

By: Noble, Walle, Wilson, et al.

H.B. No. 3202

Substitute the following for H.B. No. 3202:

By: Buckley

C.S.H.B. No. 3202

A BILL TO BE ENTITLED

AN ACT

relating to access by the Texas Education Agency and private schools to certain criminal history records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.0825(b), Education Code, is amended to read as follows:

(b) The agency shall subscribe to the criminal history clearinghouse as provided by Section 411.0845, Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for employment or current or former employee of a school district, district of innovation, open-enrollment charter school, other charter entity, private school that is accredited by an accrediting agency that is a member of the Texas Private School Accreditation Commission, regional education service center, or shared services arrangement.

SECTION 2. Subchapter C, Chapter 22, Education Code, is amended by adding Section 22.08361 to read as follows:

Sec. 22.08361. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTAIN PRIVATE SCHOOL EMPLOYEES. (a) In this section, "qualified private school" has the meaning assigned by Section 411.0972, Government Code.

(b) This section applies to a person who is an employee of or

1 an applicant for employment at a qualified private school.

2 (c) A qualified private school may require a person to whom  
3 this section applies to submit to a national criminal history  
4 record information review under this section before being employed  
5 by the school.

6 (d) Before or immediately after securing the services of a  
7 person to whom this section applies, a qualified private school may  
8 submit or require the person to whom this section applies to submit  
9 to the department information that is required by the department  
10 for obtaining national criminal history record information, which  
11 may include fingerprints and photographs.

12 (e) On receipt of the information under Subsection (c), the  
13 department shall obtain the person's national criminal history  
14 record information and report the results through the criminal  
15 history clearinghouse as provided by Section [411.0845](#), Government  
16 Code.

17 (f) Each qualified private school may obtain all criminal  
18 history record information that relates to a person to whom this  
19 section applies through the criminal history clearinghouse as  
20 provided by Section [411.0845](#), Government Code, and may subscribe to  
21 the criminal history record information of the person.

22 (g) A qualified private school may require a person to pay  
23 any fees related to obtaining criminal history record information  
24 under this section.

25 (h) If a qualified private school requires a person to whom  
26 this section applies to submit to a national criminal history  
27 record information review, the school shall provide the agency with

1 the name and information described by Subsection (d). The agency  
2 shall facilitate the submission of information to the department to  
3 allow the school to obtain all criminal history record information  
4 that relates to the person to whom this section applies through the  
5 criminal history clearinghouse as provided by Section 411.0845,  
6 Government Code.

7 (i) The department, in coordination with the commissioner,  
8 may adopt rules as necessary to implement this section.

9 SECTION 3. Subchapter F, Chapter 411, Government Code, is  
10 amended by adding Section 411.0972 to read as follows:

11 Sec. 411.0972. ACCESS TO CRIMINAL HISTORY RECORD  
12 INFORMATION: QUALIFIED PRIVATE SCHOOLS. (a) In this section,  
13 "qualified private school" means a school that:

14 (1) offers a course of instruction for students in  
15 this state in one or more grades from prekindergarten through grade  
16 12;

17 (2) is accredited by an organization recognized by the  
18 Texas Education Agency or the Texas Private School Accreditation  
19 Commission; and

20 (3) is determined to be eligible by the department  
21 under Subsection (b).

22 (b) On request by a private school, the department shall  
23 determine whether the school is eligible under the National Child  
24 Protection Act of 1993 (34 U.S.C. Section 40102) to obtain criminal  
25 history record information that relates to an employee or an  
26 applicant for employment.

27 (c) A qualified private school may obtain state criminal

1 history record information from the department.

2 (d) Except as provided by Subsection (f), criminal history  
3 record information obtained by a qualified private school in the  
4 original form or any subsequent form:

5 (1) may not be released to any person except the person  
6 who is the subject of the information;

7 (2) is not subject to disclosure as provided by  
8 Chapter 552; and

9 (3) shall be destroyed by the school after the  
10 information is used for the authorized purpose.

11 (e) A qualified private school may obtain criminal history  
12 record information from the Federal Bureau of Investigation  
13 identification division in accordance with Section 411.087.

14 (f) Criminal history record information obtained from the  
15 Federal Bureau of Investigation may not be released or disclosed  
16 except on court order.

17 SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2023.