

BILL ANALYSIS

Senate Research Center
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S.B. 1497
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that school districts lack the authority to immediately terminate employees convicted of felony offenses or misdemeanors of moral turpitude. The intent of S.B. 1497 is to enable school districts to immediately terminate an employee convicted of a felony or a misdemeanor of moral turpitude.

As proposed, S.B. 1497 amends current law relating to a requirement that a school district, open-enrollment charter school, or shared services arrangement terminate or refuse to hire an employee or applicant convicted of certain offenses.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 22.085(a) and (d), Education Code, as follows:

(a) Requires a school district, open-enrollment charter school, or shared services arrangement to discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information through a criminal history record information review that the employee or applicant has been convicted of:

- (1) a felony offense, rather than a felony offense under Title 5 (Offenses Against the Person), Penal Code;
- (2) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure;
- (3) an offense under the laws of another state or federal law that is equivalent to an offense under Subdivision (1) or (2), rather than under Paragraph (A) or (B); or
- (4) a misdemeanor involving moral turpitude.

Redesignates Paragraph (A) as Subdivision (1), Paragraph (B) as Subdivision (2), and Paragraph (C) as Subdivision (3). Deletes existing Subdivision (2) requiring a school district, open-enrollment charter school, or shared services arrangement to discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information through a criminal history record information review that, at the time the offense occurred, the victim of the offense described by Subdivision (1) was under 18 years of age or was enrolled in a public school.

(d) Deletes existing text authorizing a school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement to

discharge an employee if the district or school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the State Board for Educator Certification (SBEC) or the district, school, service center, or shared services arrangement.

SECTION 2. Repealer: Section 22.085(b) (prohibiting Subsection (a) from applying if the employee or applicant for employment committed an offense under Title 5 (Offenses Against the Person), Penal Code), Education Code.

SECTION 3. Effective date: upon passage or September 1, 2015.