

BILL ANALYSIS

Senate Research Center
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S.B. 571
By: Bettencourt et al.
Education K-16
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not include contractors or sub-contractors as employees who are required to determine employment eligibility through the Interagency Reportable Conduct Search Engine established under Chapter 810, Health and Safety Code, or the Do Not Hire Registry established in Section 22.092 of the Texas Education Code.

S.B. 571 prohibits contractors and subcontractors from providing services at a school if they are identified as having engaged in certain misconduct in the Do Not Hire Registry or Interagency Reportable Conduct Search Engine and expands the applicability of this requirement to employees who will be physically present at an instructional facility rather than only those who would have continuing duties and direct contact with students.

S.B. 571 also provides access to the Do Not Hire registry to entities and subcontractors of entities that contract with schools.

As proposed, S.B. 571 amends current law relating to the eligibility of certain contract employees to provide services to a public school and access to the registry of persons who are not eligible for employment at public schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 22.0834(a) and (o), Education Code, as follows:

(a) Provides that this subsection applies to a person who is not an applicant for or holder of a certificate under Subchapter B (Certification of Educators), Chapter 21 (Educators), and who is offered employment by an entity or a subcontractor of an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services, if the employee or applicant has or will have duties related to the contracted services that require the employee or applicant to be physically present at an instructional facility.

Deletes existing text providing that except as provided by Subsection (a-1), this subsection applies to a person who is not an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who is offered employment by an entity or a subcontractor of an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services if the employee or applicant has or will have continuing duties related to the contracted services, and the employee or applicant has or will have direct contact with students.

(o) Prohibits a school district, charter school, regional education service center, commercial transportation company, education shared services arrangement, or qualified school contractor, contracting entity, or subcontracting entity from permitting an employee to whom Subsection (a) applies to provide services at a school if the employee:

(1) creates this subdivision from existing text and makes a nonsubstantive change; or

(2) is identified as having engaged in misconduct described by Section 22.093(c)(1) (relating to requiring the superintendent or director of a school district, district of innovation, or open-enrollment charter school to notify the commissioner if an employee was terminated and if certain criminal offenses occurred) using the interagency reportable conduct search engine established under Chapter 810 (Interagency Reportable Conduct Search Engine), Health and Safety Code.

SECTION 2. Amends Section 22.092(d), Education Code, as follows:

(d) Requires the Texas Education Agency to provide equivalent access to the registry maintained under Section 22.092 (Registry of Persons not Eligible for Employment in Public Schools) to certain educational institutions and organizations, including entities and subcontractors of entities that contract with a school district, open-enrollment charter school, or shared services arrangement to provides services. Makes a nonsubstantive change.

SECTION 3. Repealer: Sections 22.0834(a-1) (relating to providing that this section does not apply to an employee or applicant of a public works contract if certain criteria are met) and (l) (relating to requiring the contracting or subcontracting entity to make a reasonable effort to ensure that the conditions or precautions that resulted in the determination that Subsection (a) did not apply continue to exist), Education Code.

Repealer: Section 22.0843(p)(2) (relating to defining "public works contractor"), Education Code.

SECTION 4. Makes application of Section 22.0834, Education Code, as added by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2025.