



Implementation of
Senate Bill 1849:

Interagency Reportable
Conduct Search Engine

September 19, 2024

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- Search Engine Overview
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 - DIR
 - HHSC
 - TEA
 - TJJD
 - DFPS

Lisa Kanne

DFPS Assistant Deputy
Commissioner of Operations

SB 1849 Background

Participating agencies:

- Department of Family and Protective Services (DFPS)
 - Health and Human Services Commission (HHSC)
 - Texas Education Agency (TEA)
 - Texas Justice Juvenile Department (TJJD)
 - Department of Information Resources (DIR)
- Requires participating agencies to contribute investigative data to the search engine.
- Requires participating agencies and other external authorized users to utilize the information in their background check screenings and to conduct periodic rechecks.
- Enables agencies to share additional information to make decisions.

WHAT DATA WILL BE INCLUDED IN SEMARC?



TEXAS
Department of Family
and Protective Services

SUBSET OF IMPACT SYSTEM

Sustained perpetrators of child abuse, neglect or exploitation in a regulated or employment based setting.



TEXAS
Health and Human
Services

EMPLOYEE MISCONDUCT REGISTRY (EMR)

Personnel who have committed acts of abuse, neglect or exploitation against individuals in long term care settings regulated by HHSC.



Texas
Education Agency

DO NOT HIRE REGISTRY (DNHR)

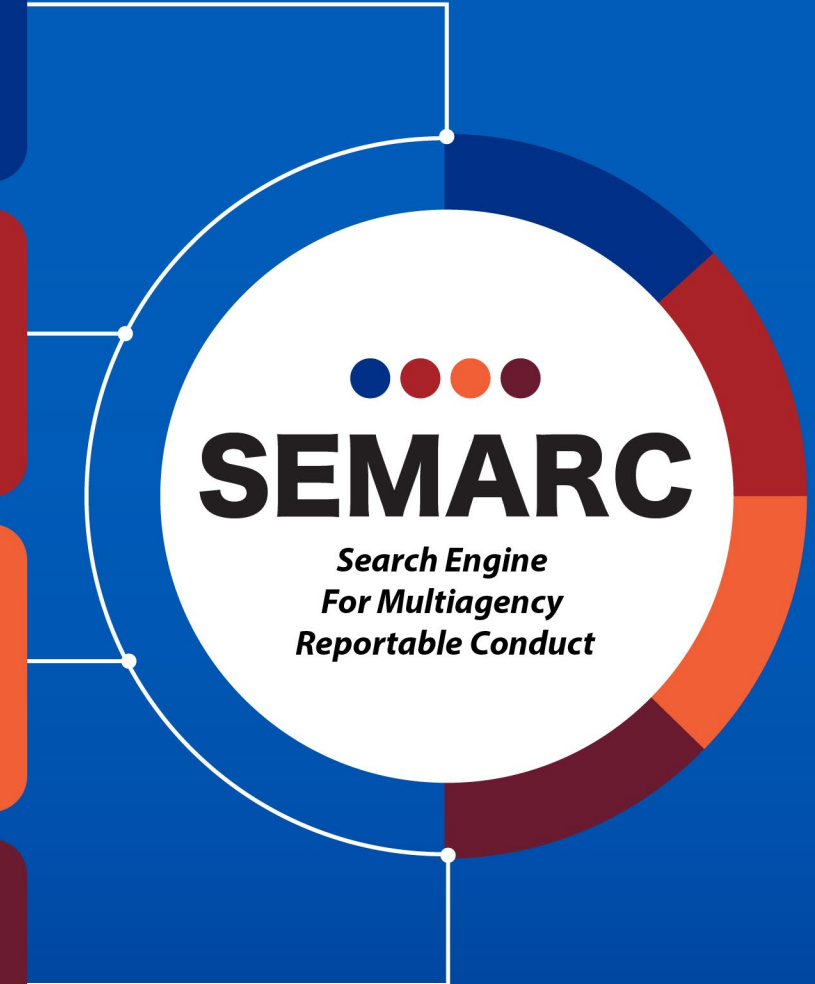
Individuals who are not eligible to be hired in a Texas public school based on findings of child abuse, solicitation of an improper relationship with a student, or the conviction of certain crimes involving minors.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

REGISTRY (TO BE DEVELOPED)

People who have had certifications revoked or who have been found to be ineligible for certification based on findings of abuse, neglect, exploitation or certain other misconduct.



