

BILL ANALYSIS

Senate Research Center
76R13780 KKA-D

C.S.S.B. 1380
By: Shapleigh
Education
4/30/1999
Committee Report (Substituted)

DIGEST

Currently, Section 22.083, Education Code, authorizes school districts and other educational institutions to obtain statewide criminal background checks on prospective employees. Because the majority of school districts request background checks based only on the prospective employee's name, individuals with criminal records who use an alias or who have moved from another state may not be detected. This bill would require school districts and the State Board of Educator Certification to obtain national criminal history information from the Federal Bureau of Investigation and other law enforcement agencies for all prospective employees and applicants for certification as teachers.

PURPOSE

As proposed, C.S.S.B. 1380 requires the State Board for Educator Certification and certain other educational centers to review criminal history records of persons seeking educator certification or employment in a public school or persons seeking to volunteer in a public school.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.040, Education Code, to authorize the State Board for Educator Certification (board) to commission investigators employed by the board as peace officers for the limited purpose of assisting the board in administering this subchapter. Makes a conforming change.

SECTION 2. Amends Section 22.082, Education Code, to require the board to obtain from the Department of Public Safety of the State of Texas (DPS), the Federal Bureau of Investigation (FBI) and certain other agencies, as necessary, all national and state criminal history record information that relates to a person admitted into an educator preparation program approved under Section 21.045 (educator program) or an applicant for or holder of a certificate issued under Chapter 21B. Requires each person described in Subsection (a) to provide the board with certain information relating to the person's identity. Requires the board to collect a fee from a person whose criminal history record information is obtained, in an amount not to exceed the cost of obtaining the information.

SECTION 3. Amends Section 22.083(c), Education Code, to require a superintendent of a district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement (school leaders) to notify the board not later than the seventh day after the date the person obtains information that an applicant for or holder of a certificate issued under Chapter 21B, has a reported criminal history.

SECTION 4. Amends Article 2.12, Code of Criminal Procedure, to provide that investigators commissioned by the board under Section 21.040(b), Education Code, are peace officers.

SECTION 5. Amends Section 411.090, Government Code, to require DPS to retain identifying data and notify the board of additional criminal history record information about a person described by this subsection, after initially providing criminal history record information about the person to the board. Prohibits criminal history record information from being released to any person except with the consent of the person who is the subject of the information, rather than an applicant for a certificate. Makes conforming changes.

SECTION 6. Requires the board, the Texas Education Agency (TEA), and DPS to conduct a joint study of the methods and costs of requiring school leaders to obtain criminal history record information for all current and new employees and volunteers. Requires the board, TEA, and DPS to submit a report of the results of the study to certain offices of the state government, not later than June 1, 2000.

SECTION 7. Requires the board to obtain all criminal records for persons who submit applications for certification issued under Chapter 21B, Education Code, or is admitted into an educator preparation program approved under Section 21.045, beginning January 1, 2000.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Provides that this Act relates to review of criminal history record information of certified public school educators, persons admitted to educator preparation programs, and persons seeking educator certification and to the designation of board investigators as peace officers.

SECTION 1.

Amends Section 21.040, Education Code, to authorize the board to commission investigators employed by the board as peace officers.

SECTION 2.

Amends Section 22.082, Education Code, to require the board to obtain from DPS criminal history record information that relates to a person admitted into an educator program. Requires each person described in Subsection (a) to provide the board with certain information relating to the person's identity. Deletes proposed SECTION 2.

SECTION 3.

Amends Section 22.083(c), Education Code, to require school leaders to notify the board not later than the seventh day after the date the person obtains information that an applicant for or holder of a certificate issued under Chapter 21B, has a reported criminal history.

SECTION 4.

Amends Article 2.12, Code of Criminal Procedure, to provide that investigators commissioned by the board under Section 21.040(b), Education Code, are peace officers.

SECTION 5.

Amends Section 411.090, Government Code, to require DPS to retain identifying data and notify the board of additional criminal history record information about a person described by this subsection, after initially providing criminal history record information about the person to the board. Prohibits criminal history record information from being released to any person except with the consent of the person who is the subject of the information, rather than an applicant for a certificate. Makes conforming changes.

SECTION 6.

Requires the board, TEA, and DPS to conduct a joint study of the methods and costs of requiring school leaders to obtain criminal history record information for all current and new employees and volunteers. Requires the board, TEA, and DPS to submit a report of the results of the study to certain offices of the state government, not later than June 1, 2000. Deletes proposed SECTION 4.

SECTION 7.

Requires the board to obtain all criminal records for persons who submit applications for certification issued under Chapter 21B, Education Code, or is admitted into an educator preparation program approved under Section 21.045, beginning January 1, 2000.