

SENATE AMENDMENTS

2nd Printing

By: Bohac

H.B. No. 3270

A BILL TO BE ENTITLED

1 AN ACT

2 relating to criminal background checks for persons employed by
3 certain public school contractors.

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

5 SECTION 1. Section 22.0834, Education Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) Except as provided by Subsection (a-1), this ~~[This]~~
9 subsection applies to a person who is not an applicant for or holder
10 of a certificate under Subchapter B, Chapter 21, and who on or after
11 January 1, 2008, is offered employment by an entity that contracts
12 with a school district, open-enrollment charter school, or shared
13 services arrangement to provide services, if:

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

16 (2) the employee or applicant has or will have direct
17 contact with students.

18 (a-1) This section does not apply to a contracting entity,
19 subcontracting entity, or other person subject to Section 22.08341.

20 SECTION 2. Subchapter C, Chapter 22, Education Code, is
21 amended by adding Section 22.08341 to read as follows:

22 Sec. 22.08341. CRIMINAL HISTORY RECORD INFORMATION REVIEW
23 BY CERTAIN PUBLIC WORKS CONTRACTORS. (a) In this section:

24 (1) "Contracting entity" means an entity that

1 contracts directly with a school district, open-enrollment charter
2 school, or shared services arrangement to provide engineering,
3 architectural, or construction services to the district, school, or
4 arrangement.

5 (2) "Instructional facility" has the meaning assigned
6 by Section 46.001.

7 (3) "Subcontracting entity" means an entity that
8 contracts with another entity that is not a school district,
9 open-enrollment charter school, or shared services arrangement to
10 provide engineering, architectural, or construction services to a
11 school district, open-enrollment charter school, or shared
12 services arrangement.

13 (b) This subsection applies to a person who is not an
14 applicant for or holder of a certificate under Subchapter B,
15 Chapter 21, and who is employed by a contracting or subcontracting
16 entity on a project to design, construct, alter, or repair a public
17 work if the person has or will have:

18 (1) continuing duties related to the contracted
19 services; and

20 (2) the opportunity for direct contact with students
21 in connection with the person's continuing duties.

22 (c) For purposes of Subsection (b), a person does not have
23 the opportunity for direct contact with students if:

24 (1) the public work does not involve the construction,
25 alteration, or repair of an instructional facility;

26 (2) for a public work that involves construction of a
27 new instructional facility, the person's duties related to the

1 contracted services will be completed not later than the seventh
2 day before the first date the facility will be used for
3 instructional purposes; or

4 (3) for a public work that involves an existing
5 instructional facility:

6 (A) the public work area contains sanitary
7 facilities and is separated from all areas used by students by a
8 secure barrier fence that is not less than six feet in height; and

9 (B) the contracting entity adopts a policy
10 prohibiting employees, including subcontracting entity employees,
11 from interacting with students or entering areas used by students,
12 informs employees of the policy, and enforces the policy at the
13 public work area.

14 (d) A contracting entity or subcontracting entity may not
15 permit an employee to whom Subsection (b) applies to provide
16 services at an instructional facility if the employee, during the
17 preceding 30 years, was convicted of any of the following offenses
18 and the victim was under 18 years of age or was enrolled in a public
19 school:

20 (1) a felony offense under Title 5, Penal Code;

21 (2) an offense on conviction of which a defendant is
22 required to register as a sex offender under Chapter 62, Code of
23 Criminal Procedure; or

24 (3) an offense under the laws of another state or
25 federal law that is equivalent to an offense under Subdivision (1)
26 or (2).

27 (e) For a person to whom Subsection (b) applies, the

1 contracting entity or subcontracting entity that employs the person
2 shall:

3 (1) send or ensure that the person sends to the
4 department information that is required by the department for
5 obtaining national criminal history record information, which may
6 include fingerprints and photographs;

7 (2) obtain all criminal history record information
8 that relates to the person through the criminal history
9 clearinghouse as provided by Section 411.0845, Government Code; and

10 (3) certify to the school district, open-enrollment
11 charter school, shared services arrangement, or contracting
12 entity, as applicable, that the contracting entity or
13 subcontracting entity that employs the person has received all
14 criminal history record information relating to the person.

