

By: Leach, et al.

H.B. No. 7

Substitute the following for H.B. No. 7:

By: Buckley

C.S.H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in public education, to the creation of the office of inspector general at the Texas Education Agency, and to the reporting of certain misconduct and child abuse and neglect; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. PARENTAL RIGHTS

SECTION 1.01. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.004 to read as follows:

Sec. 11.004. COMPLIANCE WITH MANDATORY POLICY. A school district, the district's board of trustees, and the district's employees shall implement and comply with each policy the district is required to adopt under this code or other law.

SECTION 1.02. The heading to Section 11.1518, Education Code, is amended to read as follows:

Sec. 11.1518. TRUSTEE INFORMATION [~~POSTED ON WEBSITE~~].

SECTION 1.03. Section 11.1518, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) Not later than the 30th day after a new person is sworn in as a member [~~Each time there is a change in the membership~~] of a school district's board of trustees, the district shall update the information required under Subsection (a) and, as applicable:

(1) post the updated information on the district's

Internet website; or

(2) submit the updated information to the agency for posting on the agency's Internet website in accordance with Subsection (b).

(d) A school district shall annually submit to the agency the information required under Subsection (a) for each member of the district's board of trustees. The information must:

(1) identify the member designated as chair; and

(2) be updated as required by Subsection (c).

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION 1.04. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading

1 instruction programs under Section 28.006;  
2 (D) accelerated instruction under Section  
3 28.0211;  
4 (E) high school graduation requirements under  
5 Section 28.025;  
6 (F) special education programs under Subchapter  
7 A, Chapter 29;  
8 (G) bilingual education under Subchapter B,  
9 Chapter 29;  
10 (H) prekindergarten programs under Subchapter E  
11 or E-1, Chapter 29, except class size limits for prekindergarten  
12 classes imposed under Section 25.112, which do not apply;  
13 (I) extracurricular activities under Section  
14 33.081;  
15 (J) discipline management practices or behavior  
16 management techniques under Section 37.0021;  
17 (K) health and safety under Chapter 38;  
18 (L) the provisions of Subchapter A, Chapter 39;  
19 (M) public school accountability and special  
20 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
21 39, and Chapter 39A;  
22 (N) the requirement under Section 22A.051  
23 [~~21.006~~] to report an educator's misconduct;  
24 (O) intensive programs of instruction under  
25 Section 28.0213;  
26 (P) the right of a school employee to report a  
27 crime, as provided by Section 37.148;

(Q) bullying prevention policies and procedures under Section 37.0832;

(R) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U) establishment of residency under Section 25.001;

(V) school safety requirements under Sections 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085, 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071 and Subchapter J, Chapter 37;

(W) the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; ~~and~~

(Y) parental options to retain a student under Section 28.02124; and

(Z) the grievance procedure under Section 26.011 and the grievance policy under Chapter 26A.

SECTION 1.05. Section 12A.004(a), Education Code, is amended to read as follows:

1 (a) A local innovation plan may not provide for the  
2 exemption of a district designated as a district of innovation from  
3 the following provisions of this title:

4 (1) a state or federal requirement applicable to an  
5 open-enrollment charter school operating under Subchapter D,  
6 Chapter 12;

7 (2) Subchapters A, C, D, and E, Chapter 11, except that  
8 a district may be exempt from Sections 11.1511(b)(5) and (14) and  
9 Section 11.162;

10 (3) the grievance policy under Chapter 26A;

11 (4) state curriculum and graduation requirements  
12 adopted under Chapter 28; and

13 (5) [~~4~~] academic and financial accountability and  
14 sanctions under Chapters 39 and 39A.

15 SECTION 1.06. Section 21.048(c-1), Education Code, is  
16 amended to read as follows:

17 (c-1) The results of an examination administered under this  
18 section are confidential and are not subject to disclosure under  
19 Chapter 552, Government Code, unless the disclosure is regarding  
20 notification to a parent of the assignment of an uncertified  
21 teacher to a classroom as required by Section 26.0083 [~~21.057~~].

22 SECTION 1.07. Chapter 26, Education Code, is amended by  
23 adding Sections 26.0021 and 26.0022 to read as follows:

24 Sec. 26.0021. PARENTAL RIGHTS INFORMATION. (a) The agency  
25 shall create and maintain a document that informs a parent of the  
26 parent's rights regarding the education of the parent's child  
27 provided under this chapter.

1        (b) The document must:

2                (1) include information regarding accessing the  
3 contents of this chapter;

4                (2) be made publicly available in a prominent place on  
5 the Internet website of the agency and each school district;

6                (3) be provided to parents at the beginning of each  
7 school year in an electronic or hard copy format; and

8                (4) inform parents that they are not required to file a  
9 grievance or an appeal at the district level before pursuing  
10 another remedy under law, including by filing a complaint with  
11 appropriate authorities to request an investigation.

12        Sec. 26.0022. RIGHT TO SELECT PUBLIC OR PRIVATE SCHOOL. A  
13 parent is entitled to choose a public school or private school,  
14 including a home school, for the parent's child.

15        SECTION 1.08. Section 26.004(b), Education Code, is amended  
16 to read as follows:

17        (b) A parent is entitled to access to all written records of  
18 a school district concerning the parent's child, including:

19                (1) attendance records;

20                (2) test scores;

21                (3) grades;

22                (4) disciplinary records;

23                (5) counseling records;

24                (6) psychological records;

25                (7) applications for admission;

26                (8) health and immunization information;

27                (9) teacher and school counselor evaluations;

(10) reports of behavioral patterns; ~~and~~

(11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child; and

(12) records relating to library materials checked out by the child from a school library.

SECTION 1.09. Section 26.006, Education Code, is amended by adding Subsection (g) to read as follows:

(g) Each school district and open-enrollment charter school shall post on the home page of the district's or school's Internet website a notice stating that a parent of a student enrolled in the district or school is entitled to review the materials described by Subsection (a)(1) and may request that the district or school make the materials available for review as provided by this section.

SECTION 1.10. Chapter 26, Education Code, is amended by adding Section 26.0062 to read as follows:

Sec. 26.0062. REQUIRED DISCLOSURE REGARDING INSTRUCTIONAL PLAN. (a) Each school district shall adopt a policy to make available on the district's Internet website at the beginning of each semester an instructional plan or course syllabus for each class offered in the district for that semester.

(b) The policy adopted under Subsection (a) must:

(1) require each teacher to provide before the beginning of each semester a copy of the teacher's instructional plan or course syllabus for each class for which the teacher provides instruction to:

(A) district administration; and

(B) the parent of each student enrolled in the class; and

(2) provide for additional copies of an instructional plan or course syllabus to be made available to a parent of a student enrolled in the class on the parent's request.

SECTION 1.11. Section 21.057, Education Code, is transferred to Chapter 26, Education Code, redesignated as Section 26.0083, Education Code, and amended to read as follows:

Sec. 26.0083 [21.057]. PARENTAL NOTIFICATION REGARDING TEACHER CERTIFICATION. (a) A school district that assigns an inappropriately certified or uncertified teacher to the same classroom for more than 30 consecutive instructional days during the same school year shall provide written notice of the assignment to a parent or guardian of each student in that classroom.

(b) The superintendent of the school district shall provide the notice required by Subsection (a) not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher.

(c) The school district shall:

(1) make a good-faith effort to ensure that the notice required by this section is provided in a bilingual form to any parent or guardian whose primary language is not English;

(2) retain a copy of any notice provided under this section; and

(3) make information relating to teacher certification available to the public on request.

(d) For purposes of this section, "inappropriately



certified or uncertified teacher":

(1) includes:

(A) an individual serving on an emergency certificate issued under Section 21.041(b)(2); or

(B) an individual who does not hold any certificate or permit issued under this chapter and is not employed as specified by Subdivision (2)(E); and

(2) does not include an individual:

(A) who is a certified teacher assigned to teach a class or classes outside his or her area of certification, as determined by rules proposed by the board in specifying the certificate required for each assignment;

(B) serving on a certificate issued due to a hearing impairment under Section 21.048;

(C) serving on a certificate issued pursuant to enrollment in an approved alternative certification program under Section 21.049;

(D) certified by another state or country and serving on a certificate issued under Section 21.052;

(E) serving on a school district teaching permit issued under Section 21.055; or

(F) employed under a waiver granted by the commissioner pursuant to Section 7.056.

(e) This section does not apply if a school is required in accordance with Section 1006, Every Student Succeeds Act (20 U.S.C. Section 6312(e)(1)(B)(ii)), to provide notice to a parent or guardian regarding a teacher who does not meet certification

requirements at the grade level and subject area in which the teacher is assigned, provided the school provides notice as required by that Act.

SECTION 1.12. Section 26.009, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (a-2), (c), and (d) to read as follows:

(a) An employee or contractor of a school district must obtain the written consent of a child's parent in the manner required by Subsection (a-2) before the employee or contractor may:

(1) conduct a psychological or psychiatric examination or [T] test [T] or psychological or psychiatric treatment, unless the examination, test, or treatment is required under Section 38.004 or state or federal law regarding requirements for special education; or

(2) subject to Subsection (b), make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

(a-1) For purposes of Subsection (a):

(1) "Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(2) "Psychological or psychiatric treatment" means

1 the planned, systematic use of a method or technique that is  
2 designed to affect behavioral, emotional, or attitudinal  
3 characteristics of an individual or group.

4 (a-2) Written consent for a parent's child to participate in  
5 a district activity described by Subsection (a) must be obtained  
6 for each separate activity in which the child participates, and  
7 each written consent must be signed by the parent and returned to  
8 the district. A child may not participate in the activity unless  
9 the district receives the parent's signed written consent to that  
10 activity.

11 (b) An employee or contractor of a school district is not  
12 required to obtain the consent of a child's parent before the  
13 employee or contractor may make a videotape of a child or authorize  
14 the recording of a child's voice if the videotape or voice recording  
15 is to be used only for:

16 (1) purposes of safety, including the maintenance of  
17 order and discipline in common areas of the school or on school  
18 buses;

19 (2) a purpose related to a cocurricular or  
20 extracurricular activity;

21 (3) a purpose related to regular classroom  
22 instruction;

23 (4) media coverage of the school; or

24 (5) a purpose related to the promotion of student  
25 safety under Section [29.022](#).

26 (c) A school district shall retain the written informed  
27 consent of a child's parent obtained under this section as part of

1 the child's education records.

2 (d) Nothing in this section may be construed to:

3 (1) require an employee or contractor of a school  
4 district to obtain the written consent of a child's parent before  
5 verbally asking the child about the child's general well-being;

6 (2) affect a child's consent to counseling under  
7 Section 32.004, Family Code; or

8 (3) affect the duty to report child abuse or neglect  
9 under Chapter 261, Family Code, or an investigation of a report of  
10 abuse or neglect under that chapter.

11 SECTION 1.13. Section 26.011, Education Code, is amended to  
12 read as follows:

13 Sec. 26.011. GRIEVANCES ~~[COMPLAINTS]~~. (a) The board of  
14 trustees of each school district shall adopt a grievance procedure  
15 that complies with Chapter 26A under which the board shall address  
16 each grievance ~~[complaint]~~ that the board receives concerning  
17 violation of a right guaranteed by this chapter, of a board of  
18 trustees policy, or of a provision of this title.

