

## BILL ANALYSIS

C.S.H.B. 647  
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Public Education  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Open-enrollment charter schools are currently prohibited from hiring employees who have been convicted of certain misdemeanors. Interested parties contend that a public school district is not similarly prohibited from hiring such an employee unless the State Board for Educator Certification revokes the employee's certification and the parties suggest that this discrepancy is unfair to open-enrollment charter schools in the market for classroom teachers because it limits the pool of eligible candidates. C.S.H.B. 647 seeks to allow an open-enrollment charter school to employ a person who could be hired by a traditional 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

C.S.H.B. 647 amends the Education Code to authorize an open-enrollment charter school to employ a person as a teacher or educational aide if a school district could employ the person as a teacher or educational aide or if a school district could employ the person as a teacher if the person held the appropriate certificate issued by the State Board for Educator Certification and the person has never held a certificate issued by the board. The bill authorizes an open-enrollment charter school to employ a person in a position other than as a teacher or educational aide if a school district could employ the person in that position.

### EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 647 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 12.120, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), an open-enrollment charter school may employ a person as a teacher if:

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 12.120, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), subject to Section 12.1059, an open-enrollment charter school may employ a person:

(1) a school district could employ the person as a classroom teacher; or  
(2) a school district could employ the person as a classroom teacher if the person held the appropriate certificate issued under Subchapter B, Chapter 21, and the person has never held a teaching certificate issued under Subchapter B, Chapter 21.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(1) as a teacher or educational aide if:

(A) a school district could employ the person as a teacher or educational aide; or

(B) a school district could employ the person as a teacher or educational aide if the person held the appropriate certificate issued under Subchapter B, Chapter 21, and the person has never held a certificate issued under Subchapter B, Chapter 21; or

(2) in a position other than a position described by Subdivision (1) if a school district could employ the person in that position.

SECTION 2. Same as introduced version.