

## **BILL ANALYSIS**

Senate Research Center

S.B. 9  
By: Shapiro, Hinojosa  
Education  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows for educators certified prior to October 1, 2003, and non-certified school personnel to be subject to criminal background checks, but such checks are not always carried out. The criminal background information gathered by the check includes whether any in state crimes have been committed. In addition, fingerprints which are captured to perform national criminal history background checks are only linked to records for the submitting agency. Since Texas began requiring national criminal background checks for candidates for educator certification in October 2003, almost 200 candidates for certification have been found to have serious offenses on their records, including sexual misconduct and crimes against children.

S.B. 9 requires criminal history background information reviews of all certified public school employees and provides for a national criminal history clearinghouse. Current non-certified employees are required to submit to a statewide review, while certified employees hired on or after September 1, 2007 are required to submit to a national criminal history background information review. Individuals who have been convicted or received deferred adjudication for a Title 5 felony offense or a sex offense when the victim of the crime was a child would be prohibited from employment with a public school district.

This bill also creates a clearinghouse at the Department of Public Safety for this information to be shared between school districts when an employee transfers to another employer to increase efficiency and reduce the costs associated with background checks. Additionally, the bill improves communication between state and local school officials and law enforcement authorities through the sharing of information in a timely manner.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 9 (Section 22.0833, Section 22.0834, and Section 22.0836, Education Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 9 (Section 22.0833 and 22.0836, Education Code) of this bill.

Rulemaking authority is expressly granted to school districts in SECTION 9 (Section 22.0834, Education Code) of this bill.

Rulemaking authority is expressly granted to the State Board of Education, with regard to rules proposed by the State Board for Educator Certification in SECTION 3 (Section 21.007, Education Code) and SECTION 9 (Section 22.0831, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 9 (Section 22.0837, Education Code) of this bill.

Rulemaking authority previously granted to the Department of Public Safety is modified in SECTION 15 (Section 411.042, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 8, Education Code, by adding Section 8.057, as follows:

Sec. 8.057. ASSISTANCE WITH CRIMINAL HISTORY RECORD INFORMATION. Authorizes the Texas Education Agency (TEA) to require a regional education service center (center) to assist in collecting information needed for a criminal history record information review under Subchapter C, Chapter 22.

SECTION 2. Amends Subchapter D, Chapter 12, Education Code, by adding Section 12.1059, as follows:

Sec. 12.1059. AGENCY APPROVAL REQUIRED FOR CERTAIN EMPLOYEES. Prohibits a person from being employed or serving as a teacher, librarian, educational aide, administrator, or counselor for a charter school unless the person has been approved by TEA following a review of the person's national criminal history record information (information) as provided by Section 22.0832.

SECTION 3. Amends Subchapter A, Chapter 21, Education Code, by adding Section 21.007, as follows:

Sec. 21.007. NOTICE ON CERTIFICATION RECORD OF ALLEGED MISCONDUCT. (a) Defines "board."

(b) Requires the State Board for Educator Certification (board) to adopt a procedure for placing a notice of alleged misconduct (notice) on an educator's public certification records (educator's records). Requires the procedure to provide for immediate placement of a notice of alleged misconduct on an educator's records if the alleged misconduct presents certain risks to a student or minor as determined by the board.

(c) Requires the board to notify an educator in writing when placing a notice on the educator's records.

(d) Requires the board to provide an opportunity for an educator to show cause why the notice should not be placed on the educator's records. Requires the board to propose rules establishing the length of time that a notice may remain on the educator's records before the board is required to initiate a proceeding to impose a sanction on the educator on the basis of the alleged misconduct or remove the notice from the educator's records.

(e) Requires the board to immediately remove the notice from the educator's records if it is determined that the educator has not engaged in the alleged incident of misconduct.

(f) Requires the board to propose rules necessary to administer this section.

SECTION 4. Amends Section 21.048, Education Code, by adding Subsection (c-1), to provide that the results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552 (Public Information), Government Code, unless certain conditions are met.