19 (b) The board of trustees of a school district is not  
20 required by Subsection (a) or Section 11.1511(b)(13) to address a  
21 grievance ~~[complaint]~~ that the board receives concerning a  
22 student's participation in an extracurricular activity that does  
23 not involve a violation of a right guaranteed by this chapter, of a  
24 board of trustees policy, or of a provision of this title. This  
25 subsection does not affect a claim brought by a parent under the  
26 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
27 et seq.) or a successor federal statute addressing special

education services for a child with a disability.

SECTION 1.14. Subtitle E, Title 2, Education Code, is amended by adding Chapters 26A and 26B to read as follows:

CHAPTER 26A. GRIEVANCE POLICY

Sec. 26A.001. GRIEVANCE POLICY. (a) The board of trustees of a school district shall adopt a grievance policy to address grievances received by the district.

(b) The policy must provide for the following levels of review, subject to Subsection (c):

(1) review by:

(A) the principal of the school district campus at which the grievance is filed or the principal's designee; or

(B) for a grievance that arises from subject matter unrelated to a campus, an administrator at the school district's central office;

(2) if established by the policy, an appeal to an administrator at the school district's central office;

(3) an appeal to the superintendent of the school district or the superintendent's designee; and

(4) an appeal to the board of trustees of the school district.

(c) A review or appeal on a grievance must be conducted by a person with the authority to address the grievance unless a preliminary hearing is necessary to develop a record or a recommendation for the board of trustees of the school district.

(d) The board of trustees of a school district may delegate the authority to hear and decide a grievance to a committee of at

1 least three members composed only of members of the board of  
2 trustees. For purposes of an appeal to the office of inspector  
3 general under Section 26B.060, a decision by the committee is a  
4 decision of the board of trustees.

5 (e) The policy must:

6 (1) prohibit the board of trustees of the school  
7 district or a district employee from retaliating against a student  
8 or parent of or person standing in parental relation to a student  
9 who files a grievance in accordance with the policy;

10 (2) require a person involved in reviewing a grievance  
11 under the policy to recuse himself or herself from reviewing the  
12 grievance if the person is the subject of the grievance;

13 (3) provide for a higher level of review under  
14 Subsection (b) if the person who would otherwise review the  
15 grievance is required to recuse himself or herself under  
16 Subdivision (2);

17 (4) provide for the creation and retention of a record  
18 of each hearing on the grievance, including:

19 (A) documents submitted by the person who filed  
20 the grievance or determined relevant by school district personnel;  
21 and

22 (B) a written record of the decision, including  
23 an explanation of the basis for the decision and an indication of  
24 each document that supports the decision;

25 (5) allow the person who filed the grievance to  
26 supplement the record with additional documents or add additional  
27 claims;

1           (6) allow for a member of the board of trustees of the  
2 school district to file a grievance with the district, but prohibit  
3 the member from voting on matters related to that grievance;

4           (7) allow for a remand to a lower level of review under  
5 Subsection (b) to develop a record at any time, including at the  
6 board of trustees level of review;

7           (8) require the school district to direct a grievance  
8 that is filed with the incorrect administrator to the appropriate  
9 administrator and consider the grievance filed on the date on which  
10 the grievance was initially filed;

11           (9) require the school district to issue a decision on  
12 the merits of the concern raised in the grievance, notwithstanding  
13 procedural errors or the type of relief requested; and

14           (10) for a grievance before the board of trustees of  
15 the school district, require that:

16               (A) the person who filed the grievance be  
17 provided at least five business days before the date on which the  
18 meeting to discuss the grievance will be held a description of any  
19 information the board of trustees intends to rely on that is not  
20 contained in the record; and

21               (B) the meeting at which the grievance is  
22 discussed be recorded by video or audio recording or by transcript  
23 created by a certified court reporter.

24           (f) If a grievance is appealed to the office of inspector  
25 general established under Chapter 26B under Section 26B.060, the  
26 office may:

27               (1) investigate an alleged violation of state or

federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), relating to the grievance;

(2) collaborate with relevant federal agencies in an investigation described by Subdivision (1); and

(3) take any action necessary to compel the school district, the board of trustees of the district, or a district employee to comply with law described by Subdivision (1).

(g) Each school district shall annually submit to the agency a report on grievances filed in the district during the preceding year. The report must include for each grievance the resolution of the grievance and any corrective action taken.

(h) Not later than December 1 of each year, the agency shall post on the agency's Internet website a report on grievances filed in school districts during the preceding year. The report must aggregate the data statewide and state:

(1) the number of grievances filed;

(2) the number of grievances resolved and the resolution of those grievances; and

(3) any corrective actions taken.

(i) If the commissioner determines that a member of the board of trustees of a school district or a district employee has retaliated against a student or parent of or person standing in parental relation to a student in violation of Subsection (e)(1), the commissioner may:

(1) if the commissioner determines that a district educator has retaliated against a student or parent of or person



1 standing in parental relation to a student, report the educator to  
2 the State Board for Educator Certification for investigation; and  
3 (2) if the commissioner determines that a member of  
4 the board of trustees of the district, the superintendent, a  
5 principal, or another administrator of the district has retaliated  
6 against a student or parent of or person standing in parental  
7 relation to a student, withhold approval for the guarantee of the  
8 district's bonds by the permanent school fund under Subchapter C,  
9 Chapter 45.

10 Sec. 26A.002. TIMELINES FOR FILING AND APPEAL. The policy  
11 adopted under Section 26A.001 must:

12 (1) provide at least:

13 (A) for a grievance filed by a parent of or person  
14 standing in parental relation to a student enrolled in the school  
15 district:

16 (i) 60 days to file a grievance from the  
17 date on which the parent or person knew or had reason to know of the  
18 facts giving rise to the grievance; or

19 (ii) if the parent or person engaged in  
20 informal attempts to resolve the grievance, the later of 90 days to  
21 file a grievance from the date described by Subparagraph (i) or 30  
22 days to file a grievance from the date on which the district  
23 provided information to the parent or person regarding how to file  
24 the grievance; and

25 (B) 20 days to file an appeal after the date on  
26 which a decision on the grievance was made;

27 (2) for a hearing that is not before the board of

trustees of the school district, require:

(A) the district to hold a hearing not later than the 10th day after the date on which the grievance or appeal was filed; and

(B) a written decision to be made not later than the 20th day after the date on which the hearing was held that includes:

(i) any relief or redress to be provided; and

(ii) information regarding filing an appeal, including the timeline to appeal under this section and Section 26B.060, if applicable; and

(3) for a hearing before the board of trustees of the school district, require the board of trustees to:

(A) hold a meeting to discuss the grievance not later than the 60th day after the date on which the previous decision on the grievance was made; and

(B) make a decision on the grievance not later than the 30th day after the date on which the meeting is held under Paragraph (A).

Sec. 26A.003. POSTING OF PROCEDURES AND FORMS. (a) The board of trustees of a school district shall develop, make publicly available in a prominent location on the district's Internet website, and include in the district's student handbook:

(1) procedures for resolving grievances;

(2) standardized forms for filing a grievance, a notice of appeal, or a request for a hearing under this chapter; and

1           (3) the method by which a grievance may be filed  
2 electronically.

3           (b) A school district shall ensure that a grievance may be  
4 submitted electronically at the location on the district's Internet  
5 website at which the information described by Subsection (a) is  
6 available.

7           (c) A school district shall submit and make accessible to  
8 the agency the location on the district's Internet website at which  
9 the information described by Subsection (a) is available.

10           CHAPTER 26B. OFFICE OF INSPECTOR GENERAL

11           SUBCHAPTER A. GENERAL PROVISIONS

12           Sec. 26B.001. DEFINITION. In this chapter, "office" means  
13 the office of inspector general established under this chapter.

14           Sec. 26B.002. OFFICE OF INSPECTOR GENERAL. (a) The office  
15 of inspector general is established as a division within the  
16 agency.

17           (b) The governor shall appoint an inspector general to serve  
18 as director of the office. The inspector general serves until  
19 removed by the governor.

20           (c) The agency shall provide staff and administrative  
21 resources and support services as necessary to ensure  
22 investigations authorized by this chapter are conducted  
23 expeditiously.

24           SUBCHAPTER B. POWERS AND DUTIES

25           Sec. 26B.051. GENERAL RESPONSIBILITIES. (a) The office is  
26 responsible for the investigation of complaints received from  
27 parents of children enrolled in public school regarding issues

involving the agency, the State Board of Education, or a school district or open-enrollment charter school.

(b) The office may:

(1) receive and investigate complaints from parents of children enrolled in public school regarding unethical conduct or a violation of state or federal law relating to public education or agency procedure or policy by:

(A) the agency, the State Board of Education, or a school district or open-enrollment charter school; or

(B) an employee of the agency, the State Board of Education, or a school district or open-enrollment charter school;

(2) conduct special investigations authorized by the commissioner under Section 39.003(a); and

(3) make findings of fact that the agency, the State Board of Education, a school district, or an open-enrollment charter school or an employee of the entity engaged in unethical conduct or a violation of state or federal law and take appropriate action as determined by the commissioner, regardless of any time requirement relating to the action under Chapter 12 or 39A.

(c) The office shall perform all other duties and exercise all other powers granted to the office by this chapter or other law.

Sec. 26B.052. GENERAL POWERS. (a) The office has all the powers necessary or appropriate to carry out its responsibilities and functions under this chapter and other law.

(b) Subject to Subsection (c), in conducting an investigation under this chapter of the board of trustees of a school district or the governing body of an open-enrollment charter

school, the office may:

(1) attend any meeting or proceeding of the district or school, including a meeting or proceeding that is closed to the public, except for a private consultation of the entity with its attorney permitted under Section 551.071, Government Code; and

(2) inspect the records, documents, and files of the district or school, including any record, document, or file that is not subject to public disclosure under Chapter 552, Government Code, or other law.

(c) The office's authority under Subsection (b) applies only to a meeting, a proceeding, or information that is relevant to the discovery of relevant information regarding an allegation of unethical conduct or a violation of state or federal law. The office may not inspect a record, document, or file that is a privileged communication between an individual and the individual's attorney.

(d) The inspection or disclosure of a record, document, or file for purposes of an investigation under this chapter is not a voluntary disclosure under Section 552.007, Government Code. A record, document, or file made available to the office for purposes of an investigation under this chapter is not subject to public disclosure by the office.

Sec. 26B.053. INVESTIGATION OF UNREPORTED VIOLATIONS. If, during the investigation of a complaint, the inspector general discovers unreported unethical conduct or violations described by Section 26B.051(b)(1), the inspector general shall open a new investigation for each unreported occurrence of unethical conduct

1 or violation.

2 Sec. 26B.054. SUBPOENAS. (a) The inspector general may  
3 issue a subpoena to compel the attendance of a relevant witness at a  
4 hearing or deposition under this chapter or to compel the  
5 production, for inspection or copying, of books, papers, records,  
6 documents, or other relevant materials, including electronic data,  
7 in connection with an investigation, review, hearing, or deposition  
8 conducted under this chapter.

9 (b) A subpoena may be served personally or by certified  
10 mail. If a person fails to comply with a subpoena, the inspector  
11 general, acting through the attorney general, may file suit to  
12 enforce the subpoena in a district court in this state.

13 (c) On finding that good cause exists for issuing the  
14 subpoena, the court shall order the person to comply with the  
15 subpoena. The court may hold in contempt a person who fails to obey  
16 the court order.