WHO WILL BE SCREENED USING SEMARC?



TEXAS
Department of Family
and Protective Services

Any person who will be employed by, contract with, or volunteer with DFPS.



TEXAS
Health and Human
Services

Regulated Long Term Care Providers: Personnel seeking employment or currently employed with a Long Term Care provider regulated by HHSC.

Centralized Background Check Unit: Personnel seeking employment or volunteer opportunities in a licensed childcare setting, and individuals applying to be a foster or adoptive parent.



Applicants for employment or contracted services in a school district, charter school, educational service center, accredited private school, and non-profit teacher organizations. Applicants for certification issued by the State Board for Educator Certification (SBEC).



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Any person who will be employed by, contract with, or volunteer with TJJD, juvenile probation departments, and local juvenile justice facilities.


SEMARC

*Search Engine
For Multiagency
Reportable Conduct*

Office of Interagency Coordination on Reportable Conduct (OICRC)

SB 1849 created the OICRC and named DFPS as the lead agency.

OICRC responsibilities include:

- Coordinate the development of processes for data sharing, exchange of records, security, and ongoing system management.
- Serve as a central point of contact for coordination of responses to inquiries regarding the bill's implementation.

The OICRC Director was hired in July 2024.

Memorandum of Understanding

SB 1849 requires the participating state agencies to enter a memorandum of understanding (MOU).

MOU Topics:

- **Data Exchange** - How information will be shared between agencies.
- **Governance** - Collaboration and decision structure between agencies.
- **OICRC Role** - DFPS as system coordinator and lead contact.
- **Ongoing System Management** – System change requests, system maintenance, Help Desk support.

Texas Department of Information Resources

John Hoffman

Chief Technology Officer &
Deputy State CIO

SEMARC Technical Overview

- Appropriations
- Assessment and Workplan
- Interagency Cooperation Contracts

SEMARC Architecture

Implementation Timeline



SEMARC Technical Overview



Future Goals

One search engine that performs multi-agency searches on individuals with reportable conduct