SECTION 5. Amends Subchapter B, Chapter 21, Education Code, by adding Section 21.060, as follows:

Sec. 21.060. ELIGIBILITY OF PERSONS CONVICTED OF CERTAIN OFFENSES. Authorizes the board to suspend or revoke the certificate or permit held by a person, to impose other sanctions against the person, or to refuse to issue a certificate or permit to a person under this subchapter if the person has been convicted of certain offenses. Sets forth the offenses to which this section applies.

SECTION 6. Amends Sections 22.081 and 22.082, Education Code, as follows:

Sec. 22.081. New heading: DEFINITIONS. Defines "department" and "national criminal history record information." Makes a nonsubstantive change.

Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE BOARD FOR EDUCATOR CERTIFICATION. Requires the board to subscribe to the criminal history clearinghouse (clearinghouse) as provided by Section 411.0845, Government Code. Authorizes the board to 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 or holder of a certificate.

SECTION 7. Amends the heading to Section 22.083, Education Code, to read as follows:

Sec. 22.083. ACCESS TO CRIMINAL HISTORY RECORDS OF EMPLOYEES BY LOCAL AND REGIONAL EDUCATION AUTHORITIES.

SECTION 8. Amends Section 22.083, Education Code, by amending Subsections (a) and (b), and adding Subsections (a-1) and (a-2), as follows:

(a) Requires, rather than authorizes, a school district (district), open-enrollment charter school (charter school), or shared services arrangement to obtain from DPS all criminal history record information that relates to a person who is not subject to an information review under this subchapter and who is an employee of the district or school, or a shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present. Authorizes the schools to which this subsection applies or shared services arrangement to obtain the information required to be obtained by this subsection from any other law enforcement or criminal justice agency. Deletes existing text relating to criminal history record information relating to a person who has indicated, in writing, an intention to serve as a volunteer with the district, school, center, or shared services arrangement be obtained. Deletes existing text authorizing a private school or a center to obtain criminal history information. Makes conforming changes.

(a-1) Authorizes a district, charter school, or shared services arrangement to obtain the criminal history record information from certain sources set forth in this subsection.

(a-2) Authorizes a shared services arrangement to obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person who is not subject to Subsection (a) and whom the shared services arrangement intends to employ in any capacity.

(b) Authorizes a private school or center to obtain from any law enforcement or criminal justice agency all criminal history record information that relates to an employee of or applicant for employment of a person that contracts with the private school or center to provide services if the employee or applicant has or will have continuing duties related to the contracted services and direct contact with students. Makes conforming changes.

SECTION 9. Amends Subchapter C, Chapter 22, Education Code, by adding Sections 22.0831 through 22.0837, as follows:

Sec. 22.0831. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTIFIED EDUCATORS. (a) Defines "board."

(b) Provides that this section applies to a person who is an applicant for or holder of a certificate under Subchapter B (Certification of Educators), Chapter 21, and who is employed by or is an applicant for employment by a district, charter school, or a shared services arrangement.

(c) Requires the board to review the information of a person who has not previously submitted fingerprints to DPS or been subject to an information review.

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

(e) Authorizes the board to allow a person who is applying for a certificate, and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.

(f) Authorizes the board to propose rules to implement this section including rules establishing certain deadlines and sanctions.

(g) Requires the board by rule to establish a schedule for obtaining and reviewing the information a certified educator is required to provide the board under this section. Requires the board, not later than September 1, 2011, to obtain all information on all certified educators. Provides that this subsection expires on October 1, 2011.

Sec. 22.0832. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTAIN OPEN-ENROLLMENT CHARTER SCHOOL EMPLOYEES.

(a) Requires TEA to review the information of an employee of a charter school to whom Section 12.1059 applies in the same manner as the board reviews certified educators under Section 22.0831. Requires TEA to notify the charter school in writing that the person may not be employed by the school or serve in a capacity described by 12.1059, if TEA 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.

(b) Requires a charter school to provide TEA with any information TEA requests to enable TEA to complete a review under Subsection (a). Provides that the failure of a charter school to provide such information is a material violation of the school's charter.

Sec. 22.0833. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF NONCERTIFIED EMPLOYEES.

(a) Provides that this section applies to a person who is not an applicant for or holder of a certificate and who on or after January 1, 2008, is offered employment by a district, charter school, or 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.

(b) Requires a person to which this section applies to submit to an information review under this section before being employed or serving in a capacity described by Subsection (a).