17 Sec. 26B.055. COOPERATION WITH OTHER ENTITIES. The office  
18 may refer matters for further civil and administrative action to  
19 appropriate administrative agencies, including the attorney  
20 general.

21 Sec. 26B.056. CONFIDENTIALITY. (a) Information received  
22 by the office regarding a complaint is confidential and not subject  
23 to disclosure under Chapter 552, Government Code. The office shall  
24 maintain the information in a manner that preserves the  
25 information's confidentiality.

26 (b) The disclosure of confidential information to the  
27 office under this chapter does not constitute a waiver of

confidentiality. Any information disclosed to the office under this chapter remains confidential and privileged following disclosure.

(c) This section does not prohibit the office from communicating with the agency, the State Board of Education, or a school district or open-enrollment charter school regarding confidential information disclosed to the office by the agency, board, district, or school.

Sec. 26B.057. RETALIATION PROHIBITED. (a) The agency, a school district, or an open-enrollment charter school may not retaliate against:

(1) a parent of a child enrolled in a school district or open-enrollment charter school who in good faith makes a complaint to the office;

(2) a child enrolled in a school district or open-enrollment charter school whose parent in good faith makes a complaint to the office; or

(3) any person, including an employee of the agency, State Board of Education, district, or school, who in good faith cooperates with the office in an investigation.

(b) The office shall collaborate with the agency to establish consequences for a retaliatory action taken in violation of this section.

Sec. 26B.058. ACCESS TO INFORMATION. The agency shall provide the office access to the agency's records relating to a complaint filed with the office under this chapter.

Sec. 26B.059. REPORTS. (a) The inspector general shall issue and file with the agency a report that contains the inspector

1 general's final determinations regarding a complaint and any  
2 recommended corrective actions to be taken as a result of the  
3 complaint.

4 (b) Notwithstanding Section 26B.056, the inspector general  
5 may make a report relating to an investigation of a complaint public  
6 after the complaint is resolved. A report made public under this  
7 subsection may not include information that identifies any person  
8 involved in the complaint, including the complainant, a child, a  
9 child's parent, or an employee of the agency, the State Board of  
10 Education, a school district, or an open-enrollment charter school.

11 (c) Not later than December 1 of each year, the inspector  
12 general shall prepare and submit to the agency and the State Board  
13 of Education a report on the inspector general's work during the  
14 preceding year. The report must include:

15 (1) a description of the inspector general's work;

16 (2) any change made by the agency in response to a  
17 substantiated complaint;

18 (3) a description of any trends in the nature of  
19 complaints received by the inspector general, any recommendations  
20 related to addressing those trends, and an evaluation of the  
21 feasibility of the inspector general's recommendations;

22 (4) a glossary of terms used in the report; and

23 (5) any public feedback received by the inspector  
24 general relating to the inspector general's previous reports under  
25 this subsection.

26 (d) On receipt of the report required under Subsection (c),  
27 the agency shall make the report publicly available on the agency's



1 Internet website.

2 SECTION 1.15. Sections 7.057(a), (a-1), (b), (c), and (f),  
3 Education Code, are transferred to Subchapter B, Chapter 26B,  
4 Education Code, as added by this Act, redesignated as Section  
5 26B.060, Education Code, and amended to read as follows:

6 Sec. 26B.060. APPEALS. (a) Except as provided by  
7 Subsection (e), a person may appeal in writing to the office  
8 ~~[commissioner]~~ if the person is aggrieved by:

9 (1) the school laws of this state; ~~[or]~~

10 (2) actions or decisions of any school district board  
11 of trustees or open-enrollment charter school governing body that  
12 violate~~+~~

13 ~~[(A)]~~ the school laws of this state; or

14 (3) actions or decisions of any school district board  
15 of trustees that violate ~~[(B)]~~ a provision of a written employment  
16 contract between the school district and a school district  
17 employee, if a violation causes or would cause monetary harm to the  
18 employee.

19 (a-1) A person is not required to appeal to the office  
20 ~~[commissioner]~~ before pursuing a remedy under a law outside of  
21 Title 1 or this title to which Title 1 or this title makes reference  
22 or with which Title 1 or this title requires compliance.

23 (b) Except as provided by Subsection (c), the office  
24 ~~[commissioner]~~ after due notice to the parties interested shall,  
25 not later than the 180th day after the date an appeal under  
26 Subsection (a) is filed, hold a hearing and issue a decision without  
27 cost to the parties involved. In conducting a hearing under this

subsection, the office [~~commissioner~~] has the same authority relating to discovery and conduct of a hearing as a hearing examiner has under Subchapter F, Chapter 21. This section does not deprive any party of any legal remedy.

(c) In an appeal against a school district or open-enrollment charter school, the office [~~commissioner~~] shall, not later than the 230th [~~240th~~] day after the date the appeal is filed, issue a decision based on a review of the record developed at the district or school level under a substantial evidence standard of review. The parties to the appeal may agree in writing to extend, by not more than 60 days, the date by which the office [~~commissioner~~] must issue a decision under this subsection. The office shall provide a copy of the record to the person who filed the appeal not later than the seventh day after the date on which the office issues a decision. A school district's or open-enrollment charter school's disclosure of the record to the office [~~commissioner~~] under this subsection is not an offense under Section 551.146, Government Code.

(c-1) In an appeal against a school district or open-enrollment charter school, the office may:

(1) if the record is insufficient for the office to resolve the appeal, remand the case to the district or school and order an investigation and development of the record; or

(2) if the office determines that an action or decision of the district's board of trustees or school's governing body violated a law or provision described by Subsection (a):

(A) reverse the case or remand the case to the

board of trustees or governing body for additional proceedings; and

(B) order the board of trustees or governing body to take corrective action the office determines appropriate to remedy the violation.

(d) A person aggrieved by an action or decision of the office may appeal to a district court in Travis County. An appeal must be made by serving the office with citation issued and served in the manner provided by law for civil suits. The petition must state the action or decision from which the appeal is taken. At trial, the court shall determine all issues of law and fact.

(e) This section does not apply to:

(1) a case to which Subchapter G, Chapter 21, applies;

(2) a case involving extracurricular activities; or

(3) a student disciplinary action under Chapter 37.

(f) In this section:

(1) "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument.

(2) "School laws of this state" means Title 1 and this title and rules adopted under those titles.

(g) The commissioner, in consultation with the office, may adopt rules as necessary to implement this section.

SECTION 1.16. Subchapter B, Chapter 26B, Education Code, as added by this Act, is amended by adding Sections 26B.061, 26B.062, and 26B.063 to read as follows:

Sec. 26B.061. REMAND. (a) In an appeal against a school district or open-enrollment charter school under Section 26B.060,

the office may remand the case to the district or school for rehearing under Chapter 26A if the office determines that the appeal would have likely succeeded on the merits if not for:

(1) a fatal procedural error at the district or school level;

(2) failure to allege the correct statutory violation; or

(3) failure to develop necessary evidence at the district or school level.

(b) In remanding a case under Subsection (a), the office may:

(1) identify specific issues or law for the school district or open-enrollment charter school to address; and

(2) alter the timelines provided under Chapter 26A.

(c) A case remanded under this section may be appealed again under Section 26B.060, and the timelines established by that section apply to the appeal unless the office provides for a shorter timeline.

(d) The commissioner, in consultation with the office, may adopt rules as necessary to implement this section.

Sec. 26B.062. DISPUTE RESOLUTION FACILITATION. (a) The office shall develop a program for the training and review of dispute resolution facilitators.

(b) The office shall establish requirements for a person to qualify as a dispute resolution facilitator under this section.

(c) In an appeal against a school district or open-enrollment charter school under Section 26B.060, the office

may refer to dispute resolution facilitation under this section a case involving a grievance by a parent of or person standing in parental relation to a student enrolled in the district or school arising from the parent's or person's status as a parent of or person standing in parental relation to the student if:

(1) the grievance does not allege:

(A) conduct described by Section 26B.060(a) or (e); or

(B) conduct for which Title 1 or 2, other than Section 11.151(b), makes a specific decision of the district's board of trustees or school's governing body final and unappealable or not subject to review; and

(2) the office determines that the district's or school's conduct should be reviewed for substantial error that is apparent from the record.

(d) The office shall appoint a dispute resolution facilitator to an appeal referred to dispute resolution facilitation under Subsection (c). A dispute resolution facilitator:

(1) shall:

(A) propose factual findings related to the grievance;

(B) consider information provided by the person who filed the grievance and the school district or open-enrollment charter school;

(C) facilitate a resolution between the person who filed the grievance and the school district or open-enrollment

1 charter school; and

2 (D) if no resolution is possible, render a  
3 decision that includes findings of fact and conclusions of law; and

4 (2) may recommend a remand of the grievance or grant  
5 relief or redress to the person who filed the grievance in the same  
6 manner as the office under Section 26B.060.

7 (e) The office may adopt or reject the final determination  
8 of a dispute resolution facilitator. If the office rejects the  
9 determination, no decision on the matter is issued. If the office  
10 adopts the determination, the determination is binding on the  
11 parties. A determination by the office under this subsection is  
12 final and may not be appealed, including under Section 26B.060(d).

13 (f) The school district or open-enrollment charter school  
14 against which the grievance was filed shall pay the cost of the  
15 dispute resolution facilitator, the hearing room, the certified  
16 court reporter at the hearing, and the production of any original  
17 hearing transcript.

18 (g) Section 26B.060(a-1) applies to conduct that may be  
19 referred to dispute resolution facilitation under Subsection  
20 (c)(1).

21 (h) The commissioner, in consultation with the office, may  
22 adopt rules as necessary to implement this section.

23 Sec. 26B.063. INJUNCTIVE RELIEF FOR VIOLATIONS OF EDUCATION  
24 CODE. (a) If an action or decision of a school district or  
25 open-enrollment charter school violates Title 1 or 2, a parent of a  
26 child enrolled in the district or school may file a claim in  
27 district court for injunctive relief to compel the district or

1 school to comply with Titles 1 and 2.

2 (b) Notwithstanding Section 26B.060, a parent may seek  
3 relief under this section if the board of trustees of the school  
4 district or the governing body of the open-enrollment charter  
5 school:

6 (1) issued a written decision on the parent's  
7 grievance described by Subsection (a) within the period required by  
8 Section 26A.002(3)(B) that did not grant the parent's requested  
9 relief; or

10 (2) failed to provide a written decision on the  
11 parent's grievance described by Subsection (a) within the period  
12 required by Section 26A.002(3)(B).

13 SECTION 1.17. Section 28.004, Education Code, is amended by  
14 adding Subsection (i-2) to read as follows:

15 (i-2) Before a student may be provided with human sexuality  
16 instruction, a school district must obtain the written consent of  
17 the student's parent. A request for written consent under this  
18 subsection:

19 (1) may not be included with any other notification or  
20 request for written consent provided to the parent, other than the  
21 notice provided under Subsection (i); and

22 (2) must be provided to the parent not later than the  
23 14th day before the date on which the human sexuality instruction  
24 begins.

