

By: Price

H.B. No. 3776

A BILL TO BE ENTITLED

1 AN ACT
2 relating to criminal background checks for certain persons employed
3 by certain public school contractors.

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

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

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

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

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

16 (A) internships;

17 (B) externships;

18 (C) service learning programs; and

19 (D) industry or career certification programs;

20 or

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

1 (g-1) An entity described by Subsection (a-1)(2) or (3)
2 shall provide the school district, open-enrollment charter school,
3 or shared services arrangement with which it has contracted written
4 confirmation that the entity has obtained criminal history record
5 information from a law enforcement or criminal justice agency or a
6 private entity that is a consumer reporting agency governed by the
7 Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) relating
8 to each employee that:

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

11 (2) has direct contact with students.

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

16 SECTION 2. Section [22.0834](#), Education Code, as amended by
17 this Act, applies only to a contract executed on or after the
18 effective date of this Act. A contract executed before the
19 effective date of this Act is governed by the law in effect on the
20 date the contract was executed, and the former law is continued in
21 effect for that purpose.

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