15 (f) A contracting entity shall certify to the school
16 district, open-enrollment charter school, or shared services
17 arrangement, as applicable, that the contracting entity has
18 obtained written certifications from any subcontracting entity
19 that the subcontracting entity has complied with Subsection (e) as
20 it relates to the subcontracting entity's employees.

21 (g) On receipt of information described by Subsection
22 (e)(1), the department shall obtain the person's national criminal
23 history record information and report the results through the
24 criminal history clearinghouse as provided by Section 411.0845,
25 Government Code.

26 (h) A school district, open-enrollment charter school, or
27 shared services arrangement may directly obtain the criminal

1 history record information of a person to whom Subsection (b)
2 applies through the criminal history clearinghouse as provided by
3 Section 411.0845, Government Code.

4 (i) If a contracting entity or subcontracting entity
5 determines that Subsection (b) does not apply to an employee, the
6 contracting or subcontracting entity shall make a reasonable effort
7 to ensure that the conditions or precautions that resulted in the
8 determination that Subsection (b) does not apply to the employee
9 continue to exist throughout the time that the contracted services
10 are provided.

11 (j) In the event of an emergency, a school district,
12 open-enrollment charter school, or shared services arrangement may
13 allow a person to whom Subsection (b) applies to enter an
14 instructional facility if the person is accompanied by an employee
15 of the district, school, or arrangement. A school district,
16 open-enrollment charter school, or shared services arrangement may
17 adopt a policy regarding an emergency for purposes of this
18 subsection.

19 (k) The commissioner may adopt rules necessary to implement
20 this section.

21 SECTION 3. Section 22.085(c), Education Code, is amended to
22 read as follows:

23 (c) A school district, open-enrollment charter school, or
24 shared services arrangement may not allow a person who is an
25 employee of or applicant for employment by an entity that contracts
26 with the district, school, or shared services arrangement to serve
27 at the district or school or for the shared services arrangement if

1 the district, school, or shared services arrangement obtains
2 information described by Subsection (a) through a criminal history
3 record information review concerning the employee or applicant. A
4 school district, open-enrollment charter school, or shared
5 services arrangement must ensure that an entity that the district,
6 school, or shared services arrangement contracts with for services
7 has obtained all criminal history record information as required by
8 Section 22.0834 or 22.08341.

9 SECTION 4. Section 411.097(a), Government Code, is amended
10 to read as follows:

11 (a) A school district, charter school, private school,
12 regional education service center, commercial transportation
13 company, or education shared services arrangement, or an entity
14 that contracts to provide services to a school district, charter
15 school, or shared services arrangement, is entitled to obtain from
16 the department criminal history record information maintained by
17 the department that the district, school, service center, shared
18 services arrangement, or entity is required or authorized to obtain
19 under Subchapter C, Chapter 22, Education Code, that relates to a
20 person who is:

21 (1) an applicant for employment by the district,
22 school, service center, or shared services arrangement;

23 (2) an employee of or an applicant for employment with
24 a public or commercial transportation company that contracts with
25 the district, school, service center, or shared services
26 arrangement to provide transportation services if the employee
27 drives or the applicant will drive a bus in which students are

1 transported or is employed or is seeking employment as a bus monitor
2 or bus aide on a bus in which students are transported; or

3 (3) an employee of or applicant for employment by an
4 entity that contracts to provide services to a school district,
5 charter school, or shared services arrangement as provided by
6 Section 22.0834 or 22.08341, Education Code.

7 SECTION 5. Section 22.0834, Education Code, as amended by
8 this Act, and Section 22.08341, Education Code, as added by this
9 Act, apply only to a public works contract executed on or after the
10 effective date of this Act. A public works contract executed before
11 the effective date of this Act is governed by the law in effect on
12 the date the contract was executed, and the former law is continued
13 in effect for that purpose.