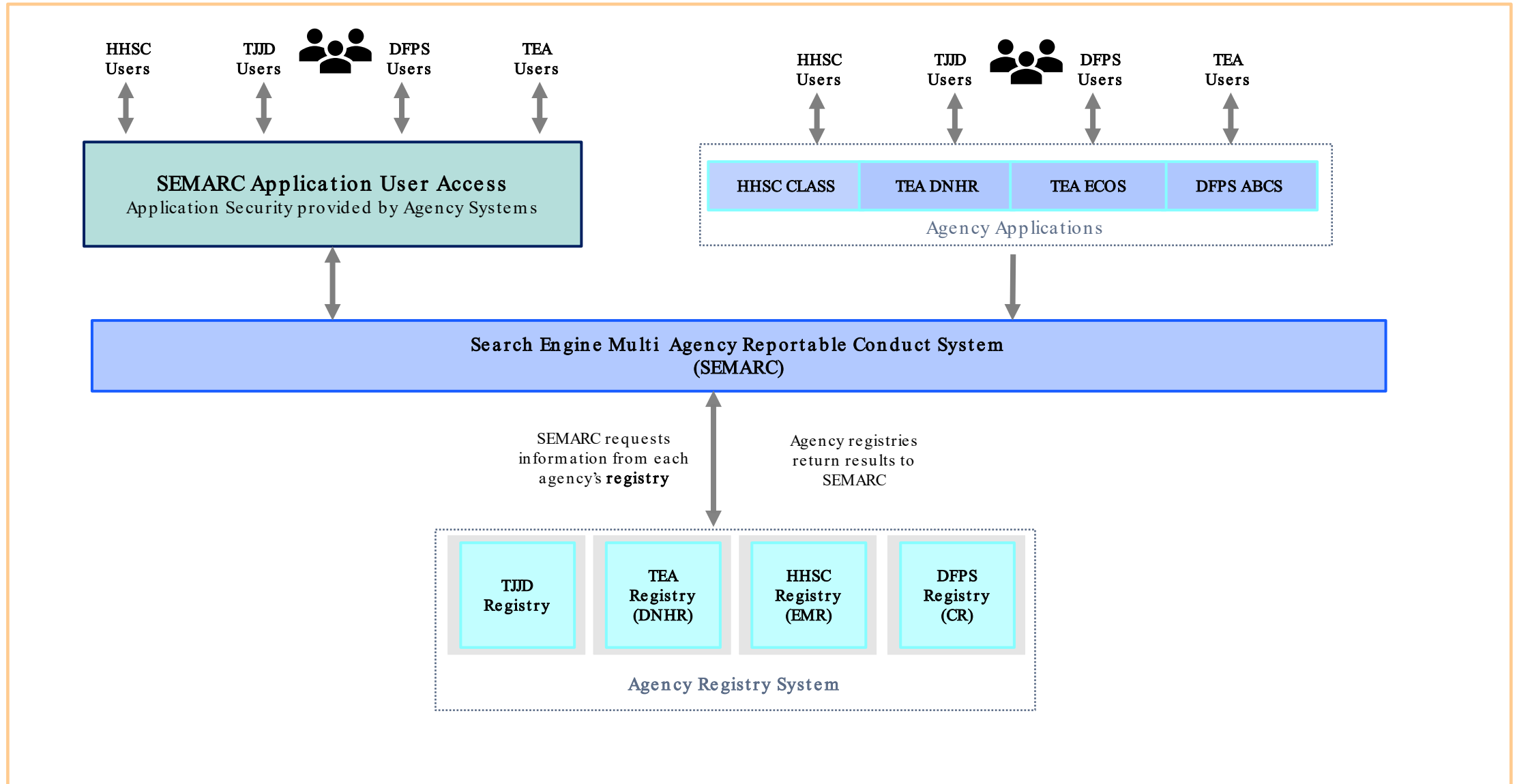
SCOPE



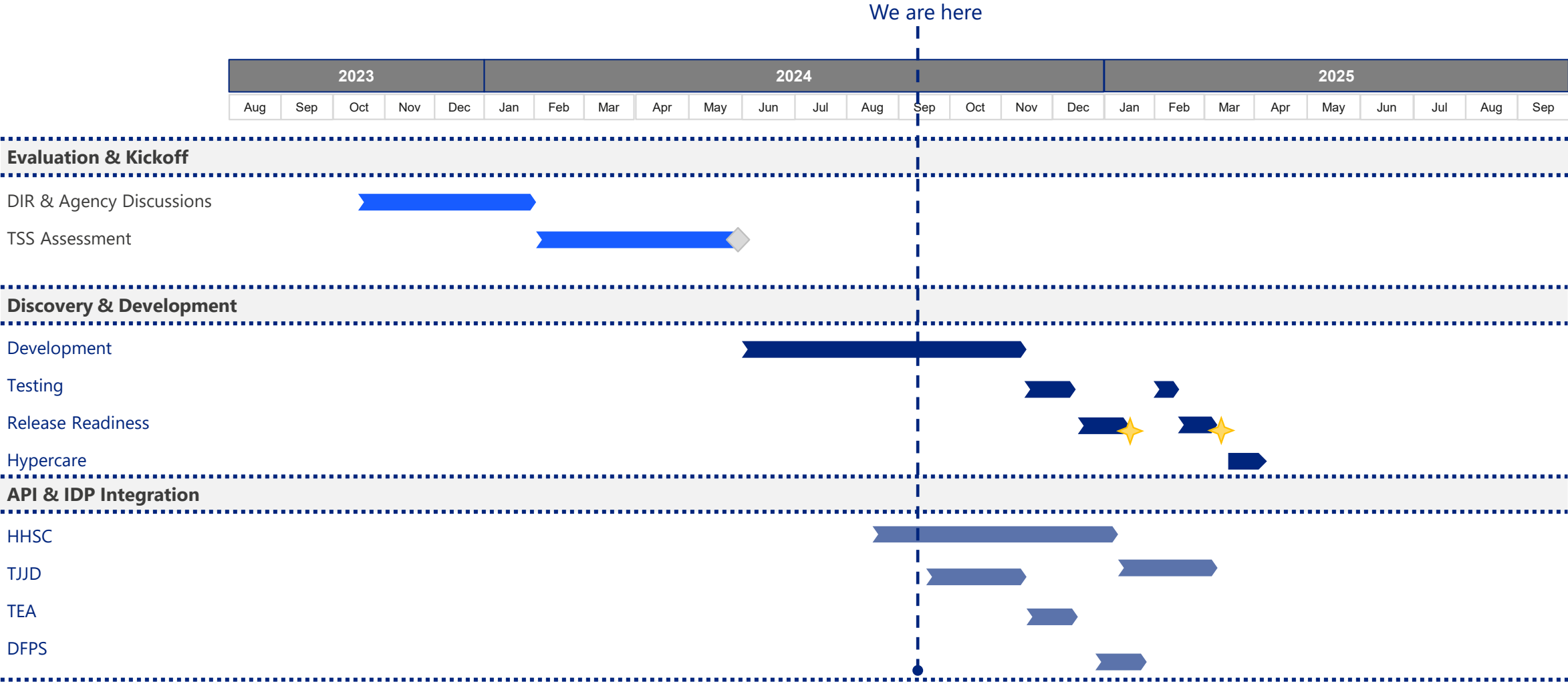
Collaboration amongst **TEA, HHSC, DFPS, and TJJD** to identify and develop components for successfully integrating SEMARC with existing applications

