

By: Laubenberg

H.B. No. 4006

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that a school district, open-enrollment charter school, or shared services arrangement terminate or refuse to hire an employee or applicant convicted of certain offenses.

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

SECTION 1. Sections 22.085(a) and (d), Education Code, are amended to read as follows:

(a) A school district, open-enrollment charter school, or shared services arrangement shall 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

~~[(1)]~~ the employee or applicant has been convicted of:

(1) ~~[(A)]~~ a felony offense ~~[under Title 5, Penal Code];~~

(2) ~~[(B)]~~ an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; ~~[or]~~

(3) ~~[(C)]~~ an offense under the laws of another state or federal law that is equivalent to an offense under Subdivision (1) or (2) ~~[Paragraph (A) or (B)]~~; or

(4) a misdemeanor involving moral turpitude ~~[and~~

~~[(2) at the time the offense occurred, the victim of the offense described by Subdivision (1) was under 18 years of age~~

1 ~~or was enrolled in a public school]~~.

2 (d) ~~[A school district, open-enrollment charter school,~~  
3 ~~private school, regional education service center, or shared~~  
4 ~~services arrangement may discharge an employee if the district or~~  
5 ~~school obtains information of the employee's conviction of a felony~~  
6 ~~or of a misdemeanor involving moral turpitude that the employee did~~  
7 ~~not disclose to the State Board for Educator Certification or the~~  
8 ~~district, school, service center, or shared services arrangement.]~~

9 An employee discharged under this section is considered to have  
10 been discharged for misconduct for purposes of Section 207.044,  
11 Labor Code.

12 SECTION 2. Section 22.085(b), Education Code, is repealed.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2015.