14 SECTION 6. This Act takes effect September 1, 2017.

ADOPTED

MAY 24 2017

FLOOR AMENDMENT NO. 1

Henry Spaw
Secretary of the Senate

BY: *Va Taylor*

1 Amend H.B. 3270 (senate committee printing) by adding the
2 following appropriately numbered SECTIONS and renumbering the
3 subsequent SECTIONS of the bill accordingly:

4 SECTION ____ . Article 42.01, Code of Criminal Procedure, is
5 amended by adding Section 12 to read as follows:

6 Sec. 12. In addition to the information described by
7 Section 1, the judgment should reflect affirmative findings
8 entered pursuant to Article 42.0192.

9 SECTION ____ . Chapter 42, Code of Criminal Procedure, is
10 amended by adding Article 42.0192 to read as follows:

11 Art. 42.0192. FINDING REGARDING OFFENSE RELATED TO
12 PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense
13 described by Section 814.013 or 824.009, Government Code, the
14 judge shall make an affirmative finding of fact and enter the
15 affirmative finding in the judgment in the case if the judge
16 determines that the offense committed was related to the
17 defendant's employment described by Section 814.013(b) or
18 Section 824.009(b), Government Code, while a member of the
19 Employees Retirement System of Texas or the Teacher Retirement
20 System of Texas.

21 (b) A judge who makes the affirmative finding described by
22 this article shall make the determination and provide the notice
23 required by Section 814.013(1) or 824.009(1), Government Code,
24 as applicable.

25 SECTION ____ . Subchapter A, Chapter 814, Government Code,
26 is amended by adding Section 814.013 to read as follows:

27 Sec. 814.013. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE
28 FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF
29 ELIGIBILITY. (a) In this section, "qualifying felony" means an

1 offense that is punishable as a felony under the following
2 sections of the Penal Code, or a federal offense that contains
3 elements that are substantially similar to the elements of a
4 listed felony offense:

5 (1) Section 15.01 (criminal attempt), Section 15.02
6 (criminal conspiracy), Section 15.03 (criminal solicitation), or
7 Section 15.031 (criminal solicitation of a minor);

8 (2) Section 19.02 (murder), Section 19.03 (capital
9 murder), Section 19.04 (manslaughter), or Section 19.05
10 (criminally negligent homicide);

11 (3) Section 20.02 (unlawful restraint);

12 (4) Section 20.03 (kidnapping) or Section 20.04
13 (aggravated kidnapping);

14 (5) Section 20.05 (smuggling of persons);

15 (6) Section 20A.02 (trafficking of persons);

16 (7) Section 21.02 (continuous sexual abuse of young child
17 or children);

18 (8) Section 21.11 (indecenty with a child);

19 (9) Section 21.12 (improper relationship between educator
20 and student);

21 (10) Section 22.01 (assault);

22 (11) Section 22.011 (sexual assault) or Section 22.021
23 (aggravated sexual assault);

24 (12) Section 22.04 (injury to a child, elderly individual,
25 or disabled individual);

26 (13) Section 22.041 (abandoning or endangering child);

27 (14) Section 33.021 (online solicitation of a minor);

28 (15) Section 43.05 (compelling prostitution);

29 (16) Section 43.25 (sexual performance by a child);

30 (17) Section 43.251 (employment harmful to children); or

31 (18) Section 43.26 (possession or promotion of child

1 pornography).

2 (b) This section applies only to a person who is a member
3 or an annuitant of the retirement system and is or was an
4 employee of the Texas Juvenile Justice Department in one of that
5 department's institutional schools.

6 (c) Except as provided by Subsection (e), a person is not
7 eligible to receive a service retirement annuity from the
8 retirement system if the person is convicted of a qualifying
9 felony the victim of which is a student.

10 (d) The retirement system shall suspend payments of an
11 annuity to a person who is not eligible to receive a service
12 retirement annuity under Subsection (c), as determined by the
13 retirement system, on receipt by the retirement system of:

14 (1) notice of a conviction for a qualifying felony under
15 Subsection (f) or (1);

16 (2) notice of a conviction for a qualifying felony from a
17 district court or district attorney; or

18 (3) any other information the retirement system determines
19 by rule is sufficient to establish a conviction for a qualifying
20 felony.