25 SECTION 1.18. Section 39.003(a), Education Code, is amended  
26 to read as follows:

27 (a) The commissioner may authorize special investigations

1 to be conducted:

2 (1) when excessive numbers of absences of students  
3 eligible to be tested on state assessment instruments are  
4 determined;

5 (2) when excessive numbers of allowable exemptions  
6 from the required state assessment instruments are determined;

7 (3) in response to complaints submitted to the agency  
8 with respect to alleged violations of civil rights or other  
9 requirements imposed on the state by federal law or court order;

10 (4) in response to established compliance reviews of  
11 the district's financial accounting practices and state and federal  
12 program requirements;

13 (5) when extraordinary numbers of student placements  
14 in disciplinary alternative education programs, other than  
15 placements under Sections 37.006 and 37.007, are determined;

16 (6) in response to an allegation involving a conflict  
17 between members of the board of trustees or between the board and  
18 the district administration if it appears that the conflict  
19 involves a violation of a role or duty of the board members or the  
20 administration clearly defined by this code;

21 (7) when excessive numbers of students in special  
22 education programs under Subchapter A, Chapter 29, are assessed  
23 through assessment instruments developed or adopted under Section  
24 39.023(b);

25 (8) in response to an allegation regarding or an  
26 analysis using a statistical method result indicating a possible  
27 violation of an assessment instrument security procedure



1 established under Section 39.0301, including for the purpose of  
2 investigating or auditing a school district under that section;

3 (9) when a significant pattern of decreased academic  
4 performance has developed as a result of the promotion in the  
5 preceding two school years of students who did not perform  
6 satisfactorily as determined by the commissioner under Section  
7 39.0241(a) on assessment instruments administered under Section  
8 39.023(a), (c), or (1);

9 (10) when excessive numbers of students eligible to  
10 enroll fail to complete an Algebra II course or any other advanced  
11 course as determined by the commissioner;

12 (11) when resource allocation practices as evaluated  
13 under Section 39.0821 indicate a potential for significant  
14 improvement in resource allocation;

15 (12) when a disproportionate number of students of a  
16 particular demographic group is graduating with a particular  
17 endorsement under Section 28.025(c-1);

18 (13) when an excessive number of students is  
19 graduating with a particular endorsement under Section  
20 28.025(c-1);

21 (14) in response to a complaint submitted to the  
22 agency with respect to alleged inaccurate data that is reported  
23 through the Public Education Information Management System (PEIMS)  
24 or through other reports required by state or federal law or rule or  
25 court order and that is used by the agency to make a determination  
26 relating to public school accountability, including accreditation,  
27 under this chapter;

1           (15) when 10 percent or more of the students  
2 graduating in a particular school year from a particular high  
3 school campus are awarded a diploma based on the determination of an  
4 individual graduation committee under Section 28.0258;

5           (16) when a school district for any reason fails to:

6                 (A) produce, at the request of the agency,  
7 evidence or an investigation report relating to a person [~~an~~  
8 ~~educator~~] who is under investigation by the State Board for  
9 Educator Certification or the agency; or

10                (B) timely submit a report required under Chapter  
11 22A regarding a person who is required to be reported to the State  
12 Board for Educator Certification or the agency under that chapter;  
13 [~~or~~]

14           (17) by the office of inspector general for the  
15 purpose of investigating complaints by parents of children enrolled  
16 in public school; or

17           (18) as the commissioner otherwise determines  
18 necessary.

19         SECTION 1.19. As soon as practicable after the effective  
20 date of this Act, the governor shall appoint an inspector general  
21 under Chapter 26B, Education Code, as added by this article.

22         SECTION 1.20. Section 12A.004(a), Education Code, as  
23 amended by this article, applies to a local innovation plan adopted  
24 or renewed before, on, or after the effective date of this Act.

25         SECTION 1.21. (a) Except as provided by Subsection (b) of  
26 this section, this article applies beginning with the 2025-2026  
27 school year.

(b) The changes in law made by this article apply only to an appeal filed on or after September 1, 2025. An appeal filed before September 1, 2025, is governed by the law in effect on the date the appeal was filed, and the former law is continued in effect for that purpose.

ARTICLE 2. REPORTING OF MISCONDUCT AND CHILD ABUSE AND NEGLECT

SECTION 2.01. Subchapter E, Chapter 2A, Code of Criminal Procedure, is amended by adding Article 2A.2075 to read as follows:

Art. 2A.2075. LAW ENFORCEMENT AGENCIES: NOTICE OF CERTAIN LAW ENFORCEMENT ACTIVITIES AGAINST SCHOOL EMPLOYEE. (a) In this article:

(1) "Private school" has the meaning assigned by Section 5.001, Education Code, and includes only a school operating in this state.

(2) "Public school" means a school district in this state or an open-enrollment charter school, as that term is defined by Section 5.001, Education Code.

(b) A law enforcement agency shall promptly notify a public or private school both verbally and in writing that the agency has opened an investigation into a person the agency knows is an employee of the school for alleged conduct constituting:

(1) a felony offense; or

(2) an offense under Title 5 or Chapter 43, Penal Code, if the victim of the alleged conduct was under 18 years of age or a student enrolled at the school at the time the conduct was alleged to have occurred.

(c) A law enforcement agency shall provide the notice

required under Subsection (b) to:

(1) the chief of police of the school's police department, if the school has a police department; or

(2) the superintendent or other chief executive officer of the school or the superintendent's or officer's designee.

(d) A law enforcement agency shall provide the notice required under Subsection (b) verbally not later than the earlier of:

(1) 24 hours after the investigation is opened; or

(2) the beginning of the first school day immediately following the date on which the investigation is opened.

(e) A law enforcement agency shall provide the notice required under Subsection (b) in writing not later than the seventh day after providing verbal notice under Subsection (d). The agency shall mark the written notice as "personal and confidential" and include:

(1) the name of the person under investigation;

(2) a description of the nature of the investigation and an analysis of any safety concerns to the students or staff of the school;

(3) the date and time verbal notice was provided under Subsection (d); and

(4) any other facts not prohibited under Subsection (g) that may assist the school in maintaining the safety of students and staff.

(f) In addition to the notice required under Subsection (b),

a law enforcement agency shall:

(1) periodically update the school to which notice was provided of the progress of the investigation described by that subsection; and

(2) notify the school both verbally and in writing in accordance with Subsections (c), (d), and (e) that:

(A) the person who is the subject of the investigation described by Subsection (b) has been arrested for or charged with an offense described by that subsection; or

(B) the agency has:

(i) closed the investigation described by Subsection (b);

(ii) released the person who is the subject of the investigation described by Subsection (b) from custody after an arrest for an offense described by that subsection; or

(iii) become aware that:

(a) no charges will be brought against the person who is the subject of the investigation described by Subsection (b); or

(b) the charge brought against the person who is the subject of the investigation described by Subsection (b) for an offense described by that subsection has been dismissed.

(g) The notice required under Subsection (b) or (f) may not include any information that:

(1) is confidential under Chapter 552, Government Code, or any other state or federal law; or

1           (2) may compromise the investigation, including  
2 descriptions of specific pieces of evidence, the identity of any  
3 witness, or a summary of investigative strategies.

4           (h) Except as provided by Section 37.092, Education Code,  
5 the contents of a notice provided under this article are  
6 confidential and are not subject to disclosure under Chapter 552,  
7 Government Code.

8           (i) Each law enforcement agency shall annually submit a  
9 report to the Texas Education Agency on the notices provided under  
10 this article during the preceding year. The report must include:

11                 (1) the total number of notices provided;

12                 (2) the date on which each notice was provided and  
13 whether the notice was provided within the period required by this  
14 article;

15                 (3) for each notice provided, if and when  
16 investigative updates were also provided as required under  
17 Subsection (f)(1); and

18                 (4) whether the agency failed to comply with this  
19 article and, if so, the corrective actions taken to prevent future  
20 noncompliance.

21           SECTION 2.02. Article 42.018(a), Code of Criminal  
22 Procedure, is amended to read as follows:

23           (a) This article applies only to:

24                 (1) conviction or deferred adjudication community  
25 supervision granted on the basis of:

26                         (A) an offense for which a conviction or grant of  
27 deferred adjudication community supervision requires the defendant

to register as a sex offender under Chapter 62;

(B) an offense under Section 21.12 or 43.24, Penal Code;

(C) a felony offense under Chapter 43, Penal Code;

(D) a felony offense involving school property;  
or

(E) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A), (B), (C), or (D); or

(2) conviction of:

(A) a felony [an] offense under Title 5, Penal Code[, if the victim of the offense was under 18 years of age at the time the offense was committed]; or

(B) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A) [(3) conviction or deferred adjudication community supervision granted on the basis of an offense under Section 43.24, Penal Code].

SECTION 2.03. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.0285 to read as follows:

Sec. 7.0285. COMPLIANCE OVERSIGHT RELATING TO NOTICE OF CERTAIN LAW ENFORCEMENT ACTIVITIES AGAINST SCHOOL EMPLOYEE. (a) The agency shall oversee compliance by:

(1) law enforcement agencies with the requirements under Article 2A.2075, Code of Criminal Procedure; and

(2) school districts, open-enrollment charter schools, and private schools operating in this state with the

requirements under Section 37.092.

(b) To assist law enforcement agencies and school districts, open-enrollment charter schools, and private schools operating in this state in complying with Article 2A.2075, Code of Criminal Procedure, and Section 37.092, as applicable, the agency shall establish a structured communication protocol between law enforcement agencies and districts and schools that ensures transparency and accountability.

SECTION 2.04. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0582 to read as follows:

Sec. 21.0582. REVOCATION FOR VIOLATING CONFIDENTIALITY OF NOTICE OF CERTAIN LAW ENFORCEMENT ACTIVITIES AGAINST SCHOOL EMPLOYEE. The board may suspend or revoke a certificate held by a person under this subchapter, impose other sanctions against the person, or refuse to issue a certificate to the person under this subchapter if the person reveals confidential information in violation of Section 37.092.

SECTION 2.05. Section 21.0585, Education Code, is amended to read as follows:

Sec. 21.0585. NOTICE TO AGENCY REGARDING REVOCATION OF CERTIFICATE OR PERMIT FOR CERTAIN MISCONDUCT. The board shall, not later than 24 hours after revocation, [promptly] notify the agency for purposes of Section 22A.151 [22.092] if the board revokes a certificate or permit of a person on a finding that the person engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D) [21.006(b)(2)(A) or (A-1)].

SECTION 2.06. Subchapter C, Chapter 22, Education Code, is



amended by adding Section 22.089 to read as follows:

Sec. 22.089. WAIVER OF CRIMINAL HISTORY BACKGROUND CHECK PROHIBITED. An educational entity, as defined by Section 22A.001, may not allow a person to begin employment at the entity before the entity obtains criminal history record information as required under this subchapter.

SECTION 2.07. Subtitle D, Title 2, Education Code, is amended by adding Chapter 22A, and a heading is added to that chapter to read as follows:

CHAPTER 22A. EMPLOYEE AND SERVICE PROVIDER MISCONDUCT

SECTION 2.08. Chapter 22A, Education Code, as added by this Act, is amended by adding Subchapter A, and a heading is added to that subchapter to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2.09. Section 21.006(a), Education Code, is transferred to Subchapter A, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.001, Education Code, and amended to read as follows:

Sec. 22A.001. DEFINITIONS. ~~[(a)]~~ In this chapter ~~[section]~~:

(1) "Abuse" has the meaning assigned by Section 261.001, Family Code, and includes any sexual conduct involving ~~[an educator and]~~ a student or minor.

