

CHAPTER 212

H.B. No. 1467

AN ACT

relating to the authority of a private school to obtain criminal history record information on employees and applicants for employment; providing a penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Title 1, Education Code, is amended by adding Chapter 5 to read as follows:

## CHAPTER 5. PRIVATE SCHOOLS

Sec. 5.001. *DEFINITION. In this chapter, "private school" means a school that:*

- (1) offers a course of instruction for students in one or more grades from prekindergarten through grade 12; and*
- (2) is not operated by a governmental entity.*

Sec. 5.002. *ACCESS TO CRIMINAL HISTORY RECORD INFORMATION ON EMPLOYEES AND APPLICANTS FOR EMPLOYMENT. (a) A private school is entitled to obtain criminal history record information on:*

- (1) an employee of the private school; or*
- (2) an applicant for employment with the private school who is a final candidate for a position to be filled.*

*(b) A private school may obtain information under this section from the Department of Public Safety, the Texas Department of Criminal Justice, the Federal Bureau of Investigation identification division, or any other law enforcement agency. A law enforcement agency that receives a request for information under this section shall comply with the request as promptly as possible. A law enforcement agency may charge the private school the same amount authorized by law to be charged a public school district that requests that information.*

*(c) A private school shall notify the commissioner of education of an employee's or applicant's conviction of any felony or of a misdemeanor involving a child disclosed in information received under this section if the employee or applicant holds a teaching certificate issued under Subchapter B, Chapter 13, of this code.*

*(d) Criminal history record information obtained under this section is privileged information and is for the use of the private school and the Central Education Agency only. A person commits an offense if the person releases or discloses the information to any person other than the subject of the report or the Central Education Agency. An offense under this subsection is a Class A misdemeanor.*

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 21, 1993, by a non-record vote; passed by the Senate on May 12, 1993: Yeas 31, Nays 0.

Approved May 19, 1993.

Effective Sept. 1, 1993.