

## **BILL ANALYSIS**

Senate Research Center  
83R20653 CAS-F

H.B. 647  
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Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Unlike their traditional public school peers, charter schools are currently prohibited from hiring employees with certain misdemeanors on their record. For example, a person who was found using false identification in college and receives a misdemeanor charge is unable to teach or work as a paraprofessional in a public charter school. Conversely, a public school district may hire this same person unless the State Board for Educator Certification decides that a teacher with such a record should have their certification revoked. This creates an uneven playing field for public schools.

H.B. 647 simply modifies the law to allow any person who could be hired to teach or work in a traditional public school with this record, to have the ability to do the same in a public charter school.

H.B. 647 amends current law relating to employment of persons by open-enrollment charter schools.

### **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 Section 12.120, Education Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes an open-enrollment charter school, notwithstanding Subsection (a) (relating to prohibiting a person from serving as a member of the governing board of a charter holder, as a member of the governing body of an open-enrollment charter school, or as an officer or employee of an open-enrollment charter school under certain circumstances), subject to Section 12.1059 (Agency Approval Required for Certain Employees), to employ a person:

(1) as a teacher or educational aide if a school district could employ the person as a teacher or educational aide, or a school district could employ the person as a teacher or educational aide if the person held the appropriate certificate issued under Subchapter B (Certification of Educators), Chapter 21 (Educators), and the person has never held a certificate issued under Subchapter B, Chapter 21; or

(2) in a position other than a position described by Subdivision (1) if a school district could employ the person in that position.

SECTION 2. Effective date: upon passage or September 1, 2013.