

BILL ANALYSIS

S.B. 1042
By: Hegar
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislation required background checks for certain school district employees and for employees of businesses that contract with school districts. Interested parties identified an unintended consequence of this legislation in that subcontractors were not required to check the backgrounds of their own employees but general contractors were, for both their own employees and the various subcontractors' employees, which created certain practical and legal problems.

An amendment from a more recent legislative session, which intended to correct the problem, contained a drafting error. S.B. 1042 seeks to correct that error as it relates to the eligibility of employees convicted of certain offenses to provide services under a contract with a public school.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1042 amends the Education Code to prohibit an entity that contracts or subcontracts with a school district, open-enrollment charter school, or shared services arrangement from permitting an employee, who is not a certified educator or an applicant to be a certified educator and who is offered employment in which the employee will have continuing duties related to the contracted services and will have direct contact with students, to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under provisions relating to school district employees and applicants for employment convicted of certain offenses, rather than prevent a person from obtaining certification as an educator under provisions relating to the eligibility of persons convicted of certain offenses for educator certification. The bill makes its provisions applicable to the provision of services at a public school by an employee of a contracting or subcontracting entity without regard to whether the contract or subcontract under which the person is employed was entered into before, on, or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.