- User authentication and authorization aligns to agency system access
- SEMARC information provided by agency applications into SEMARC as a search result. Data is not duplicated.
- Assessment included employee and workflow impacts
- Includes training and communications strategy
- Policy and process alignment through business assessments

SEMARC Architecture



Implementation Timeline to User Testing



Legend

- ★ **Milestone:** Limited User Testing for HHSC and TEA (1/10)
- ★ **Milestone:** All Registries Integrated and Agency Users Onboarded on for User Testing (3/8)
- ◆ **Deliverable:** Assessment Report



Health and Human Services Commission

Jordan Dixon

Chief Policy and Regulatory
Officer

SB 1849 : HHSC

- Child Care Regulation (CCR) Division will utilize the search engine established by SB 1849 to:
 - Obtain critical background check information from other state agencies.
 - Examine more of a subject's history to determine if they are a risk to the health and safety of children receiving services from HHSC regulated childcare operations, including serving as a foster or adoptive parent.
- Information from the Employee Misconduct Registry (EMR), which is managed by the Regulatory Enforcement Division, will be pulled into the search engine established by SB 1849. Long term care providers will be required to search SEMARC prior to hiring employees.
- SB 1849 also requires HHSC to establish and maintain a process for individuals to seek removal from the EMR.



Implementation Activities

- Application Programming Interface (API) construction and Childcare Licensing Automation Support System (CLASS) changes for CCR will take approximately 6 months – additional funding will be required to implement.
- HHSC has initiated the rulemaking process to implement sections of SB 1849.



HHSC Resource Needs

Additional resources will ensure successful legislation implementation.

- Changes to the Childcare Licensing Automation Support System (CLASS)
 - Automate functions to facilitate new background checks
 - CLASS automation will significantly reduce number of FTEs needed to implement legislation
- Staff Resources (15 FTEs)
 - 10 FTEs for Child Care Regulation
 - 3 FTEs for Enforcement and Legal Services
 - 2 FTEs for IT Support/Help Desk



Texas Education Agency

David Rodriguez

Executive Director of
Investigation

SB 1849 : TEA

- School districts and charter schools will utilize SEMARC to determine whether a person may be hired for employment or contracted as a service provider, in addition to existing required background checks. Current requirements for school districts and charter schools include searches of:
 - DPS Clearinghouse (SB 9, 80th)
 - Do Not Hire Registry (HB 3, 86th)
- Optional: Private schools may fingerprint employees (if determined eligible by DPS), and may utilize SEMARC, and the TEA Do Not Hire Registry (DNHR) for background checks.
- TEA and the State Board for Educator Certification (SBEC) will utilize the interagency search engine as part of the existing background check process to determine a person's fitness for teaching certification.
- If an applicant for employment at a school district or charter school is found in SEMARC, TEA will investigate to determine if the person should be denied certification or placed on the TEA DNHR.