(c) Requires a district, charter school, or shared services arrangement, before or immediately after employing or securing the services of a person to whom this section applies to send or ensure that the person sends to the DPS information that is required by the DPS for obtaining information, which may include fingerprints and photographs.

(d) Requires DPS to obtain the person's information and report the result through the clearinghouse.

(e) Requires each district, charter school, and shared services arrangement to obtain all criminal history record information that relates to a person to whom this section applies through the clearinghouse, and to subscribe to the criminal history record information of the person.

(f) Authorizes the district, charter school, or shared services arrangement to require a person to pay any fees related to obtaining criminal history record information under this section.

(g) Requires a district, charter school, or shared services arrangement to provide TEA with the name of a person to whom this section applies. Requires TEA to obtain all criminal history record information of the person through the clearinghouse. Requires TEA to examine the criminal history record information of the person and notify the district, school, or shared services arrangement if the person may not be hired or must be discharged as provided by Section 22.085.

(h) Authorizes TEA, the board, district, charter school, and shared services arrangement to coordinate as necessary to ensure that criminal history reviews authorized or required under this subchapter are unnecessarily duplicated.

(i) Authorizes DPS in coordination with the commissioner of education (commissioner) to adopt rules necessary to implement this section.

Sec. 22.0834. CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTAIN CONTRACT EMPLOYEES. (a) Provides that this subsection applies to a person who is not an applicant for or holder of a certificate and who on or after January 1, 2008, is offered employment by an entity that contracts with a district, charter school, or a shared services arrangement to provide services, if the employee's or applicant has or will have continuing duties related to the contracted services and the employee or applicant has or will have direct contact with students.

(b) Requires a person to whom Subsection (a) applies to submit to an information review under this section before being employed or serving in a capacity described by that subsection.

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

(d) Requires an entity contracting with a district, charter school, or shared services arrangement to obtain all criminal history record information that relates to a person to whom this section applies through the clearinghouse. Requires the entity to certify to the district that the entity has received all criminal history record information relating to a person to whom Subsection (a) applies.

(e) Authorizes the district, charter school, or shared services arrangement to obtain the criminal history record information that relates to a person to whom Subsection (a) applies through the clearinghouse.

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

(g) Requires an entity that contracts with a district, charter school, or shared services arrangement to obtain from any 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 an employee of the entity who is employed before January 1, 2008, and is not subject to an information review under Subsection (b) if the employee or applicant has or will have continuing duties related to the contracted services and the employee or applicant has or will have direct contact with students.

(h) Authorizes a district, charter school, or shared services arrangement to obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom this section applies.

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

(j) Authorizes the commissioner to adopt rules as necessary to implement this section.

Sec. 22.0835. ACCESS TO CRIMINAL HISTORY RECORDS OF STUDENT TEACHERS AND VOLUNTEERS BY LOCAL AND REGIONAL EDUCATION AUTHORITIES. (a) Requires a district, charter school, or shared services arrangement to obtain from any law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act all criminal history record information that relates to a person participating in an internship consisting of student teaching to receive a teaching certificate or 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) Authorizes a private school or center to 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 center.

(c) Requires a person to whom Subsection (a) or (b) applies to provide to the district, charter school, private school, 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) Prohibits a person to whom Subsection (a) applies to perform any student teaching or volunteer duties until all requirements under Subsection (a) and (c) have been satisfied.

(e) Provides that Subsections (a) and (c) do not apply to a person who volunteers or is applying to volunteer with a district, charter school, or shared services arrangement if the person is the parent, guardian, or grandparent of a child who is enrolled in the district of school for which the person volunteers or is applying to volunteer, will be accompanied by a district employee while on a school campus, or is volunteering for a single event on the school campus.

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

(g) Authorizes a district, charter school, private school, center, or shared services arrangement to require a student teacher, volunteer, or volunteer applicant to pay any costs related to obtaining criminal history record information under this section.

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

(b) Requires a person to whom this section applies to submit to an information review under this section.

(c) Requires a district, charter school, or shared services arrangement to send or ensure that the person to whom this section applies sends to DPS information that

is required by DPS for obtaining national information, which may include fingerprints and photographs.