21 (e) A person whose conviction is overturned on appeal or
22 who meets the requirements for innocence under Section
23 103.001(a)(2), Civil Practice and Remedies Code:

24 (1) is entitled to receive an amount equal to the accrued
25 total of payments and interest earned on the payments withheld
26 during the suspension period; and

27 (2) may resume receipt of annuity payments on payment to
28 the retirement system of an amount equal to the contributions
29 refunded to the person under Subsection (g).

30 (f) Not later than the 30th day after the date of a
31 person's conviction for a qualifying felony, the school at which

1 the person was employed shall provide written notice of the
2 conviction to the retirement system. The notice must comply
3 with rules adopted by the board of trustees under Subsection
4 (k).

5 (g) A person who is not eligible to receive a service
6 retirement annuity under Subsection (c) is entitled to a refund
7 of the person's retirement annuity contributions, including
8 interest earned on those contributions.

9 (h) Benefits payable to an alternate payee under Chapter
10 804 who is recognized by a domestic relations order established
11 before September 1, 2017, are not affected by a person's
12 ineligibility to receive a retirement annuity under Subsection
13 (c).

14 (i) On conviction of a person for a qualifying felony, a
15 court may, in the interest of justice and in the same manner as
16 in a divorce proceeding, award half of the service retirement
17 annuity forfeited by the person as the separate property of an
18 innocent spouse if the annuity is partitioned or exchanged by
19 written agreement of the spouses as provided by Subchapter B,
20 Chapter 4, Family Code. The amount awarded to the innocent
21 spouse may not be converted to community property.

22 (j) Ineligibility for a retirement annuity under this
23 section does not impair a person's right to any other retirement
24 benefit for which the person is eligible.

25 (k) The board of trustees of the retirement system shall
26 adopt rules and procedures to implement this section.

27 (l) A court shall notify the retirement system of the
28 terms of a person's conviction for a qualifying felony.

29 SECTION ____ . Subchapter A, Chapter 824, Government Code,
30 is amended by adding Section 824.009 to read as follows:

31 Sec. 824.009. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE

1 FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF
2 ELIGIBILITY. (a) In this section, "qualifying felony" means an
3 offense that is punishable as a felony under the following
4 sections of the Penal Code, or a federal offense that contains
5 elements that are substantially similar to the elements of a
6 listed felony offense:

7 (1) Section 15.01 (criminal attempt), Section 15.02
8 (criminal conspiracy), Section 15.03 (criminal solicitation), or
9 Section 15.031 (criminal solicitation of a minor);

10 (2) Section 19.02 (murder), Section 19.03 (capital
11 murder), Section 19.04 (manslaughter), or Section 19.05
12 (criminally negligent homicide);

13 (3) Section 20.02 (unlawful restraint);

14 (4) Section 20.03 (kidnapping) or Section 20.04
15 (aggravated kidnapping);

16 (5) Section 20.05 (smuggling of persons);

17 (6) Section 20A.02 (trafficking of persons);

18 (7) Section 21.02 (continuous sexual abuse of young child
19 or children);

20 (8) Section 21.11 (indecentcy with a child);

21 (9) Section 21.12 (improper relationship between educator
22 and student);

23 (10) Section 22.01 (assault);

24 (11) Section 22.011 (sexual assault) or Section 22.021
25 (aggravated sexual assault);

26 (12) Section 22.04 (injury to a child, elderly individual,
27 or disabled individual);

28 (13) Section 22.041 (abandoning or endangering child);

29 (14) Section 33.021 (online solicitation of a minor);

30 (15) Section 43.05 (compelling prostitution);

31 (16) Section 43.25 (sexual performance by a child);

1 (17) Section 43.251 (employment harmful to children); or
2 (18) Section 43.26 (possession or promotion of child
3 pornography).

4 (b) This section applies only to a person who is a member
5 or an annuitant of the retirement system and is or was an
6 employee of the public school system.

7 (c) Except as provided by Subsection (e), a person is not
8 eligible to receive a service retirement annuity from the
9 retirement system if the person is convicted of a qualifying
10 felony the victim of which is a student.

