

1-1 By: Bettencourt S.B. No. 1471  
1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read  
1-3 first time and referred to Committee on Education; April 27, 2023,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 13, Nays 0; April 27, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 1471 By: King

1-22 A BILL TO BE ENTITLED  
1-23 AN ACT

1-24 relating to access by the Texas Education Agency and private  
1-25 schools to certain criminal history records.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 22.0825(b), Education Code, is amended  
1-28 to read as follows:

1-29 (b) The agency shall subscribe to the criminal history  
1-30 clearinghouse as provided by Section 411.0845, Government Code, and  
1-31 may obtain from any law enforcement or criminal justice agency all  
1-32 criminal history record information and all records contained in  
1-33 any closed criminal investigation file that relate to a specific  
1-34 applicant for employment or current or former employee of a school  
1-35 district, district of innovation, open-enrollment charter school,  
1-36 other charter entity, private school that is accredited by an  
1-37 accrediting agency that is a member of the Texas Private School  
1-38 Accreditation Commission, regional education service center, or  
1-39 shared services arrangement.

1-40 SECTION 2. Subchapter C, Chapter 22, Education Code, is  
1-41 amended by adding Section 22.08361 to read as follows:

1-42 Sec. 22.08361. NATIONAL CRIMINAL HISTORY RECORD  
1-43 INFORMATION REVIEW OF CERTAIN PRIVATE SCHOOL EMPLOYEES. (a) In  
1-44 this section, "qualified private school" has the meaning assigned  
1-45 by Section 411.0972, Government Code.

1-46 (b) This section applies to a person who is an employee of or  
1-47 an applicant for employment at a qualified private school.

1-48 (c) A qualified private school may require a person to whom  
1-49 this section applies to submit to a national criminal history  
1-50 record information review under this section before being employed  
1-51 by the school.

1-52 (d) Before or immediately after securing the services of a  
1-53 person to whom this section applies, a qualified private school may  
1-54 submit or require the person to whom this section applies to submit  
1-55 to the department information that is required by the department  
1-56 for obtaining national criminal history record information, which  
1-57 may include fingerprints and photographs.

1-58 (e) On receipt of the information under Subsection (c), the  
1-59 department shall obtain the person's national criminal history  
1-60 record information and report the results through the criminal

2-1 history clearinghouse as provided by Section 411.0845, Government  
2-2 Code.

2-3 (f) Each qualified private school may obtain all criminal  
2-4 history record information that relates to a person to whom this  
2-5 section applies through the criminal history clearinghouse as  
2-6 provided by Section 411.0845, Government Code, and may subscribe to  
2-7 the criminal history record information of the person.

2-8 (g) A qualified private school may require a person to pay  
2-9 any fees related to obtaining criminal history record information  
2-10 under this section.

2-11 (h) If a qualified private school requires a person to whom  
2-12 this section applies to submit to a national criminal history  
2-13 record information review, the school shall provide the agency with  
2-14 the name and information described by Subsection (d). The agency  
2-15 shall facilitate the submission of information to the department to  
2-16 allow the school to obtain all criminal history record information  
2-17 that relates to the person to whom this section applies through the  
2-18 criminal history clearinghouse as provided by Section 411.0845,  
2-19 Government Code.

2-20 (i) The department, in coordination with the commissioner,  
2-21 may adopt rules as necessary to implement this section.

2-22 SECTION 3. Subchapter F, Chapter 411, Government Code, is  
2-23 amended by adding Section 411.0972 to read as follows:

2-24 Sec. 411.0972. ACCESS TO CRIMINAL HISTORY RECORD  
2-25 INFORMATION: QUALIFIED PRIVATE SCHOOLS. (a) In this section,  
2-26 "qualified private school" means a school that:

2-27 (1) offers a course of instruction for students in  
2-28 this state in one or more grades from prekindergarten through grade  
2-29 12;

2-30 (2) is accredited by an organization recognized by the  
2-31 Texas Education Agency or the Texas Private School Accreditation  
2-32 Commission; and

2-33 (3) is determined to be eligible by the department  
2-34 under Subsection (b).

2-35 (b) On request by a private school, the department shall  
2-36 determine whether the school is eligible under the National Child  
2-37 Protection Act of 1993 (34 U.S.C. Section 40102) to obtain criminal  
2-38 history record information that relates to an employee or an  
2-39 applicant for employment.

2-40 (c) A qualified private school may obtain state criminal  
2-41 history record information from the department.

2-42 (d) Except as provided by Subsection (f), criminal history  
2-43 record information obtained by a qualified private school in the  
2-44 original form or any subsequent form:

2-45 (1) may not be released to any person except the person  
2-46 who is the subject of the information;

2-47 (2) is not subject to disclosure as provided by  
2-48 Chapter 552; and

2-49 (3) shall be destroyed by the school after the  
2-50 information is used for the authorized purpose.

2-51 (e) A qualified private school may obtain criminal history  
2-52 record information from the Federal Bureau of Investigation  
2-53 identification division in accordance with Section 411.087.

2-54 (f) Criminal history record information obtained from the  
2-55 Federal Bureau of Investigation may not be released or disclosed  
2-56 except on court order.

2-57 SECTION 4. This Act takes effect immediately if it receives  
2-58 a vote of two-thirds of all the members elected to each house, as  
2-59 provided by Section 39, Article III, Texas Constitution. If this  
2-60 Act does not receive the vote necessary for immediate effect, this  
2-61 Act takes effect September 1, 2023.

2-62 \* \* \* \* \*