(d) Requires DPS to obtain the person's information and report the results through the clearinghouse.

(e) Requires each district, charter school, or shared services arrangement to obtain all criminal history record information that relates to a person to whom this section applies through the clearinghouse.

(f) Authorizes a district, charter school, or shared services arrangement to require a person to pay any fees related to obtaining criminal history record information under this section.

(g) Requires a district, charter school, or shared services arrangement to provide TEA with the name of a person to whom this section applies. Requires TEA to obtain all criminal history record information of the person through the clearinghouse. Requires TEA to examine the criminal history record information and certification records of the person and notify the district, school, or shared services arrangement if the person may not be hired or is required to be discharged, or may not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

(h) Authorizes the commissioner to adopt rules to implement this section, including rules establishing deadlines for a district, charter school, or shared services arrangement to require a person to whom this section applies to submit fingerprints and photographs in compliance with this section and the circumstance under which a person may not continue to be employed as a substitute teacher.

(i) Requires TEA to establish a schedule for obtaining and reviewing the information a district, charter school, or shared services arrangement and a substitute teacher are required to provide under this section. Requires TEA to obtain, not later than September 1, 2011, all information on all substitute teachers. Provides this subsection expires October 1, 2011.

(j) Authorizes DPS in coordination with the commissioner to adopt rules necessary to implement this section.

Sec. 22.0837. FEE FOR NATIONAL CRIMINAL HISTORY RECORD INFORMATION. Requires TEA by rule to require a person submitting to a national criminal history record information review under Section 22.0832, 22.0833, or 22.0836 to pay a fee for the review in an amount not to exceed the amount of any fee imposed on an applicant for certification under Subchapter B (Certification of Educators), Chapter 21, for a national criminal history record information review under Section 22.0831. Authorizes TEA or DPS to require an entity authorized to collect information for a national criminal history record information review to collect the fee required under this section and to remit the funds collected to TEA.

SECTION 10. Amends Section 22.085, Education Code, as follows:

Sec. 22.085. New heading: EMPLOYEES AND APPLICANTS CONVICTED OF CERTAIN OFFENSES. (a) Requires a district, charter school, or shared services arrangement to discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information, through a criminal history record information review, that the employee or applicant has a conviction for a felony offense under Title 5, Penal Code, or an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, or an offense under the laws of another state or federal law that is equivalent to the aforementioned offenses, and if at the time the offense occurred, the victim of the offense is under 18 years of age.

(b) Provides that Subsection (a) does not apply if the employee or applicant for employment committed an offense under Title 5 (Offenses Against the Person), Penal Code, and certain conditions are met.

(c) Prohibits a district, charter school, or shared services arrangement from allowing a person who is an employee of or applicant for employment by an entity that contracts with the district, school, or shared services arrangement to serve at the district or school or for the shared services arrangement if information obtained, through a criminal history record information review, includes information described by Subsection (a), concerning the employee or applicant. Requires a district, charter school, or shared services arrangement to ensure that an entity that the district, school, or shared services arrangement contracts with for services has obtained all criminal history record information as required by Sections 22.0834 and 22.0835.

(d) Creates this subsection from existing text. Makes no changes to this subsection.

(e) Authorizes the board to impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been convicted of an offense described by Subsection (a).

(f) Requires the superintendent of a district or chief operating officer of a charter school, to certify, each school year, to the commissioner that the district or school has complied with this section.

SECTION 11. Amends Subchapter C, Chapter 22, Education Code, by adding Section 22.087, as follows:

Sec. 22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR CERTIFICATION. Requires the superintendent of a district or the director of a charter school, private school, center, or shared services arrangement to promptly notify the board in writing if the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter 21, has a reported criminal history.

SECTION 12. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.022, as follows:

Sec. 38.022. SCHOOL VISITORS. (a) Authorizes a district to require a person who enters a district campus to display the person's driver's license or another form of identification containing the person's photograph issued by a governmental entity.

(b) Authorizes a district to establish an electronic database (database) for the purpose of storing information concerning visitors to district campuses. Authorizes information stored in the database to be used only for the purpose of district security and prohibits the information from being sold or otherwise disseminated to a third party for any purpose.

