

BILL ANALYSIS

Senate Research Center
76R7152 KKA-D

S.B. 1380
By: Shapleigh
Education
4/27/1999
As Filed

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, 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 22.082, Education Code, to require the State Board for Educator Certification (board) to obtain from the Federal Bureau of Investigation (FBI) and certain other agencies, as necessary, all national and state criminal history record information (criminal record) that relates to a certificate issued under Chapter 21B. Requires the board to collect a fee from a person whose criminal history information is obtained, in an amount not to exceed the cost of obtaining the information.

SECTION 2, Amends Section 22.083, Education Code, to require a school district to obtain from the FBI and any other law enforcement agency, a criminal record for any person the district intends to employ, unless the person was initially certified by the board in the year preceding the initial date of prospective employment. Authorizes a school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement (educational centers) to obtain criminal records for any person who indicates, in writing, an intention to serve as a volunteer with an educational center. Authorizes an educational center to collect a fee from an employee or potential employee whose criminal record is obtained, in an amount not to exceed the cost of obtaining the information. Prohibits an educational center from collecting a fee from a person serving or intending to serve as a volunteer. Deletes text authorizing a school district to obtain certain information. Makes conforming changes.

SECTION 3. Requires the board to obtain all criminal records for persons who submit applications for certification issued under Chapter 21B, Education Code, beginning September 1, 1999.

SECTION 4. Requires school districts to obtain all criminal records for persons the district intends to employ beginning September 1, 1999. Requires school districts to obtain criminal records for each person employed between May 15, 1997 and September 1, 1999, by January 1, 2000. Provides that this subsection does not apply to criminal records for a person who will not be employed after January 1, 2000 and updated criminal records relating to a person at the time a person was initially employed and the person has been continuously employed by the district.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.