

By: Campbell

S.B. No. 1428

A BILL TO BE ENTITLED

AN ACT

1
2 relating to persons not eligible for employment in public schools
3 and to measures to ensure public schools do not employ those
4 persons.

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

6 SECTION 1. Subchapter C, Chapter 22, Education Code, is
7 amended by adding Section 22.089 to read as follows:

8 Sec. 22.089. WAIVER OF CRIMINAL HISTORY BACKGROUND CHECK
9 PROHIBITED. (a) This section applies to a school district,
10 district of innovation, open-enrollment charter school, other
11 charter entity, regional education service center, and shared
12 services arrangement.

13 (b) An entity to which this section applies may not allow a
14 person to begin employment at the entity before the entity obtains
15 criminal history record information as required under this
16 subchapter.

17 SECTION 2. Section 22.092, Education Code, is amended by
18 amending Subsections (b), (c), and (d) and adding Subsection (c-1)
19 to read as follows:

20 (b) A school district, district of innovation,
21 open-enrollment charter school, other charter entity, regional
22 education service center, or shared services arrangement shall
23 discharge, ~~or~~ refuse to hire, or refuse to otherwise offer
24 employment to a person listed on the registry maintained under this

1 section.

2 (c) The registry maintained under this section must list the
3 following persons as not eligible to be employed by public schools:

4 (1) a person determined by the agency under Section
5 [22.0832](#) as a person who would not be eligible for educator
6 certification under Subchapter [B](#), Chapter [21](#);

7 (2) a person determined by the agency to be not
8 eligible for employment based on the person's criminal history
9 record information review, as provided by Section [22.0833](#);

10 (3) a person who is not eligible for employment based
11 on criminal history record information received by the agency under
12 Section [21.058](#)(b);

13 (4) a person whose certification or permit issued
14 under Subchapter [B](#), Chapter [21](#), is revoked or suspended by the State
15 Board for Educator Certification [~~on a finding that the person~~
16 ~~engaged in misconduct described by Section [21.006](#)(b)(2)(A) or~~
17 ~~(A-1)]~~; [~~and~~]

18 (5) a person who is determined by the commissioner
19 under Section [22.094](#) to have engaged in misconduct described by
20 Section [22.093](#)(c)(1)(A) or (B);

21 (6) a person who is not eligible for employment based
22 on the person's criminal history record information review, as
23 provided by Section [22.085](#); and

24 (7) a person who, based on the person's criminal
25 history record information review, has been convicted of:

26 (A) a felony not otherwise described by this
27 subsection;

1 (B) a misdemeanor involving moral turpitude;

2 (C) an offense involving the possession,
3 transfer, sale, or distribution of or conspiracy to possess,
4 transfer, sell, or distribute a controlled substance, as defined by
5 Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et
6 seq.; or

7 (D) an offense under the laws of another state or
8 federal law that is equivalent to an offense described by this
9 subsection.

10 (c-1) As soon as practicable after a school district,
11 district of innovation, open-enrollment charter school, other
12 charter entity, regional education service center, or shared
13 services arrangement obtains information indicating that a person
14 who is required to be listed on the registry under Subsection (c) is
15 not listed, the district, school, entity, service center, or
16 arrangement shall report that information to the agency.

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

19 (1) private schools;

20 (2) public schools, including charter schools
21 operating under Chapter 12; and

22 (3) nonprofit teacher organizations approved by the
23 commissioner for the purpose of participating in the tutoring
24 program established under Section 33.913.

25 SECTION 3. Section 22.096, Education Code, is amended to
26 read as follows:

27 Sec. 22.096. COMPLIANCE MONITORING; SANCTIONS FOR FAILURE

1 TO COMPLY. (a) The agency shall periodically conduct site visits
2 and review the records of school districts, districts of
3 innovation, open-enrollment charter schools, other charter
4 entities, regional education service centers, and shared services
5 arrangements to ensure compliance with Section 22.092(b).

6 (b) The agency shall impose sanctions, including the
7 withholding of funding that would otherwise be allocated under the
8 school safety allotment under Section 48.115, on a school district,
9 district of innovation, open-enrollment charter school, other
10 charter entity, regional education service center, or shared
11 services arrangement that:

12 (1) violates Section 22.092(b), including by failing
13 to check the registry maintained under that section before hiring
14 or otherwise offering employment to a person; or

15 (2) fails to obtain criminal history record
16 information that the district, school, entity, service center, or
17 arrangement is required to obtain under Subchapter C.

18 SECTION 4. Section 22.085(b), Education Code, is repealed.

19 SECTION 5. Notwithstanding Section 22.085 or 22.092(b),
20 Education Code, as amended by this Act, a school district,
21 open-enrollment charter school, or shared services arrangement may
22 continue to employ a person employed by the district, school, or
23 arrangement on the effective date of this Act to whom Section
24 22.085(b), Education Code, as it existed immediately before the
25 effective date of this Act, applied if the district, school, or
26 arrangement determines, in consultation with appropriate law
27 enforcement agencies and court personnel, that the person:

1 (1) is otherwise employable by the district, school,
2 or arrangement under the provisions of Chapters 21 and 22,
3 Education Code;

4 (2) has demonstrated rehabilitation;

5 (3) has complied with all applicable district, school,
6 or arrangement policies while employed by the district, school, or
7 arrangement;

8 (4) has satisfied all terms of a court order entered on
9 conviction and all conditions of community supervision, deferred
10 adjudication community supervision, parole, or mandatory
11 supervision required as a result of the person's conviction of an
12 offense described by Section 22.085(b), Education Code; and

13 (5) has not been convicted of any other criminal
14 offense since the date the person was convicted of an offense
15 described by Section 22.085(b), Education Code.

16 SECTION 6. This Act applies beginning with the 2025-2026
17 school year.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2025.