11 (d) The retirement system shall suspend payments of an
12 annuity to a person who is not eligible to receive a service
13 retirement annuity under Subsection (c), as determined by the
14 retirement system, on receipt by the retirement system of:

15 (1) notice of a conviction for a qualifying felony under
16 Subsection (f) or (1);

17 (2) notice of a conviction for a qualifying felony from a
18 district court or district attorney; or

19 (3) any other information the retirement system determines
20 by rule is sufficient to establish a conviction for a qualifying
21 felony.

22 (e) A person whose conviction is overturned on appeal or
23 who meets the requirements for innocence under Section
24 103.001(a)(2), Civil Practice and Remedies Code:

25 (1) is entitled to receive an amount equal to the accrued
26 total of payments and interest earned on the payments withheld
27 during the suspension period; and

28 (2) may resume receipt of annuity payments on payment to
29 the retirement system of an amount equal to the contributions
30 refunded to the person under Subsection (g).

31 (f) Not later than the 30th day after the date of a

1 person's conviction for a qualifying felony, the school at which
2 the person was employed shall provide written notice of the
3 conviction to the retirement system. The notice must comply
4 with rules adopted by the board of trustees under Subsection
5 (k).

6 (g) A person who is not eligible to receive a service
7 retirement annuity under Subsection (c) is entitled to a refund
8 of the person's retirement annuity contributions, including
9 interest earned on those contributions.

10 (h) Benefits payable to an alternate payee under Chapter
11 804 who is recognized by a domestic relations order established
12 before September 1, 2017, are not affected by a person's
13 ineligibility to receive a retirement annuity under Subsection
14 (c).

15 (i) On conviction of a person for a qualifying felony, a
16 court may, in the interest of justice and in the same manner as
17 in a divorce proceeding, award half of the service retirement
18 annuity forfeited by the person as the separate property of an
19 innocent spouse if the annuity is partitioned or exchanged by
20 written agreement of the spouses as provided by Subchapter B,
21 Chapter 4, Family Code. The amount awarded to the innocent
22 spouse may not be converted to community property.

23 (j) Ineligibility for a retirement annuity under this
24 section does not impair a person's right to any other retirement
25 benefit for which the person is eligible.

26 (k) The board of trustees of the retirement system shall
27 adopt rules and procedures to implement this section.

28 (l) A court shall notify the retirement system of the
29 terms of a person's conviction of a qualifying felony.

30 SECTION ____ . Section 12, Article 42.01, Code of Criminal
31 Procedure, and Article 42.0192, Code of Criminal Procedure, as

1 added by this Act, apply only to a judgment of conviction
2 entered on or after the effective date of this Act.

3 SECTION 6. (a) Not later than December 31, 2017, the
4 board of trustees of the Employees Retirement System of Texas
5 shall adopt the rules necessary to implement Section 814.013,
6 Government Code, as added by this Act.

7 (b) Not later than December 31, 2017, the board of
8 trustees of the Teacher Retirement System of Texas shall adopt
9 the rules necessary to implement Section 824.009, Government
10 Code, as added by this Act.

11 SECTION _____. Sections 814.013 and 824.009, Government
12 Code, as added by this Act, apply only to an offense committed
13 on or after the effective date of rules adopted in accordance
14 with those sections. An offense committed before that date is
15 governed by the law in effect on the date the offense was
16 committed, and the former law is continued in effect for that
17 purpose. For purposes of this section, an offense was committed
18 before the effective date of rules adopted in accordance with
19 Sections 814.013 and 824.009, Government Code, as added by this
20 Act, if any element of the offense occurred before that date.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3270 by Bohac (Relating to criminal background checks for persons employed by certain public school contractors.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Education Code to require fingerprinting and criminal background checks for contractors and subcontractors hired to provide construction or maintenance work on public works projects for school districts, open-enrollment charter schools, and shared services arrangements. The bill would also establish certain conditions and exceptions under which fingerprinting and criminal background checks would not apply to a contractor or subcontractor engaged in public works projects for schools or shared services arrangements. It is assumed that the provisions of the bill pertaining to fingerprinting and criminal background checks would result in no significant fiscal impact, and could be absorbed utilizing existing staff and resources, based on information provided by the Texas Education Agency (TEA) and the Department of Public Safety (DPS).