(2) "Board" means the State Board for Educator Certification.

(3) "Educational entity" means a school district, district of innovation, open-enrollment charter school, other

charter entity, regional education service center, or shared services arrangement.

(4) "Educational provider" means an entity that employs a person who provides educational services to a child who is participating in a program established by the comptroller.

(5) "Other charter entity" means:

(A) a school district operating under a home-rule school district charter adopted under Subchapter B, Chapter 12;

(B) a campus or campus program operating under a charter granted under Subchapter C, Chapter 12; and

(C) an entity that contracts to partner with a school district under Section 11.174(a)(2) to operate a district campus under a charter granted to the entity by the district under Subchapter C, Chapter 12.

(6) "Registry" means the registry of persons who are not eligible to be employed by or act as a service provider for an educational entity maintained under Section 22A.151.

(7) "Service provider" means a person who provides services to an educational entity. The term includes:

(A) a contractor or subcontractor for an educational entity;

(B) a provider of tutoring services for an educational entity;

(C) an entity that has entered into a contract to operate a school district campus under Section 11.174;

(D) a staffing provider for an educational entity; and

1                   (E) a person employed by or under the control of a  
2 person described by Paragraph (A), (B), (C), or (D).

3           SECTION 2.10. Subchapter A, Chapter 22A, Education Code, as  
4 added by this Act, is amended by adding Section 22A.002 to read as  
5 follows:

6           Sec. 22A.002. CONFIDENTIALITY. (a) Unless disclosure is  
7 required by other law and except as provided by Subsection (b), a  
8 complaint from a member of the public, statement, recording, note,  
9 file, record, memorandum, or report that is received, obtained, or  
10 created by the board or agency relating to the review or  
11 investigation of an allegation of misconduct under this chapter  
12 involving an employee of an educational provider or an educator or  
13 employee employed by or a service provider for an educational  
14 entity is confidential and not subject to disclosure under Chapter  
15 552, Government Code.

16           (b) Subsection (a) does not prohibit the disclosure of:

17                   (1) a report required under Subchapter B, Chapter 21,  
18 Subchapter C-1, Chapter 22, or this chapter;

19                   (2) information described by Subsection (a) for  
20 purposes of an administrative or other legal proceeding brought  
21 under Chapter 2001, Government Code; or

22                   (3) information required to be included in the report  
23 under Section 22A.251.

24           SECTION 2.11. Chapter 22A, Education Code, as added by this  
25 Act, is amended by adding Subchapter B, and a heading is added to  
26 that subchapter to read as follows:

1           SUBCHAPTER B. REQUIRED MISCONDUCT REPORTING

2           SECTION 2.12. Sections 21.006(b), (b-1), (b-2), (c), (c-1),  
3   (d), (e), (f), (g), (g-1), (h), (i), (j), and (k), Education Code,  
4   are transferred to Subchapter B, Chapter 22A, Education Code, as  
5   added by this Act, redesignated as Section 22A.051, Education Code,  
6   and amended to read as follows:

7           Sec. 22A.051. REQUIREMENT TO REPORT EDUCATOR MISCONDUCT TO  
8   BOARD. (a) ~~[(b)]~~ In addition to the reporting requirement under  
9   Section 261.101, Family Code, ~~[and except as provided by Subsection~~  
10 ~~(c-2),]~~ the superintendent or director of an educational entity ~~[a~~  
11 ~~school district, district of innovation, open-enrollment charter~~  
12 ~~school, other charter entity, regional education service center, or~~  
13 ~~shared services arrangement]~~ shall notify the board ~~[State Board~~  
14 ~~for Educator Certification]~~ if:

15           (1) an educator employed by or seeking employment by  
16 the entity ~~[school district, district of innovation, charter~~  
17 ~~school, other charter entity, service center, or shared services~~  
18 ~~arrangement]~~ has a criminal record and the entity ~~[school district,~~  
19 ~~district of innovation, charter school, other charter entity,~~  
20 ~~service center, or shared services arrangement]~~ obtained  
21 information about the educator's criminal record by a means other  
22 than the criminal history clearinghouse established under Section  
23 411.0845, Government Code;

24           (2) an educator's employment at the entity ~~[school~~  
25 ~~district, district of innovation, charter school, other charter~~  
26 ~~entity, service center, or shared services arrangement]~~ was  
27 terminated and there is evidence that the educator:

1 (A) abused or otherwise committed an unlawful act  
2 with a student or minor, including by engaging in conduct that  
3 involves physical mistreatment or constitutes a threat of violence  
4 to a student or minor and that is not justified under Chapter 9,  
5 Penal Code, regardless of whether the conduct resulted in bodily  
6 injury;

7 (B) [~~(A-1)~~] was involved in a romantic  
8 relationship with or solicited or engaged in sexual contact with a  
9 student or minor;

10 (C) engaged in inappropriate communications with  
11 a student or minor;

12 (D) failed to maintain appropriate boundaries  
13 with a student or minor;

14 (E) [~~(B)~~] possessed, transferred, sold, or  
15 distributed a controlled substance, as defined by Chapter 481,  
16 Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

17 (F) [~~(C)~~] illegally transferred, appropriated,  
18 or expended funds or other property of the entity [~~school district,~~  
19 ~~district of innovation, charter school, other charter entity,~~  
20 ~~service center, or shared services arrangement~~];

21 (G) [~~(D)~~] attempted by fraudulent or  
22 unauthorized means to obtain or alter a professional certificate or  
23 license for the purpose of promotion or additional compensation; or

24 (H) [~~(E)~~] committed a criminal offense or any  
25 part of a criminal offense on school property or at a  
26 school-sponsored event;

27 (3) the educator resigned and there is evidence that

the educator engaged in misconduct described by Subdivision (2);

(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by Subdivision (2)(A), (B), (C), or (D); or

(5) [(4)] the educator engaged in conduct that violated the assessment instrument security procedures established under Section 39.0301.

(b) [(b-1)] A superintendent or director of an educational entity [~~a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described by Subsection (a)(2)(A), (B), (C), or (D) [~~(b)(2)(A) or (A-1)~~], despite the educator's resignation from employment before completion of the investigation.

(c) [(b-2)] The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the [~~school~~] district, [~~district of innovation, charter~~] school, or [~~other charter~~] entity:

(1) except as provided by Subdivision (2), not later than the seventh business day after the date:

(A) [(1)] of an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (a) [(b)]; or

(B) [(2)] the principal knew about an educator's

1 criminal record under Subsection (a)(1); or

2 (2) not later than 48 hours after the principal  
3 becomes aware of evidence of misconduct described by Subsection  
4 (a)(2)(A), (B), (C), or (D) [(b)(1)].

5 (d) The [(c) Except as provided by Subsection (c-2), the]  
6 superintendent or director must notify the board [~~State Board for~~  
7 ~~Educator Certification~~] by filing a report with the board:

8 (1) except as provided by Subdivision (2), not later  
9 than the seventh business day after the date the superintendent or  
10 director:

11 (A) receives notice [a report] from a principal  
12 under Subsection (c) [(b-2)]; or

13 (B) knew about an educator's termination of  
14 employment or resignation following an alleged incident of  
15 misconduct described by Subsection (a) [(b)] or an educator's  
16 [employee's] criminal record under Subsection (a)(1); or

17 (2) not later than 48 hours after the superintendent  
18 or director:

19 (A) receives notice from a principal under  
20 Subsection (c)(2); or

21 (B) becomes aware of evidence of misconduct  
22 described by Subsection (a)(2)(A), (B), (C), or (D) [(b)(1)].

23 (e) [(c-1)] The report under Subsection (d) must be [(c)]:

24 (1) [must be:

25 [(A)] in writing;

26 (2) [and

27 [(B)] in a form prescribed by the board; and

(3) [~~(2)~~ may be] filed through the Internet portal developed and maintained by the agency under Section 22A.155 [~~State Board for Educator Certification under Subsection (g-1)~~].

(f) [~~(d)~~] The superintendent or director shall notify the board of trustees or governing body of the educational entity [~~school district, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] and the educator of the filing of the report required by Subsection (d) [~~(e)~~].

(g) [~~(e)~~] A superintendent, director, or principal of an educational entity [~~a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] who in good faith and while acting in an official capacity files a report with the board [~~State Board for Educator Certification~~] under this section or communicates with another superintendent, director, or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed.

(h) [~~(f)~~] The board [~~State Board for Educator Certification~~] shall determine whether to impose sanctions, including an administrative penalty under Subsection (k) [~~(i)~~], against a principal who fails to provide notification to a superintendent or director in violation of Subsection (c) [~~(b-2)~~] or against a superintendent or director who fails to file a report in violation of Subsection (d) [~~(e)~~].

(i) [~~(g)~~] The board [~~State Board for Educator~~



1 ~~Certification]~~ shall propose rules as necessary to implement this  
2 section.

3       (j) [~~(g-1)~~] ~~The State Board for Educator Certification~~  
4 ~~shall develop and maintain an Internet portal through which a~~  
5 ~~report required under Subsection (c) may be confidentially and~~  
6 ~~securely filed.~~

7       ~~[(h)]~~ The name of a student or minor who is the victim of  
8 abuse or unlawful conduct by an educator must be included in a  
9 report filed under this section, but the name of the student or  
10 minor is not public information under Chapter 552, Government Code.

11       (k) [~~(i)~~] If an educator serving as a superintendent or  
12 director is required to file a report under Subsection (d) [~~(e)~~] and  
13 fails to file the report by the date required by that subsection, or  
14 if an educator serving as a principal is required to notify a  
15 superintendent or director about an educator's criminal record or  
16 alleged incident of misconduct under Subsection (c) [~~(b-2)~~] and  
17 fails to provide the notice by the date required by that subsection,  
18 the board [~~State Board for Educator Certification~~] may impose on  
19 the educator an administrative penalty of not less than \$500 and not  
20 more than \$10,000. The board [~~State Board for Educator~~  
21 ~~Certification~~] may not renew the certification of an educator  
22 against whom an administrative penalty is imposed under this  
23 subsection until the penalty is paid.

24       (l) [~~(j)~~] A superintendent or director required to file a  
25 report under Subsection (d) [~~(e)~~] commits an offense if the  
26 superintendent or director fails to file the report by the date  
27 required by that subsection with intent to conceal an educator's

1 criminal record or alleged incident of misconduct described by  
 2 Subsection (a)(2)(A), (B), (E), (F), (G), or (H). A principal  
 3 required to notify a superintendent or director about an educator's  
 4 criminal record or alleged incident of misconduct under Subsection  
 5 (c) [(b-2)] commits an offense if the principal fails to provide the  
 6 notice by the date required by that subsection with intent to  
 7 conceal an educator's criminal record or alleged incident of  
 8 misconduct described by Subsection (a)(2)(A), (B), (E), (F), (G),  
 9 or (H). An offense under this subsection is a state jail felony.

10 (m) [(k)] The commissioner may review the records of an  
 11 educational entity [~~a school district, district of innovation,~~  
 12 ~~open-enrollment charter school, other charter entity, regional~~  
 13 ~~education service center, or shared services arrangement~~] to ensure  
 14 compliance with the requirement to report misconduct under this  
 15 section.

