

By: Noble

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. Section 22.083, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A private school that is accredited by an accrediting agency that is a member of the Texas Private School Accreditation Commission may obtain the criminal history record information described by Subsection (b) from the agency.

SECTION 3. Section 411.0901(a), Government Code, is amended

1 to read as follows:

2 (a) The Texas Education Agency is entitled to obtain
3 criminal history record information maintained by the department
4 about a person who:

5 (1) is employed or is an applicant for employment by a
6 school district, ~~or~~ open-enrollment charter school, or private
7 school that is accredited by an accrediting agency that is a member
8 of the Texas Private School Accreditation Commission;

9 (2) is employed or is an applicant for employment by a
10 shared services arrangement, if the employee's or applicant's
11 duties are or will be performed on school property or at another
12 location where students are regularly present; or

13 (3) is employed or is an applicant for employment by an
14 entity that contracts with a school district, open-enrollment
15 charter school, or shared services arrangement if:

16 (A) the employee or applicant has or will have
17 continuing duties relating to the contracted services; and

18 (B) the employee or applicant has or will have
19 direct contact with students.

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