the person's criminal history record information obtained from the Department unless authorized to do so by a specific state statute.

B Commercial Dissemination

Policy: The commercial dissemination of criminal history record information obtained through the DPS data bases is prohibited.

Commentary: The marketing of data for profit is not permitted. State law makes



DOUG: WE ARE STILL WORKING ON THIS SECTION. IT WILL BE SLIGHTLY DIFFERENT IN THE FINAL VERSION.

For Employees and Applicants:

DPS has sent to each school district a generic *School FAST Fingerprint Pass* that is to be used in instances where the school wants a national criminal history review but the results will not be reviewed by TEA

- The *School FAST Fingerprint Pass* already has the FACT Clearinghouse ORI in Agency ORI field
- The school must place the school district ORI in the School District ORI field
- The school can put a school reference number in the Agency Assigned Applicant Number field

If you have not received the *School FAST Fingerprint Pass* please contact the Access and Dissemination Bureau

The school or other local education authority must issue the *School FAST Fingerprint Pass* as described above and then direct the person to the FAST scheduling process as described on the *School FAST Fingerprint Pass*. Payment will have to be made at time of scheduling or at time of fingerprinting. DPS will not bill local education authorities for these searches

For Volunteers and Volunteer Applicants:

Volunteer searches are at a reduced price. DPS has also sent a *School Volunteer FAST Pass*. That form is the same except it has the FACT ORI for volunteers which causes the reduced price. Local Education Authorities must use that form when performing national criminal history reviews on volunteers



FINGERPRINT-BASED APPLICANT SERVICES OF TEXAS (FACT)

FACT Overview

SB required the DPS to establish an electronic clearinghouse and subscription service to provide CHRI to persons entitled to receive this information. The Fingerprint Based Applicant Clearinghouse of Texas (FACT) is based on fingerprints, photographs, and other identification that will enable the employing school district and TEA SBEC to have a positive identification of individuals employed or contracted to work in Texas school districts. In addition, School Districts and SBEC TEA will have access to the employee's current national criminal history, and FACT will also provide updates of the employee's subsequent criminal history through a subscription service.

FACT Provides

When the DPS receives a request for CHRI from a person entitled to such information, the DPS will provide through the FACT:

- the CHRI reported to DPS or the FBI relating to an individual who is the subject of the request in one consolidated format; or
- a statement that the individual who is the subject of the request does not have any CHRI reported to the DPS or the FBI.

criminal history review process. Subscribers are authorized to use the criminal history background check process only for purposes identified in Senate Bill 100. Unauthorized access to criminal history record information is a crime under Section 10-10-100 of the Texas Government Code.

The FACT will be updated when any change of criminal history information is reported.

persons needing fingerprint based criminal history checks to obtain employment apply for licenses volunteer with children or the elderly and any other purposes. The contract created the Fingerprint Applicant Services of Texas (FAST). The fee for any person to be fingerprinted through the FAST service is \$15.00. That money goes to the vendor to fund the service. Since this is a self-sustaining fee, DPS does not pay the vendor any money to provide the service, and DPS does not receive any funds from the printing done by FAST.

Through a process that will be different depending upon the category of the person being fingerprinted, TEA will provide the school district with a FAST Fingerprint Pass for each applicant who needs to be fingerprinted. After January 1, 2011, applicants will have to go to the FAST website or they may call a toll-free number and make an appointment for the fingerprinting. The individual must then take the FAST Fingerprint Pass to the FAST appointment. At the appointment, the applicant must provide a valid Texas Driver License or Identification Card. The FAST operator will use a Livescan fingerprinting device to take the electronic fingerprints of the applicant. A digital photograph will also be captured. The total appointment time will normally be less than 15 minutes. The above process will be especially different for existing certified educators, so please refer to the TEA website for specific instructions.

A fingerprint-based search of the Texas state-level DPS criminal history files and a fingerprint-based search of the national-level FBI criminal history files

The criminal records stored at the DPS and the FBI are based upon fingerprints submitted at the time of arrest. DPS and FBI have Automated Fingerprint Identification Systems (AFIS) that take in the electronic image of the fingerprints taken by the FAST operator and compare them against all the fingerprints of the persons reported to the DPS and FBI as having been previously arrested in Texas, DPS or anywhere in the nation. FBI, DPS and FBI have criminal history files of all the arrests, prosecutions, court dispositions of the persons who have arrest fingerprints in the AFIS. When a match is identified through the AFIS system, the corresponding criminal history record is pulled from the DPS or FBI criminal history system and provided as search results.

A response to each of the above searches delivered through the newly created Fingerprint-based Applicant Clearinghouse of Texas (FACT)

The criminal history record responses received from the DPS and FBI AFIS Criminal History Systems are then sent electronically to the Fingerprint-based Applicant Clearinghouse of Texas (FACT) website. FACT will act as a repository of the DPS and FBI criminal history search results of all the certified and non-certified persons who are processed through FAST under SB requirements.

the FACT clearinghouse the district will have to log onto FACT and subscribe to that person's record so the district will be notified of any arrest in the future

Un Subscription function

FACT has a function that allows a district to unsubscribe to a person

Districts will be responsible for unsubscribing to individuals' records when those individuals leave the district's employment

• Rap Back notification function

When an individual with a FACT record is arrested in Texas FACT will send a notification email to the district that is subscribed to that person's FACT record indicating that they have criminal history activity. If the subscription is valid and the person is still employed or volunteering at the district the district will log onto FACT and request the record. If the subscription is actually invalid and the person is not still employed by or volunteering at the district the district is no longer authorized under law to receive the record. The district must log onto FACT and unsubscribe from that record.

Please direct any questions regarding the services described above to

Access and Dissemination Bureau
Attn: FACT
Texas Department of Public Safety
Criminal Records Service
P O Box
Austin Texas

Phone
Email: FACT@tdds.state.tx.us