(c) Authorizes a district to verify whether a visitor to a district campus is a sex offender registered with the computerized central database maintained by DPS as provided by Article 62.005, Code of Criminal Procedure, or any other database accessible by the district.

(d) Requires the board of trustees of a district to adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender.

SECTION 13. Amends Section 261.308, Family Code, by adding Subsections (d) and (e), as follows:

(d) Requires DPS to release information regarding a person alleged to have committed abuse or neglect to persons who have control over the person's access to children, including, as appropriate, TEA, the board, the local school board or the school's governing body, the superintendent of the district, or the school principal or director if DPS makes certain determinations set forth in this subsection.

(e) Requires DPS, on request, to release information about a person alleged to have committed abuse or neglect to the board if the board has a reasonable basis for believing that the information is necessary to assist the board in protecting children from the person alleged to have committed abuse or neglect.

SECTION 14. Amends Section 261.406(b), Family Code, as follows:

(b) Provides that other than the persons authorized by the section to receive a copy of the report, this subsection applies to the release of the report, rather than confidential information, relating to the investigation of abuse or neglect, rather than relating to the investigation of a report of abuse or neglect, under this section and to the identity of the person who made the report of abuse or neglect. Makes conforming changes.

SECTION 15. Amends Section 411.042, Government Code, by amending Subsections (b) and (g) and adding Subsection (h), as follows:

(b) Requires the bureau of identification and records to grant access to information in the manner authorized under Subchapter F.

(g) Authorizes DPS to adopt reasonable rules under this section relating to a system for providing information through the clearinghouse.

(h) Authorizes DPS to contract with private vendors as necessary in implementing this section.

SECTION 16. Amends Section 411.081(i), Government Code, to authorize a criminal justice agency to disclose criminal history record information that is subject of an order of nondisclosure to the Texas Medical Board, rather than the Texas State Board of Medical Examiners, and TEA.

SECTION 17. Amends Sections 411.083(b) and (c), Government Code, as follows:

(b) Requires DPS to grant access to information to an individual or an agency that has a specific agreement with a noncriminal justice agency to provide services related to the use of the information disseminated under this subchapter, if the agreement specifically authorizes access to the information, limits the use of information, ensures the security and confidentiality of information, and provides sanctions for a violation of any agreement requirement. Makes conforming changes.

(c) Makes conforming changes.

SECTION 18. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.0845, as follows:

Sec. 411.0845. CRIMINAL HISTORY CLEARINGHOUSE. (a) Requires DPS to establish an electronic clearinghouse and subscription service to provide information to a particular person entitled to receive information and updates to a particular record to which the person has subscribed under this subchapter.

(b) Requires DPS, on request for information by a person entitled to the information, to provide through the electronic clearinghouse the information reported to DPS or the Federal Bureau of Investigation (FBI) relating to the individual who is the subject of the request, or a statement that the individual who

is the subject of the request does not have any information reported to the DPS or the FBI.

(c) Requires DPS, if it provides information received from the FBI, to include the date that DPS received the information from the FBI.

(d) Requires DPS to ensure that the information described by Subsection (b) is provided only to a person otherwise entitled to obtain information under this subchapter. Provides that information under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Requires a person entitled to receive information under this subchapter to provide DPS with certain information regarding the person who is subject of the information requested.

(f) Requires DPS to maintain an Internet website for the administration of the clearinghouse and an electronic subscription service to provide notice of updates to a particular criminal history record to each person entitled to receive such information under this subchapter. Requires DPS to update clearinghouse records, and within 48 hours of becoming aware that a person's information in a clearinghouse record has changed, to provide the updated information to each subscriber to that specific record.

(g) Requires a subscriber who is no longer entitled to receive criminal history record information relating to a particular person to notify DPS as soon as practicable. Requires DPS to cancel the person's subscription to that record and prohibits DPS from notifying the former subscriber of any updated information to that record.

(h) Requires that a person who is the subject of the requested information consent to the release of the information.

(i) Provides that information released which is maintained by the FBI is subject to federal law and regulations, federal executive orders, and federal policy.

(j) Authorizes DPS to charge a fee for subscription services to cover the costs of administering this section.

(k) Authorizes an agency to coordinate with DPS regarding the collection of a fee for the criminal history record information through the fingerprinting fee collection process.