Implementation Activities

- TEA is in the process of planning implementation of SB 1849 within its investigation, litigation, and IT divisions.
- Once the MOU with other agencies is the final stages, TEA will begin rulemaking to implement changes to TEA Commissioner's rule.

TEA Resource Needs

TEA requires additional FTEs and funding for the implementation of SB 1849. Additional staff is needed to intake and investigate egregious misconduct identified in SEMARC, litigate matters related to the placement of identified individuals on the Do Not Hire Registry, properly respond to requests for information, and coordinate with other agencies.

TEA is making a request for these resources as part of an Exceptional Item, which also includes requests for resources to address capacity issues related to the investigation and enforcement of other types of misconduct and violations impacting school systems.

FTEs Needed

- 5 Intake and investigation
- 3 Enforcement and support staff

Texas Juvenile Justice Department

Kaci Singer

Deputy General Counsel

SB 1849 : TJJD

- TJJD will use the search engine to review applicants for employment, volunteering, and contracting with TJJD.
- TJJD will require the juvenile probation departments and facilities regulated by TJJD to use the search engine to review applicants for employment, volunteering, and contracting with the probation department or facility.
- Two groups will be in TJJD's database accessible to the search engine:
 - Certified officers whose certifications have been revoked by the TJJD Board.
 - TJJD employees who have been deemed ineligible for certification by the TJJD Board.

Implementation Activities

- TJJD does not have a registry. TJJD's existing systems are not designed to provide search engine results; therefore, a new database is being created to fulfill this need.
- Prior to 2023 legislation, TJJD did not have legal authority to deem its own employees ineligible for certification and provide requisite due process. They are now being included, and a lookback process is ongoing to determine which individuals from the past few years should be included.
- Rules and policies are being developed to determine how information from the other participating agencies will be used to make employment, certification, contracting, and volunteer decisions for TJJD and for juvenile probation departments and local facilities.

TJJD Resource Needs

- The addition of TJJD employees, which involves making SOAH processes available to them, requires additional staff to handle the increased caseload.
 - 3 attorneys
 - 1 legal assistant
- Resource-need evaluations will continue as the search engine is operationalized.

Texas Department of Family and Protective Services

Lisa Kanne

DFPS Assistant Deputy
Commissioner of Operations

SB 1849 : DFPS

DFPS will utilize SEMARC to:

- Obtain critical background check information from other state agencies; and
- Examine a subject's history to determine if they are a risk in the role of prospective employee, contractor, or volunteer with DFPS.

Information from the DFPS IMPACT system will be pulled into the search engine. Information will encompass employment-based investigation results from:

- Childcare investigations (daycare and residential)
- School-based investigations
- Provider investigations (concerning child victims)
- Investigations involving DFPS agency staff or Single Source Continuum Contractor (SSCC) employee investigations, when they are providing care for a foster child.



DFPS Resource Needs

Additional resources will ensure successful implementation.

- Staff Resources
 - 11 FTEs for Background Check Reviews
 - 9 FTEs for Due Process Reviews
 - 3 FTEs for Operational Coordination
- Technology funding to support updates to DFPS' IMPACT system and the Automated Background Check System (ABCS) to automate functionality.
- Funding for an Interagency Contract (IAC) with SOAH for cases that require due process.

System Resource Needs

DFPS will serve as the lead agency to oversee and maintain the SEMARC system in coordination with all participating agencies.

- Funding will be needed for SEMARC ongoing system maintenance to support all systems and for operations support.
 - Cost estimates are in progress. Staffing need is currently being assessed.



Texas Department of
Family and Protective Services



Questions?