87R7298 MWC-D

By:  Price H.B. No. 3776

A BILL TO BE ENTITLED

AN ACT

relating to criminal background checks for certain persons employed by certain public school contractors.

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

SECTION 1.  Section 22.0834, Education Code, is amended by amending Subsections (a-1) and (k) and adding Subsection (g-1) to read as follows:

(a-1)  Except as provided by Subsection (g-1), this [~~This~~] section does not apply to:

(1)  a contracting entity, subcontracting entity, or other person subject to Section 22.08341;

(2)  a contracting entity or a subcontractor of that entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide off-campus instructional services to students, including:

(A)  internships;

(B)  externships;

(C)  service learning programs; and

(D)  industry or career certification programs; or

(3)  a public junior college that contracts directly with a school district, open-enrollment charter school, or shared services arrangement to provide dual credit courses to district or school students.

(g-1)  An entity described by Subsection (a-1)(2) or (3) shall provide the school district, open-enrollment charter school, or shared services arrangement with which it has contracted written confirmation that the entity has obtained criminal history record information from a 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.) relating to each employee that:

(1)  has continuing duties related to the contracted services; and

(2)  has direct contact with students.

(k)  Except as provided by Subsection (a-1), the [~~The~~] requirements of this section apply to an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement and any subcontractor of the entity.

SECTION 2.  Section 22.0834, Education Code, as amended by this Act, applies only to a contract executed on or after the effective date of this Act. A contract executed before the effective date of this Act is governed by the law in effect on the date the contract was executed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.