

By: Canales

H.B. No. 278

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of an individual to a school district
3 board of managers by the commissioner of education.

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

5 SECTION 1. Subchapter E, Chapter 39A, Education Code, is
6 amended by adding Section 39A.2045 to read as follows:

7 Sec. 39A.2045. CRIMINAL HISTORY RECORD INFORMATION REVIEW:
8 BOARD OF MANAGERS. (a) Before the commissioner appoints a board of
9 managers under this chapter, the agency shall review the criminal
10 history record information that relates to each person to be
11 appointed by the commissioner to serve as a member of that board.

12 (b) The agency is authorized to obtain from the Department
13 of Public Safety criminal history record information maintained by
14 the department as necessary to comply with Subsection (a).

15 (c) In addition to the information the agency is authorized
16 to obtain under Section 411.0901, Government Code, and this
17 section, the agency is authorized to request and obtain criminal
18 history record information through the Federal Bureau of
19 Investigation as provided by Section 411.087, Government Code.

20 (d) The agency shall adopt rules as necessary to implement
21 this section.

22 SECTION 2. Section 411.0901(a), Government Code, is amended
23 to read as follows:

24 (a) The Texas Education Agency is entitled to obtain

1 criminal history record information maintained by the department
2 about a person who:

3 (1) is employed or is an applicant for employment by a
4 school district or open-enrollment charter school;

5 (2) is employed or is an applicant for employment by a
6 shared services arrangement, if the employee's or applicant's
7 duties are or will be performed on school property or at another
8 location where students are regularly present; ~~or~~

9 (3) is employed or is an applicant for employment by an
10 entity that contracts with a school district, open-enrollment
11 charter school, or shared services arrangement if:

12 (A) the employee or applicant has or will have
13 continuing duties relating to the contracted services; and

14 (B) the employee or applicant has or will have
15 direct contact with students; or

16 (4) is appointed or is to be appointed by the
17 commissioner of education to serve as a member of a board of
18 managers under Subchapter E, Chapter 39A, Education Code.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.