

By: Patrick

H.B. No. 2491

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of certain personal information of applicants for employment with and current and former employees of public school entities.

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

SECTION 1. Subchapter A, Chapter 22, Education Code, is amended by adding Section 22.010 to read as follows:

Sec. 22.010. DISCLOSURE OF PERSONAL INFORMATION. (a) This section applies to information in the custody of a school district, open-enrollment charter school, or shared services arrangement that concerns an applicant for employment with or a person currently or formerly employed by the district, school, or shared services arrangement, including a substitute teacher or student teacher, and that:

(1) relates to the applicant's or employee's:

(A) home address;

(B) home telephone number;

(C) personal cellular phone number;

(D) day and month of birth;

(E) criminal history record information;

(F) driver's license number;

(G) personal electronic mail address; or

(H) social security number;

(2) reveals whether the applicant or employee has

1 family members; or

2 (3) reveals whether the district, school, or shared  
3 services arrangement has obtained criminal history record  
4 information on the applicant or employee.

5 (b) Information described by Subsection (a):

6 (1) is not considered public information under Chapter  
7 552, Government Code; and

8 (2) may be made accessible to the public by a school  
9 district, open-enrollment charter school, or shared services  
10 arrangement only if the applicant or employee to whom the  
11 information applies:

12 (A) provides written notice to the district,  
13 school, or shared services arrangement of the applicant's or  
14 employee's election to authorize public access to the information;  
15 and

16 (B) does not provide written rescission of the  
17 authorization.

18 (c) If a school district, open-enrollment charter school,  
19 or shared services arrangement receives a request under Chapter  
20 552, Government Code, for access to information described by  
21 Subsection (a) and the applicant or employee to whom the  
22 information applies has not authorized public access to the  
23 information in accordance with Subsections (b)(2)(A) and (B), the  
24 district, school, or shared services arrangement is not required to  
25 accept or comply with the request or to seek an opinion from the  
26 attorney general under Subchapter G, Chapter 552, Government Code.

27 (d) This section does not apply to information filed with a

1 county or district clerk.

2 (e) This section does not prohibit the State Board for  
3 Educator Certification, the agency, the Department of Public  
4 Safety, or another entity authorized under Subchapter C from  
5 conducting a criminal history record information review in  
6 accordance with that subchapter.

7 (f) Section 552.024, Government Code, does not apply to an  
8 applicant or employee to whom this section applies.

9 (g) On receipt of a request under Chapter 552, Government  
10 Code, for information indicating whether a criminal history record  
11 information review of a school employee or applicant has revealed  
12 that the employee or applicant has been convicted of an offense  
13 described by Section 21.058(a) or 22.085(a), the school district,  
14 open-enrollment charter school, or shared services arrangement  
15 shall disclose the requested information.

16 SECTION 2. Section 552.024, Government Code, is amended by  
17 adding Subsection (g) to read as follows:

18 (g) This section does not apply to a person to whom Section  
19 22.010, Education Code, applies.

20 SECTION 3. 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, 2009.