



# SUPPORT for House Bill 2491

The Association of Texas Professional Educators (ATPE) requests your help in passing **the committee substitute to House Bill (HB) 2491 by Rep. Diane Patrick**, a bill to protect the safety and privacy of school employees and help guard against identity theft.

## **SUPPORT CSHB 2491 TO PROTECT EDUCATORS AND THEIR FAMILIES AND TO ASSIST SCHOOL DISTRICTS**

- **CSHB 2491 would modernize an outdated statute.** A statute currently on the books (§552.024, Government Code) makes certain personal information of governmental employees, including that of school employees, public record by default. The only exception is that employees may request in writing to opt out of that law, but only if they execute such requests within the first 14 days of their employment. Once that initial two-week window closes, the information—including home phone numbers, addresses, Social Security numbers and whether the employees have family members—becomes public record. This law was enacted in 1993 before identity theft became the widespread problem that it is today, and the statute has not been amended since 2001. It is time to update Texas law to reflect the risks of today's high-tech world.
- **CSHB 2491 increases educators' security and privacy by giving them more control over access to their personal information.** The bill would make the personal information of current and former school employees and job applicants confidential by default. Under current law, if an employee misses the initial 14-day opt-out period, his personal information must be disclosed to anyone who requests it under the open records laws. CSHB 2491 would enable employees to choose, at any time, to allow public access to their personal information. Unless they opt in to allowing public access to their information, the school district would be prohibited from releasing the employees' home addresses, home phone numbers, birth dates, driver's license numbers, criminal history record information, Social Security numbers, personal cell phone numbers and personal e-mail addresses, and the district would be barred from revealing whether an employee has family members. Keeping this information confidential, unless the employee requests otherwise, would protect the safety and privacy of school district employees and their family members.
- **CSHB 2491 would help protect educators from identity theft.** The data that would be made confidential by default under CSHB 2491 are the same types of information frequently used by criminals and scam artists to steal identities: home addresses, home phone numbers, birth dates, driver's license numbers and Social Security numbers. Thus, CSHB 2491 offers educators an additional tool to help prevent identity theft.
- **CSHB 2491 would not prevent parents from communicating with their children's teachers.** While CSHB 2491 would protect information such as home telephone numbers, it would not impede communication with educators. Parents would still be able to reach their children's teachers using school district telephone numbers or e-mail addresses. Plus, educators always have the option of making their contact information available to the public.

- **CSHB 2491 would clarify the legislative intent behind confidentiality provisions of existing law.** In 2007, the Legislature adopted Senate Bill 9, which requires certified educators and many other school employees to be fingerprinted and submit to state and federal background checks. The Legislature intended that this information be used only by school districts and the state to ensure that individuals whose past criminal actions make them unfit to work with children could be removed from the classroom. As reflected in House journal entries for SB 9, the 80<sup>th</sup> Legislature clearly intended for the results of the background checks to be confidential and not subject to release under the Texas Public Information Act. Despite the clear legislative intent, however, the Attorney General has ruled that the statute could allow some criminal history record information, if transferred to a district-generated document, to be subject to public disclosure. CSHB 2491 would clarify that a school employee's criminal history record information or the fact that a district has obtained criminal history information about the employee is not subject to release through open records requests, unless the employee chooses to waive his confidentiality rights.
- **CSHB 2491 would help school districts as well as their employees.** The bill would prevent each school district from having to spend unnecessary time and expense seeking an attorney general's opinion on each open records request it receives, if the request seeks information that clearly would be statutorily confidential under this bill.
- **CSHB 2491 would not inhibit the media's right to obtain comprehensive background information on any individual.** Journalists already have numerous resources for investigating the backgrounds of individuals, including school employees. In fact, ordinary citizens can now use the Internet to run background checks that will reveal a person's date of birth, height, weight, eye color, hair color, race, gender, current and previous addresses, phone numbers, court records and detailed criminal histories—often more detailed histories than those contained in the information provided to school districts through the state's clearinghouse. There is no good reason school districts should be forced to share their employees' personal information with the media.
- **There is widespread support for CSHB 2491 among the education community.** This bill was filed at the request of ATPE and has also received the support of the Texas Association of School Boards (TASB), the Texas State Teachers Association (TSTA), the Texas Classroom Teachers Association (TCTA), the Texas Association of School Personnel Administrators (TASPA), the Texas Elementary Principals and Supervisors Association (TEPSA), the Texas Association of School Administrators (TASA), and the Texas Charter Schools Association (TCSA).

**On behalf of our 112,000 members, ATPE appreciates your consideration and respectfully asks you to help protect the safety and privacy rights of educators and minimize the burden on school districts by voting FOR CSHB 2491.**

*For more information, contact ATPE at (800) 777-2873 and ask for Governmental Relations.*