



## **National Service Criminal History Check (NSCHC) Overview for New Applicants and Grantees**

### **Background:**

Under the Serve America Act (SAA), all Corporation for National and Community Service (CNCS) grantees and subgrantees must conduct National Service Criminal History Checks (NSCHCs) on participants and program employees in AmeriCorps, Learn and Serve, Foster Grandparent, Senior Companion, Volunteer Generation Fund and any other programs funded under National Service laws. All employees, participants, and others who receive a salary, national service education award, living allowance, or stipend under Corporation grants, even if the activities don't involve service with vulnerable populations, must receive the checks prior to beginning employment or service under the grant.

Beginning January 1, 2013, a new NSCHC Rule with heightened regulations took effect which requires that CNCS-funded programs conduct three-part checks on covered individuals.

### **What does the three-part check consist of?**

The new three-part National Service Criminal History Check includes the following components:

- 1) **National Sex Offender Public Website (NSOPW) Check** (FREE, quick, name-based, public record check) – must be done as a nationwide search using this website (no substitutions allowed): <http://www.nsopw.gov>.
- 2) **State Repository Check(s)** – for both State of Service (Texas) and State of Residence (if different at the time the individual applied for service or work under the grant).

In Texas, state checks must be done through the Texas Department of Public Safety (if using the public site, the cost is approximately \$4 per name searched and the results are instantaneous). Visit <https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/> to create an account and purchase search credits.

For other states, please consult the list of CNCS-approved state repositories at: <https://www.nationalserviceresources.gov/files/table-of-designated-state-repositories-and-alternates-06-12-13.pdf>.

- **Fingerprint-Based FBI Check** (ONLY required if individual will have recurring access to vulnerable populations – see below for more information on how to make this determination).

In Texas, FBI checks are most easily obtained through the Texas Department of Public Safety by opening a Serve America Act (SAA) account with DPS' FACT Clearinghouse electronic system.



Please allow several weeks to open an account and schedule fingerprinting appointments, plus an additional 2-3 weeks for check results to be completed. This check costs approximately \$45/person and also includes a Texas State Repository check as part of the bundle. To set up your account, contact the FACT Clearinghouse at [FACT@txdps.state.tx.us](mailto:FACT@txdps.state.tx.us) and be ready to provide a copy of your Notice of Grant Award from OneStar for the account to be finalized and activated!

Please remember: the costs for running these checks may (and should) be included as a cost component in your proposed grant budget.

### **What Do I Need to Do to Get Started and Be Compliant?**

If you are a OneStar grantee that is funded through CNCS dollars, then your organization and grant-funded employees and/or AmeriCorps members are subject to the NSCHC requirements and must therefore take the following actions:

- Ensure that grant-funded individuals are accurately listed on your grant budget.
- Ensure that you have budgeted accordingly for the appropriate criminal history checks for each individual.
  - Please note: individuals are considered “grant-funded” if they appear on the budget or get charged to either “Federal/CNCS Share” OR “Grantee Share/Match.”
- Determine what level of access to vulnerable populations each of the individuals funded by your grant will or do have (recurring access, episodic access, or no access). CNCS recommends that grantees specifically address contact with vulnerable populations in each grant-funded individual’s position description, service agreement, or similar document describing an individual’s service activities.

The definitions to consider when making this determination are as follows:

- **“Vulnerable Populations”** – Vulnerable populations include children age 17 or younger, persons age 60 and older, and/or individuals with disabilities.
- **“Recurring Access”** – Recurring access is defined as “the ability on more than one occasion to approach, observe, or communicate with, an individual, through physical proximity or other means, including but not limited to, electronic or telephonic communication.”(45C.F.R.§2510.20)
- **“Episodic Access”** – Episodic access is defined as access that is **not a regular, scheduled, and anticipated** component of an individual’s grant-funded service activities. Episodic access is not, however, determined by a specific number. In other words, if a grantee does not anticipate that an individual will have access to vulnerable populations, the



need to meet the National Service Criminal History Check requirements for individuals in covered positions with access to vulnerable populations would not materialize after a specific number of incidents of access occur, but would once the access becomes regular, scheduled and anticipated. If incidental access becomes unexpectedly regular or frequent, a grantee should re-evaluate its initial determination of episodic access and take appropriate action. CNCS expects that in the majority of cases, it will be clear whether or not access to vulnerable populations is a regular, scheduled, and anticipated component of an individual's service activities. If access to vulnerable populations is episodic, the grantee is NOT required to conduct the fingerprint-based FBI criminal history check component of the Check.

- Complete NSOPW checks and initiate state and/or FBI checks before work or service under the grant begins. Conduct all appropriate checks using the correct sources (as outlined above). Make sure to get permission of all covered individuals before conducting these checks and follow the basic steps required by CNCS using their step-by-step checklist: <https://www.nationalserviceresources.gov/files/steps-in-the-nschc-process.pdf>.
- Document, document, document! View CNCS' sample documentation checklist at <https://www.nationalserviceresources.gov/files/nschc-documentation-checklist.pdf>. You may also contact OneStar for a copy of our Texas documentation checklist template. At minimum, Texas grantees must keep the following documentation in each grant-funded individual's file:
  - Copy of each individual's NSOPW results (paper or electronic copies/screenshots)
  - Copy of each individual's State Repository results (ONLY if conducted using public records name-based search – in Texas, it is against state law to keep detailed results of criminal history information unless it is public record)
  - Verification Form/Memo in lieu of FBI check and/or secure state check results which must indicate at a minimum:
    - The name and address/website of the source you used for the check components;
    - The date of check initiation;
    - The date that check results were received;
    - Whether the person is considered eligible for service based on their results; and
    - The name and signature of the person who reviewed the results.
- Contact your assigned OneStar team with any questions so we can assist you in the process!

### **How Can I Learn More?**

We encourage all OneStar grantees to become familiar with the following resources and related Links:

CNCS Online Tutorial and Training Video on National Service Criminal History Checks (NSCHCs):  
<http://learning.nationalserviceresources.org/mod/page/view.php?id=3236>



CNCS' web page with important documents (including the Final NSCHC Rule, checklists, and full State Repository list), news and updates on criminal history check requirements:

<https://www.nationalservicerresources.gov/national-service-criminal-history-check-resources>

NSOPW website (Required FREE, public record check):

<http://www.nsopw.gov>

Texas Department of Public Safety Crime Records Service website (Required LOW COST, public record check): <https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/>

How to establish a Texas DPS Serve America Act (SAA) account with the FACT Clearinghouse to run fingerprint-based FBI criminal history checks (Only required for grant-funded individuals who have recurring access to vulnerable populations – costs approximately \$45/person and may take several weeks to complete):

- Email [FACT@txdps.state.tx.us](mailto:FACT@txdps.state.tx.us).
- Review the Serve America Act (SAA) DPS Account Information Packet posted here.
- Be ready to provide a copy of your Notice of Grant Award from OneStar for the account to be finalized and activated!

FBI website:

<http://www.fbi.gov/about-us/cjis/background-checks>