SECTION 19. Amends Section 411.087, Government Code by adding Subsection (e), to authorize DPS to provide access to state and national criminal history record information to nongovernmental entities entitled to that information under 42 U.S.C. Section 5119a. Requires DPS to follow federal law and regulation, federal executive orders, and federal policy in releasing information under this subsection.

SECTION 20. Amends Section 411.090, Government Code, by adding Subsection (c), to require DPS to notify the board of the arrest of any educator, as defined by Section 5.001, Education Code, who has fingerprints on file with DPS.

SECTION 21. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.0901, as follows:

Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS EDUCATION AGENCY. Entitles TEA to obtain information maintained by DPS about a person who is employed or an applicant for employment by a district or charter school; a shared service 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; or an entity that contracts with the district, school, or with a shared services arrangement, if certain conditions exist.

SECTION 22. Amends the heading to Section 411.097, Government Code, to read as follows:

Sec. 411.097. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: LOCAL AND REGIONAL EDUCATIONAL ENTITIES.

SECTION 23. Amends Sections 411.097(a) and (b), Government Code, as follows:

(a) Entitles an entity that contracts to provide services to a district, charter school, or shared services arrangement to obtain from DPS criminal history record information maintained by DPS that the entity is required or authorized to obtain under Subchapter C, Chapter 22, Education Code as it relates to certain persons. Amends existing text to include information relating an employee of or applicant for employment by an entity that contracts to provide services to a district, charter school, or shared services arrangement as provided by Section 22.0834, Education Code.

(b) Deletes the limit of no more than twice each year, as previously set, for the number of times a district, charter school, private school, regional education service center, or education shared services arrangement is entitled to obtain information from DPS, that the entity is required or authorized to obtain information under Subchapter C, Chapter 22, Education Code, as it relates to a person who is a volunteer, student teacher, or employee of the district, school, service center or shared service arrangement.

SECTION 24. Amends Section 552.116(a), Government Code, to provide that an audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from the requirements of Section 552.021 (Availability of Public Information).

SECTION 25. Amends Section 552.116(b)(1), Government Code, to redefine “audit.”

SECTION 26. Amends Section 730.007, Transportation Code, by adding Subsection (f), to authorize disclosure of personal information obtained by TEA under Section 411.0845 (Department of Public Safety of the State of Texas), Government Code, in connection with a motor vehicle record.

SECTION 27. Repealer: Sections 22.083(c) (relating to authorization of a district, charter school, private school, regional education service center, or shared services arrangement to obtain certain criminal history record information of certain persons) and (d) (relating to the requirement that the superintendent of a district or the director of a charter school, private school, regional education service center, or shared services arrangement to promptly notify the board in writing if the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter 21, has a reported criminal history), Education Code.

SECTION 28. Provides that Section 21.007, Education Code, as added by this Act, applies to a report filed on or after the effective date of this Act, regardless of when the conduct occurred.

SECTION 29. Requires the board, TEA, a district, a charter school, or a shared services arrangement to, as soon as practicable after the effective date of this Act, in the manner prescribed by Sections 22.0831, 22.0832, 22.0833, and 22.0836, Education Code, as added by this Act, to begin obtaining information for employees and applicants for employment who are subject to an information review under those sections.

SECTION 30. Requires an entity that contracts with a district, a charter school, or a shared services arrangement, as soon as practicable after the effective date of this Act, in the manner prescribed by Sections 22.0834, Education Code, as added by this Act, to begin obtaining

information for employees and applicants for employment who are subject to an information review under that section.

SECTION 31. Requires a district, a charter school, or a shared services arrangement, beginning September 1, 2007, in compliance with Section 22.0835, Education Code, as added by this Act, to obtain criminal history record information relating each person who is a student teacher or volunteer o has indicated in writing an intention to serve as a volunteer with the district, school, or shared services arrangement in any capacity.

SECTION 32. Requires DPS to establish the clearinghouse as required by Section 411.0845, Government code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 33. Provides that Section 552.116, Government Code, as amended by this Act, applies to an audit working paper created before, on, or after this Act's effective date.

SECTION 34. Effective date: upon passage or September 1, 2007.