

BILL ANALYSIS

H.B. 278
By: Canales
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In certain circumstances, the Texas Education Agency (TEA) may remove an elected school district board and appoint a board of managers to govern the district. Concerns have been raised regarding a recent incident in which an individual appointed to a board of managers had a significant criminal history that was not identified before the individual's appointment. H.B. 278 seeks to ensure this does not happen again by providing for a TEA review of the criminal history record information of each individual to be appointed to a board of managers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 1 of this bill.

ANALYSIS

H.B. 278 amends the Education Code to require the Texas Education Agency (TEA), before the commissioner of education appoints a board of managers to govern a school district or campus, to review the criminal history record information that relates to each person to be appointed by the commissioner to serve as a member of that board. The bill authorizes TEA to do the following:

- obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS as necessary to comply with the review; and
- request and obtain criminal history record information through the FBI.

The bill requires TEA to adopt rules as necessary to implement these provisions.

H.B. 278 amends the Government Code to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.