

By: Villalobos

H.B. No. 5344

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain persons to provide services as an employee, volunteer, or contractor for certain agencies, including public school contractors, and access to the registry of persons who are not eligible for employment at public schools.

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

SECTION 1. The heading to Chapter 810, Health and Safety Code, is amended to read as follows:

CHAPTER 810. INTERAGENCY REPORTABLE CONDUCT SEARCH ENGINE;

REQUIRED DETERMINATION OF REPORTABLE CONDUCT

SECTION 2. Chapter 810, Health and Safety Code, is amended by adding Section 810.0055 to read as follows:

Sec. 810.0055. REQUIRED DETERMINATION OF REPORTABLE CONDUCT. (a) Notwithstanding any other law, a participating state agency:

(1) shall ensure an investigation is conducted and a determination is issued for each allegation of reportable conduct against an agency employee, volunteer, or contractor, regardless of whether the employee, volunteer, or contractor voluntarily resigns or surrenders a license or certification the employee, volunteer, or contractor would otherwise be ineligible to hold as a result of the determination; and

(2) may not authorize the dismissal of an appeal or enter into a settlement agreement, through mediation or other

1 means, related to an allegation of reportable conduct against an
2 agency employee, volunteer, or contractor if the dismissal or
3 agreement would prevent issuance of a determination on the
4 allegation.

5 (b) A participating state agency shall ensure each
6 individual the agency determines has engaged in reportable conduct
7 in accordance with this section is included in the search engine as
8 required by this chapter.

9 SECTION 3. Sections 22.0834(a) and (o), Education Code, are
10 amended to read as follows:

11 (a) This ~~[Except as provided by Subsection (a-1), this]~~
12 subsection applies to a person who is not an applicant for or holder
13 of a certificate under Subchapter B, Chapter 21, and who is offered
14 employment by an entity or a subcontractor of an entity that
15 contracts with a school district, open-enrollment charter school,
16 or shared services arrangement to provide services, if:

17 (1) the employee or applicant has or will have
18 continuing duties related to the contracted services; and

19 (2) the employee or applicant has or will have direct
20 contact with students.

21 (o) A school district, charter school, regional education
22 service center, commercial transportation company, education
23 shared services arrangement, or qualified school contractor,
24 contracting entity, or subcontracting entity may not permit an
25 employee to whom Subsection (a) applies to provide services at a
26 school if the employee:

27 (1) has been convicted of a felony or misdemeanor

offense that would prevent a person from being employed under
Section 22.085(a); or

(2) is identified as having engaged in misconduct
described by Section 22.093(c)(1)(A) or (B) using the interagency
reportable conduct search engine established under Chapter 810,
Health and Safety Code.

SECTION 4. Section 22.092(d), Education Code, is amended to
read as follows:

(d) The agency shall provide equivalent access to the
registry maintained under this section to:

(1) private schools;

(2) public schools; ~~and~~

(3) nonprofit teacher organizations approved by the
commissioner for the purpose of participating in the tutoring
program established under Section 33.913; and

(4) entities and subcontractors of entities that
contract with a school district, open-enrollment charter school, or
shared services arrangement to provide services.

SECTION 5. The following provisions of the Education Code
are repealed:

(1) Sections 22.0834(a-1) and (1); and

(2) Section 22.0834(p)(2).

SECTION 6. Section 22.0834, Education Code, as amended by
this Act, applies only to a contract entered into on or after the
effective date of this Act.

SECTION 7. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2025.