16 SECTION 2.13. Section 22.093, Education Code, is  
 17 transferred to Subchapter B, Chapter 22A, Education Code, as added  
 18 by this Act, redesignated as Section 22A.052, Education Code, and  
 19 amended to read as follows:

20 Sec. 22A.052 [22.093]. REQUIREMENT TO REPORT EMPLOYEE,  
 21 EDUCATIONAL PROVIDER, OR SERVICE PROVIDER MISCONDUCT TO  
 22 AGENCY. (a) [~~In this section, "abuse" has the meaning assigned by~~  
 23 ~~Section 261.001, Family Code, and includes any sexual conduct~~  
 24 ~~involving a student or minor.~~

25 [(b)] This section applies to:

26 (1) a person who is employed by an educational entity  
 27 [~~a school district, district of innovation, open-enrollment~~

~~charter school, other charter entity, regional education service center, or shared services arrangement]~~ and who does not hold a certification or permit issued under Subchapter B, Chapter 21;

(2) a service provider for an educational entity who has or will have direct contact with students; or

(3) a person employed by an educational provider who provides educational services to a child participating in a program established by the comptroller.

(b) ~~[(c)]~~ In addition to the reporting requirement under Section 261.101, Family Code, the superintendent or director of an educational entity or educational provider ~~[a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement]~~ shall notify the commissioner if the superintendent or director:

(1) becomes aware of ~~[an employee's employment at the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement was terminated and there is]~~ evidence that a person described by Subsection (a) engaged in misconduct described by Section 22A.051(a)(2) ~~[the employee:~~

~~[(A) abused or otherwise committed an unlawful act with a student or minor; or~~

~~[(B) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor];~~

or

(2) obtained criminal history record information

1 relating to misconduct described by Subdivision (1) for a person  
 2 described by Subsection (a) [the employee resigned and there is  
 3 evidence that the employee engaged in misconduct described by  
 4 Subdivision (1)].

5 (c) [(d)] A superintendent or director of an educational  
 6 entity or educational provider [a school district, district of  
 7 innovation, open-enrollment charter school, other charter entity,  
 8 regional education service center, or shared services arrangement]  
 9 shall complete an investigation of a person described by Subsection  
 10 (a) [an employee] that involves evidence that the person [employee]  
 11 may have engaged in misconduct described by Section  
 12 22A.051(a)(2)(A), (B), (C), or (D) [Subsection (c)(1)(A) or (B)],  
 13 despite the person's termination of or [employee's] resignation  
 14 from employment or cessation of services for the entity or provider  
 15 before completion of the investigation.

16 (d) [(e)] The principal of a school district, district of  
 17 innovation, open-enrollment charter school, or other charter  
 18 entity campus must notify the superintendent or director of the  
 19 [school] district, [district of innovation, charter] school, or  
 20 [other charter] entity:

21 (1) not later than the seventh business day after the  
 22 date:

23 (A) of the [an employee's] termination of  
 24 [employment] or resignation from employment or cessation of  
 25 services of a person described by Subsection (a) for the entity  
 26 following an alleged incident of misconduct described by Subsection  
 27 (b)(1); or

1                   (B) the principal knew about criminal history  
2 record information under Subsection (b)(2); or

3                   (2) not later than 48 hours after the principal  
4 becomes aware of evidence of an alleged incident of misconduct  
5 described by Section 22A.051(a)(2)(A), (B), (C), or (D) [~~(e)(1)(A)~~  
6 ~~or (B)~~].

7           (e) [~~(f)~~] The superintendent or director of an educational  
8 entity must notify the commissioner by filing a report with the  
9 commissioner:

10                   (1) except as provided by Subdivision (2), not later  
11 than the seventh business day after the date the superintendent or  
12 director:

13                   (A) receives notice [~~a report~~] from a principal  
14 under Subsection (d); [~~(e)~~] or

15                   (B) knew about the [~~an employee's~~] termination of  
16 [~~employment~~] or resignation from employment or cessation of  
17 services of a person described by Subsection (a) for the entity  
18 following an alleged incident of misconduct described by Subsection  
19 (b)(1) or criminal history record information under Subsection  
20 (b)(2); or

21                   (2) not later than 48 hours after the superintendent  
22 or director:

23                   (A) receives notice from a principal under  
24 Subsection (d)(2); or

25                   (B) becomes aware of evidence of an alleged  
26 incident of misconduct described by Section 22A.051(a)(2)(A), (B),  
27 (C), or (D) [~~(e)(1)(A) or (B)~~].

1        (f) The report under Subsection (e) must be:

2            (1) in writing; ~~[and]~~

3            (2) in a form prescribed by the commissioner; and

4            (3) filed through the Internet portal developed and  
5 maintained by the agency under Section 22A.155.

6        (g) The superintendent or director shall notify the board of  
7 trustees or governing body of the educational entity or educational  
8 provider, if applicable, [school district, district of innovation,  
9 open-enrollment charter school, other charter entity, regional  
10 education service center, or shared services arrangement] and the  
11 person [employee] of the filing of the report required by  
12 Subsection (e) ~~[(f)]~~.

13        (h) A superintendent or director who in good faith and while  
14 acting in an official capacity files a report with the commissioner  
15 under Subsection (e) ~~[(f)]~~ or a principal who in good faith and  
16 while acting in an official capacity notifies a superintendent or  
17 director under Subsection (d) ~~[(e)]~~ is immune from civil or  
18 criminal liability that might otherwise be incurred or imposed.

19        (i) The commissioner shall refer an educator who fails to  
20 file a report in violation of Subsection (e) ~~[(f)]~~ to the State  
21 Board for Educator Certification, and the board shall determine  
22 whether to impose sanctions against the educator.

23        (j) The name of a student or minor who is the victim of abuse  
24 or unlawful conduct by an employee must be included in a report  
25 filed under this section, but the name of the student or minor is  
26 not public information under Chapter 552, Government Code.

27        (k) A superintendent or director required to file a report

1 under Subsection (e) [~~(f)~~] commits an offense if the superintendent  
 2 or director fails to file the report by the date required by that  
 3 subsection with intent to conceal a person's [~~an employee's~~]  
 4 criminal record or alleged incident of misconduct described by  
 5 Section 22A.051(a)(2)(A) or (B). A principal required to notify a  
 6 superintendent or director about a person's [~~an employee's~~] alleged  
 7 incident of misconduct under Subsection (d) [~~(e)~~] commits an  
 8 offense if the principal fails to provide the notice by the date  
 9 required by that subsection with intent to conceal a person's [~~an~~  
 10 ~~employee's~~] alleged incident of misconduct described by Section  
 11 22A.051(a)(2)(A) or (B). An offense under this subsection is a  
 12 state jail felony.

13 (l) The commissioner may review the records of an  
 14 educational entity or educational provider [~~a school district,~~  
 15 ~~district of innovation, open-enrollment charter school, other~~  
 16 ~~charter entity, regional education service center, or shared~~  
 17 ~~services arrangement~~] to ensure compliance with the requirement to  
 18 report misconduct under this section.

19 (m) The commissioner shall adopt rules as necessary to  
 20 implement this section.

21 SECTION 2.14. Section 21.0061, Education Code, is  
 22 transferred to Subchapter B, Chapter 22A, Education Code, as added  
 23 by this Act, redesignated as Section 22A.053, Education Code, and  
 24 amended to read as follows:

25 Sec. 22A.053 [~~21.0061~~]. NOTICE TO PARENT OR GUARDIAN ABOUT  
 26 [~~EDUCATOR~~] MISCONDUCT. (a) The board of trustees or governing body  
 27 of an educational entity [~~a school district, district of~~

~~innovation, open-enrollment charter school, other charter entity,~~  
~~regional education service center, or shared services arrangement]~~  
 shall adopt a policy under which notice is provided to the parent or  
 guardian of a student with whom a person employed by or acting as a  
service provider for the entity ~~[an educator]~~ is alleged to have  
 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),  
(C), or (D) ~~[Section 21.006(b)(2)(A) or (A-1)]~~ informing the parent  
 or guardian:

(1) that the alleged misconduct occurred;

(2) whether the person ~~[educator]~~ was terminated  
 following an investigation of the alleged misconduct or resigned  
 before completion of the investigation; and

(3) whether a report was submitted to the agency or  
board ~~[State Board for Educator Certification]~~ concerning the  
 alleged misconduct.

(b) The policy required by this section must require that  
 information specified by Subsection (a)(1) be provided as soon as  
 feasible after the educational ~~[employing]~~ entity becomes aware  
 that alleged misconduct may have occurred.

~~[(c) In this section, "other charter entity" has the meaning~~  
~~assigned by Section 21.006.]~~

SECTION 2.15. Sections 21.007 and 21.009, Education Code,  
 are transferred to Subchapter B, Chapter 22A, Education Code, as  
 added by this Act, redesignated as Sections 22A.054 and 22A.055,  
 Education Code, and amended to read as follows:

Sec. 22A.054 ~~[21.007]~~. NOTICE ON CERTIFICATION RECORD OF  
ALLEGED MISCONDUCT; INCLUSION IN REGISTRY. (a) ~~[In this section,~~



1 ~~"board" means the State Board for Educator Certification.~~

2       ~~[(b)]~~ The board shall adopt a procedure for placing a notice  
3 of alleged misconduct on an educator's public certification  
4 records. The procedure adopted by the board must provide for  
5 immediate placement of a notice of alleged misconduct on an  
6 educator's public certification records if the alleged misconduct  
7 presents a risk to the health, safety, or welfare of a student or  
8 minor as determined by the board.

9       (b) [(c)] The board must notify:

10           (1) an educator in writing when placing a notice of an  
11 alleged incident of misconduct on the public certification records  
12 of the educator; and

13           (2) the agency for purposes of placing the educator on  
14 the registry in accordance with Subsection (c).

15       (c) On receiving a notification under Subsection (b), the  
16 agency shall immediately place the educator on the registry and  
17 include information indicating that the educator is under  
18 investigation for alleged misconduct.

19       (d) The board must provide an opportunity for an educator to  
20 show cause why the notice should not be placed on the educator's  
21 public certification records. The board shall propose rules  
22 establishing the length of time that a notice may remain on the  
23 educator's public certification records before the board must:

24           (1) initiate a proceeding to impose a sanction on the  
25 educator on the basis of the alleged misconduct; or

26           (2) remove the notice from the educator's public  
27 certification records.

(e) If it is determined that the educator has not engaged in the alleged incident of misconduct, the board shall immediately:

(1) remove the notice from the educator's public certification records; and

(2) notify the agency to remove the educator from the registry.

(f) The board shall propose rules necessary to administer this section.

Sec. 22A.055 [~~21.009~~]. PRE-EMPLOYMENT OR PRE-SERVICE AFFIDAVIT. (a) A person applying [~~An applicant~~] for employment with or who will act as a service provider for an educational entity [~~a position described by Section 21.003(a) or (b) with a school district, district of innovation, open-enrollment charter school, private school, regional education service center, or shared services arrangement~~] must submit, using a form adopted by the agency, consent for release of the person's employment records and a pre-employment or pre-service affidavit disclosing whether the person [~~applicant~~] has ever been:

(1) investigated by a law enforcement or child protective services agency for, or charged with, adjudicated for, or convicted of an offense involving, conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

(2) investigated by a licensing authority or had a license, certificate, or permit denied, suspended, revoked, or subject to another sanction in this state or another state for conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

(3) included in the registry;

1           (4) employed or is currently employed by or has acted  
2 or is currently acting as a service provider for a public or private  
3 school; and

4           (5) terminated or discharged or has resigned, in lieu  
5 of being terminated or discharged, from a public or private school  
6 [having an inappropriate relationship with a minor].