The bill would require DPS to process information on contractors and subcontractors needed to obtain national criminal history record information, including fingerprints and photographs. DPS estimates that the bill would generate a minimal amount of revenue for the agency associated with fees for criminal background checks.

In addition, the provisions of the bill would amend the Government Code to revoke eligibility for full pension annuity payments from the Employees Retirement System (ERS) and the Teacher Retirement System (TRS) if a person who is a member is convicted of certain offenses arising from the person's employment as described in the bill, or if the offense is punishable as a felony. The retirement system would resume making full annuity payments if the person made ineligible for a full annuity is subsequently found not guilty of the offense, or if the person meets other requirements for innocence under the provisions of the Civil Practice and Remedies Code. A person not eligible to receive a full annuity would be entitled to request and receive a refund of the member's retirement contributions, not including interest earned on those contributions. A person who accepts a refund would terminate membership in the retirement system. Benefits payable to an alternate recipient, including a spouse or dependent child, would not be affected by a conviction of the member.

The bill would require the Boards of Trustees at the Employees Retirement System of Texas and Teacher Retirement System of Texas to adopt rules related to the provisions of the bill by December 31, 2017.

This analysis assumes the Texas Education Agency, Department of Family and Protective Services, the State Office of Administrative Hearings, and the Juvenile Justice Department could implement the provisions of the bill within existing resources. The Employees Retirement System (ERS) and Teacher Retirement System (TRS) anticipate no significant fiscal implication to the state in relation to the loss of retirement eligibility. In addition, TRS and ERS anticipate no significant fiscal impact on the actuarial soundness of the funds, including the unfunded actuarial accrued liability, the funded ratio of the retirement funds, or the amortization period of each retirement system's unfunded actuarial accrued liability. The value of future benefits paid by TRS and ERS could only decrease under the proposed bill, but any savings are anticipated to be insignificant.

Local Government Impact

School districts and open-enrollment charter schools may incur some administrative costs related to the requirement that schools report to the retirement system following an employee's conviction of a qualifying felony. However, these costs would be minimal due to the low number of relevant convictions of former school employees on a per school basis.

Source Agencies: 405 Department of Public Safety, 701 Texas Education Agency

LBB Staff: UP, TSI, THo, AM, SL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3270 by Bohac (Relating to criminal background checks for persons employed by certain public school contractors.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Education Code to require fingerprinting and criminal background checks for contractors and subcontractors hired to provide construction or maintenance work on public works projects for school districts, open-enrollment charter schools, and shared services arrangements. The bill would also establish certain conditions and exceptions under which fingerprinting and criminal background checks would not apply to a contractor or subcontractor engaged in public works projects for schools or shared services arrangements.

It is assumed that all duties and responsibilities associated with the bill could be absorbed utilizing existing staff and resources, based on information provided by the Texas Education Agency (TEA) and the Department of Public Safety (DPS).

The bill would require DPS to process information on contractors and subcontractors needed to obtain national criminal history record information, including fingerprints and photographs. DPS estimates that the bill would generate a minimal amount of revenue for the agency associated with fees for criminal background checks.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 701 Texas Education Agency

LBB Staff: UP, THo, AM, TSI, SL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3270 by Bohac (Relating to criminal background checks for persons employed by certain public school contractors.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Education Code to require fingerprinting and criminal background checks for contractors and subcontractors hired to provide construction or maintenance work on public works projects for school districts, open-enrollment charter schools, and shared services arrangements. The bill would also establish certain conditions and exceptions under which fingerprinting and criminal background checks would not apply to a contractor or subcontractor engaged in public works projects for schools or shared services arrangements.

It is assumed that all duties and responsibilities associated with the bill could be absorbed utilizing existing staff and resources, based on information provided by the Texas Education Agency (TEA) and the Department of Public Safety (DPS).

The bill would require DPS to process information on contractors and subcontractors needed to obtain national criminal history record information, including fingerprints and photographs. DPS estimates that the bill would generate a minimal amount of revenue for the agency associated with fees for criminal background checks.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 701 Texas Education Agency

LBB Staff: UP, THo, AM, TSI, SL