7           (b) A person ~~[An applicant]~~ who answers affirmatively  
8 concerning an action listed under Subsection (a) ~~[inappropriate~~  
9 ~~relationship with a minor]~~ must disclose in the affidavit all  
10 relevant facts known to the person pertaining to the matter  
11 ~~[charge, adjudication, or conviction]~~, including, if applicable to  
12 the action ~~[for a charge]~~, whether the allegation ~~[charge]~~ was  
13 determined to be true or false.

14           (c) A person or service provider ~~[An applicant]~~ is not  
15 precluded from being employed by or providing services to an  
16 educational entity based on a disclosed allegation ~~[charge]~~ if the  
17 ~~[employing]~~ entity determines based on the information disclosed in  
18 the affidavit that the allegation ~~[charge]~~ was false.

19           (d) A determination that an employee or person providing  
20 services failed to disclose information required to be disclosed by  
21 a person ~~[an applicant]~~ under this section is grounds for  
22 termination of employment or service.

23           (e) An educational entity shall discharge or refuse to hire  
24 or allow to act as a service provider for the entity a person  
25 against whom a determination has been made under Subsection (d).

26           (f) The board ~~[State Board for Educator Certification]~~ may  
27 revoke the certificate of an administrator if the board determines

1 it is reasonable to believe that the administrator employed a  
2 person or accepted services from a service provider ~~[an applicant~~  
3 ~~for a position described by Section 21.003(a) or (b)]~~ despite being  
4 aware that the person knowingly failed to disclose information  
5 required to be disclosed under Subsection (a) ~~[applicant had been~~  
6 ~~adjudicated for or convicted of having an inappropriate~~  
7 ~~relationship with a minor]~~.

8 (g) A person commits an offense if the person fails to  
9 disclose information required to be disclosed under Subsection (a).  
10 An offense under this subsection is a Class B misdemeanor.

11 SECTION 2.16. Chapter 22A, Education Code, as added by this  
12 Act, is amended by adding Subchapter C, and a heading is added to  
13 that subchapter to read as follows:

14 SUBCHAPTER C. INVESTIGATION OF MISCONDUCT

15 SECTION 2.17. Section 22.094, Education Code, is  
16 transferred to Subchapter C, Chapter 22A, Education Code, as added  
17 by this Act, redesignated as Section 22A.101, Education Code, and  
18 amended to read as follows:

19 Sec. 22A.101 [22.094]. NOTICE OF ALLEGED MISCONDUCT;  
20 INVESTIGATION; HEARING. (a) This section applies to:

21 (1) a [A] person described by Section 22A.052(a)  
22 [22.093(b) and] who is:

23 (A) the subject of a report that alleges  
24 misconduct described by Section 22A.051(a)(2);

25 (B) [22.093(c)(1)(A) or (B) or who is] identified  
26 as having engaged in [that] misconduct described by Paragraph (A)  
27 using the interagency reportable conduct search engine established

under Chapter 810, Health and Safety Code;

(C) the subject of a complaint alleging misconduct described by Paragraph (A) filed with the agency; or

(D) the subject of a Department of Family and Protective Services report received by the agency under Section 261.406, Family Code; or

(2) a person employed by or seeking employment in a private school who does not hold a certification or permit issued under Subchapter B, Chapter 21, and who is the subject of a report that alleges misconduct described by Section 22A.301(a).

(b) A person to whom this section applies [r] is entitled to a hearing on the merits of the allegations of misconduct under the procedures provided by Chapter 2001, Government Code, to contest the allegation in the report, [or] search engine, or complaint.

(c) [(b)] On receiving a report or complaint [filed under Section 22.093(f)] or making an identification described by Subsection (a), the commissioner shall promptly send to the person who is the subject of the report or identification a notice that includes:

(1) a statement informing the person that the person must request a hearing on the merits of the allegations of misconduct within the period provided by Subsection (d) [(e)];

(2) a request that the person submit a written response within the period provided by Subsection (d) [(e)] to show cause why the commissioner should not pursue an investigation; and

(3) a statement informing the person that if the person does not timely submit a written response to show cause as

provided by Subdivision (2), the agency shall provide information indicating the person is under investigation in the manner provided by Subsection (e) [~~(d)~~].

(d) [~~(c)~~] A person entitled to a hearing under Subsection (b) [~~(a)~~] must request a hearing and submit a written response to show cause not later than the 10th day after the date the person receives the notice from the commissioner provided under Subsection (c) [~~(b)~~].

(e) [~~(d)~~] If a person who receives notice provided under Subsection (c) [~~(b)~~] does not timely submit a written response to show cause why the commissioner should not pursue an investigation, the commissioner shall instruct the agency to make available through the Internet portal developed and maintained by the agency under Section 22A.155 [~~22.095~~] information indicating that the person is under investigation for alleged misconduct.

(f) [~~(e)~~] If a person entitled to a hearing under Subsection (b) [~~(a)~~] does not request a hearing as provided by Subsection (d) [~~(c)~~], the commissioner shall:

(1) based on the report filed under Section 22A.052(e), the complaint alleging misconduct, [~~22.093(f)~~] or the identification described by Subsection (a), make a determination whether the person engaged in misconduct; and

(2) if the commissioner determines that the person engaged in misconduct described by Section 22A.051(a)(2) [~~22.093(c)(1)(A) or (B)~~], instruct the agency to add the person's name to the registry [~~maintained under Section 22.092~~].

(g) [~~(f)~~] If a person entitled to a hearing under Subsection

(b) ~~[(a)]~~ requests a hearing as provided by Subsection (d) ~~[(c)]~~ and the final decision in that hearing determines that the person engaged in misconduct described by Section 22A.051(a)(2) ~~[22.093(c)(1)(A) or (B)]~~, the commissioner shall instruct the agency to add the person's name to the registry ~~[maintained under Section 22.092]~~.

(h) ~~[(g)]~~ If a person entitled to a hearing under Subsection (b) ~~[(a)]~~ requests a hearing as provided by Subsection (d) ~~[(c)]~~ and the final decision in that hearing determines that the person did not engage in misconduct described by Section 22A.051(a)(2) ~~[22.093(c)(1)(A) or (B)]~~, the commissioner shall instruct the agency to immediately remove from the Internet portal developed and maintained by the agency under Section 22A.155 ~~[22.095]~~ the information indicating that the person is under investigation for alleged misconduct.

(i) ~~[(h)]~~ The commissioner shall adopt rules as necessary to implement this section. In adopting rules, the commissioner shall follow any guidelines adopted by the board regarding sanctions for misconduct described by Section 22A.051(a)(2).

SECTION 2.18. Subchapter C, Chapter 22A, Education Code, as added by this Act, is amended by adding Section 22A.102 to read as follows:

Sec. 22A.102. PRELIMINARY DETERMINATION. To the extent feasible, not later than the 30th day after receipt of a report under Section 22A.051(d), 22A.052(e), or 22A.301(c), the board or agency, as applicable, shall, based on a preliminary review of the report, make a determination regarding whether:

1           (1) if the person who is the subject of the report is  
2 an educator, a notice of alleged misconduct should be placed on the  
3 educator's public certification records under Section 22A.054; and

4           (2) the person should be placed on the registry under  
5 Section 22A.151 with an indication that the person is under  
6 investigation for alleged misconduct.

7           SECTION 2.19. Section 21.062, Education Code, is  
8 transferred to Subchapter C, Chapter 22A, Education Code, as added  
9 by this Act, redesignated as Section 22A.103, Education Code, and  
10 amended to read as follows:

11           Sec. 22A.103 [21.062]. ISSUANCE OF SUBPOENAS. (a) During  
12 an investigation by the commissioner of an educator or person who is  
13 employed by or providing services to an educational entity for an  
14 alleged incident of misconduct, the commissioner may issue a  
15 subpoena to compel:

16           (1) the attendance of a relevant witness; or

17           (2) the production[~~, for inspection or copying,~~] of  
18 relevant evidence that is located in this state.

19           (a-1) A response to a subpoena described by Subsection  
20 (a)(2) must be submitted through the Internet portal developed and  
21 maintained by the agency under Section 22A.155 unless the  
22 commissioner authorizes a different method of submission.

23           (b) A subpoena may be served personally, electronically, or  
24 by certified mail.

25           (c) If a person fails to comply with a subpoena, the  
26 commissioner, acting through the attorney general, may file suit to  
27 enforce the subpoena in a district court in this state. On finding



1 that good cause exists for issuing the subpoena, the court shall  
2 order the person to comply with the subpoena. The court may punish  
3 a person who fails to obey the court order.

4 (d) All information and materials subpoenaed or compiled in  
5 connection with an investigation described by Subsection (a) are  
6 confidential and not subject to disclosure under Chapter 552,  
7 Government Code.

8 (e) Except as provided by a protective order, and  
9 notwithstanding Subsection (d), all information and materials  
10 subpoenaed or compiled in connection with an investigation  
11 described by Subsection (a) may be used in a disciplinary  
12 proceeding against a person [~~an educator~~] based on an alleged  
13 incident of misconduct.

14 SECTION 2.20. Subchapter C, Chapter 22A, Education Code, as  
15 added by this Act, is amended by adding Section 22A.104 to read as  
16 follows:

17 Sec. 22A.104. RESTRICTION ON SURRENDER OF CERTIFICATE OR  
18 PERMIT PENDING INVESTIGATION. If a person issued a certificate or  
19 permit under Subchapter B, Chapter 21, attempts to surrender the  
20 certificate or permit while the board is investigating an  
21 allegation that the person engaged in misconduct described by  
22 Section 22A.051(a)(2)(A), (B), (C), or (D), the board may not  
23 accept the surrender unless the person agrees to be included in the  
24 registry.

25 SECTION 2.21. Chapter 22A, Education Code, as added by this  
26 Act, is amended by adding Subchapter D, and a heading is added to  
27 that subchapter to read as follows:

1 SUBCHAPTER D. PERSONS NOT ELIGIBLE FOR EMPLOYMENT OR PROVISION OF  
2 SERVICES

3 SECTION 2.22. Section 22.092, Education Code, is  
4 transferred to Subchapter D, Chapter 22A, Education Code, as added  
5 by this Act, redesignated as Section 22A.151, Education Code, and  
6 amended to read as follows:

7 Sec. 22A.151 [22.092]. REGISTRY OF PERSONS NOT ELIGIBLE FOR  
8 EMPLOYMENT IN OR PROVISION OF SERVICES TO EDUCATIONAL ENTITIES  
9 [~~PUBLIC SCHOOLS~~]. (a) The agency shall maintain and make available  
10 through the Internet portal developed and maintained by the agency  
11 under Section 22A.155 [22.095] a registry of persons who are not  
12 eligible to be employed by or act as a service provider for an  
13 educational entity [~~a school district, district of innovation,~~  
14 ~~open-enrollment charter school, other charter entity, regional~~  
15 ~~education service center, or shared services arrangement~~].

16 (b) An educational entity [~~A school district, district of~~  
17 ~~innovation, open-enrollment charter school, other charter entity,~~  
18 ~~regional education service center, or shared services arrangement~~]  
19 shall discharge or refuse to hire, or terminate or refuse to accept  
20 services from, a person listed on the registry [~~maintained under~~  
21 ~~this section~~].

22 (c) An educational entity may not allow a person who is  
23 listed on the registry to:

24 (1) act as a service provider for the entity; or

25 (2) be present at an event sponsored by the entity.

26 (d) The registry [~~maintained under this section~~] must list  
27 the following persons as not eligible to be employed by or act as a

1 service provider for an educational entity [~~public schools~~]:

2 (1) a person determined by the agency under Section  
3 22.0832 as a person who would not be eligible for educator  
4 certification under Subchapter B, Chapter 21;

5 (2) a person determined by the agency to be not  
6 eligible for employment based on the person's criminal history  
7 record information review, as provided by Section 22.0833;

8 (3) a person who is not eligible for employment based  
9 on criminal history record information received by the agency under  
10 Section 22A.201(b) [~~21.058(b)~~];

11 (4) a person whose certification or permit, or  
12 application for a certification or permit, issued under Subchapter  
13 B, Chapter 21, is denied or revoked by the board and who has not been  
14 issued a certificate or permit under that subchapter subsequent to  
15 that denial or revocation [~~State Board for Educator Certification~~  
16 ~~on a finding that the person engaged in misconduct described by~~  
17 ~~Section 21.006(b)(2)(A) or (A-1)]~~; [~~and~~]

18 (5) a person whose certification or permit issued  
19 under Subchapter B, Chapter 21, is suspended by the board for a  
20 reason other than under Section 21.105(c), 21.160(c), or 21.210(c)  
21 for the period of the suspension;

22 (6) a person who is determined by the commissioner  
23 under Section 22A.101 [~~22.094~~] to have engaged in misconduct  
24 described by Section 22A.051(a)(2)(A), (B), (C), or (D); and

25 (7) a person temporarily included in the registry  
26 under Section 22A.152 or 22A.153 for the term of the placement  
27 [~~22.093(c)(1)(A) or (B)~~].

1       (e) The registry must include information indicating  
 2 whether a person's listing in the registry expires. A prohibition  
 3 applicable to a person included in the registry no longer applies to  
 4 a person whose listing in the registry has expired and, if  
 5 applicable, whose certification or permit under Subchapter B,  
 6 Chapter 21, has been reinstated.

7       (f) [~~(d)~~] The agency shall provide equivalent access to the  
 8 registry [~~maintained under this section~~] to:

9               (1) private schools;  
 10              (2) educational entities [~~public schools~~]; [~~and~~]  
 11              (3) nonprofit teacher organizations approved by the  
 12 commissioner for the purpose of participating in the tutoring  
 13 program established under Section 33.913;

14              (4) entities that have entered into a contract to  
 15 operate a school district campus under Section 11.174; and

16              (5) service providers for an educational entity that  
 17 are authorized by the entity to access the registry.

18       (g) Each school year, the superintendent or director of an  
 19 educational entity shall certify to the commissioner that the  
 20 entity has complied with this section. If feasible, the  
 21 commissioner by rule shall consolidate the requirement under this  
 22 subsection with other reporting requirements applicable to the  
 23 entity.

24       (h) [~~(e)~~] The commissioner [~~agency~~] shall adopt rules as  
 25 necessary to implement this section.

26       SECTION 2.23. Subchapter D, Chapter 22A, Education Code, as  
 27 added by this Act, is amended by adding Sections 22A.152, 22A.153,

and 22A.154 to read as follows:

Sec. 22A.152. TEMPORARY INCLUSION IN REGISTRY BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE. (a) The commissioner shall temporarily include a person in the registry if the commissioner, based on evidence or information presented to the commissioner regarding a complaint alleging misconduct by the person, determines that the person's continued employment at or provision of services to an educational entity constitutes a continuing and imminent threat to the public welfare.

(b) A person may be temporarily included in the registry without notice or hearing on the complaint alleging the person's misconduct if:

(1) proceedings for a hearing before the State Office of Administrative Hearings are initiated simultaneously with the temporary inclusion; and

(2) a hearing is held as soon as possible under this chapter and Chapter 2001, Government Code.

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 17th day after the date of the temporary inclusion to determine whether probable cause exists that the person's employment at or provision of services to an educational entity constitutes a continuing and imminent threat to the public welfare. The probable cause hearing shall be conducted as a de novo hearing.

(d) The State Office of Administrative Hearings shall hold a final hearing on the matter not later than the 61st day after the date of the temporary inclusion.

1       (e) The commissioner by rule shall adopt procedures for the  
2 temporary inclusion of a person in the registry under this section.

3       Sec. 22A.153. TEMPORARY INCLUSION IN REGISTRY FOR CERTAIN  
4 ARRESTS. (a) The commissioner shall temporarily include a person  
5 who is employed by or acting as a service provider for an  
6 educational entity in the registry if the educator is arrested for  
7 an offense listed under Section 22A.201(a).

8       (b) Before temporarily including a person described by  
9 Subsection (a) in the registry, the commissioner must verify that  
10 the person arrested for an offense described by that subsection is  
11 the same person who is employed by or acting as a service provider  
12 for an educational entity.

13       (c) An inclusion in the registry under this section remains  
14 in effect until the final disposition of the case.

15       (d) Sections 22A.152(b), (c), and (d) apply to a temporary  
16 inclusion in the registry under this section.

17       (e) The commissioner shall adopt rules to implement this  
18 section, including rules regarding evidence that serves as proof of  
19 final disposition of a case.

20       Sec. 22A.154. REPORTING TO LAW ENFORCEMENT. (a) The agency  
21 shall refer to an appropriate local law enforcement agency any  
22 allegation of misconduct that results in the inclusion of a person  
23 in the registry that has not already been referred to a local law  
24 enforcement agency.

25       (b) The agency may refer any allegation of misconduct to an  
26 appropriate local law enforcement agency if the agency believes the  
27 allegation includes evidence of criminal conduct.

1        (c) The agency shall maintain a record of each allegation of  
2 misconduct referred to a local law enforcement agency under this  
3 section.

4        SECTION 2.24. Sections 22.095 and 22.096, Education Code,  
5 are transferred to Subchapter D, Chapter 22A, Education Code, as  
6 added by this Act, redesignated as Sections 22A.155 and 22A.156,  
7 Education Code, and amended to read as follows:

8        Sec. 22A.155 [22.095]. INTERNET PORTAL. (a) The agency  
9 shall develop and maintain an Internet portal through which:

10            (1) a report required under Section 22A.051(d),  
11 22A.052(e), or 22A.301(c) [22.093(f)] may be confidentially and  
12 securely filed; and

13            (2) the agency makes available:

14            (A) the registry of persons who are not eligible  
15 to be employed by or act as service providers for educational  
16 entities [~~in public schools~~] as described by Section 22A.151  
17 [22.092]; and

18            (B) information indicating that a person is under  
19 investigation for alleged misconduct in accordance with Section  
20 22A.101(e) [22.094(d)], provided that the agency must provide the  
21 information through a procedure other than the registry [~~described~~  
22 ~~under Paragraph (A)~~].

23        (b) The Internet portal must comply with any requirements  
24 adopted by the board for filing reports under Sections 22A.051 and  
25 22A.301.

26        Sec. 22A.156 [22.096]. COMPLIANCE MONITORING; AGENCY  
27 INVESTIGATION AND REVIEW. (a) The agency shall periodically

1 ~~[conduct site visits and]~~ review the records of educational  
 2 entities ~~[school districts, districts of innovation,~~  
 3 ~~open-enrollment charter schools, other charter entities, regional~~  
 4 ~~education service centers, and shared services arrangements]~~ to  
 5 ensure compliance with Section 22A.151(b) ~~[22.092(b)]~~.

6 (b) The agency shall review the investigations conducted by  
 7 educational entities involving allegations of misconduct described  
 8 by Section 22A.051(a)(2)(A), (B), (C), or (D) to ensure that the  
 9 investigations are conducted using appropriate investigative  
 10 protocols, including when cooperating with a law enforcement agency  
 11 or the Department of Family and Protective Services in accordance  
 12 with the policy adopted under Section 38.004. If the agency  
 13 determines that an educational entity failed to follow appropriate  
 14 investigative protocols, the commissioner may authorize a special  
 15 investigation under Section 39.003.

16 (c) The agency may directly investigate allegations of  
 17 misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D),  
 18 regardless of whether a report or complaint was filed with the  
 19 agency.

20 SECTION 2.25. Section 22.085, Education Code, is  
 21 transferred to Subchapter D, Chapter 22A, Education Code, as added  
 22 by this Act, redesignated as Section 22A.157, Education Code, and  
 23 amended to read as follows:

24 Sec. 22A.157 ~~[22.085]~~. EMPLOYEES AND APPLICANTS CONVICTED  
 25 OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR  
 26 CERTAIN OFFENSES. (a) An educational entity ~~[A school district,~~  
 27 ~~open-enrollment charter school, or shared services arrangement]~~



1 shall discharge or refuse to hire an employee or applicant for  
2 employment if the entity [~~district, school, or shared services~~  
3 ~~arrangement~~] obtains information through a criminal history record  
4 information review that the employee or applicant has been:

5 (1) convicted of or placed on deferred adjudication  
6 community supervision for an offense described by Section  
7 22A.201(a)(1) [~~for which a defendant is required to register as a~~  
8 ~~sex offender under Chapter 62, Code of Criminal Procedure~~]; or

9 (2) convicted of an [~~+~~  
10 [~~(A) a felony~~] offense described by Section  
11 22A.201(a)(2) [~~under Title 5, Penal Code, if the victim of the~~  
12 ~~offense was under 18 years of age at the time the offense was~~  
13 ~~committed; or~~

14 [~~(B) an offense under the laws of another state~~  
15 ~~or federal law that is equivalent to an offense under Subdivision~~  
16 ~~(1) or Paragraph (A)] .~~

17 (b) Subsection (a) does not apply if the employee or  
18 applicant for employment committed an offense under Title 5, Penal  
19 Code and:

20 (1) the date of the offense is more than 30 years  
21 before:

22 (A) the effective date of S.B. No. 9, Acts of the  
23 80th Legislature, Regular Session, 2007, in the case of a person  
24 employed by a school district, open-enrollment charter school, or  
25 shared services arrangement as of that date; or

26 (B) the date the person's employment will begin,  
27 in the case of a person applying for employment with a school

1 district, open-enrollment charter school, or shared services  
2 arrangement after the effective date of S.B. No. 9, Acts of the 80th  
3 Legislature, Regular Session, 2007; and

4 (2) the employee or applicant for employment satisfied  
5 all terms of the court order entered on conviction.

6 (c) An educational entity [~~A school district,~~  
7 ~~open-enrollment charter school, or shared services arrangement~~]  
8 may not allow a person who is an employee of or applicant for  
9 employment by a qualified school contractor or an entity that  
10 contracts with the entity [~~district, school, or shared services~~  
11 ~~arrangement~~] to serve [~~at the district or school or~~] for the entity  
12 [~~shared services arrangement~~] if the entity [~~district, school, or~~  
13 ~~shared services arrangement~~] obtains information described by  
14 Subsection (a) through a criminal history record information review  
15 concerning the employee or applicant. An educational entity [~~A~~  
16 ~~school district, open-enrollment charter school, or shared~~  
17 ~~services arrangement~~] must ensure that an entity that the  
18 educational entity [~~district, school, or shared services~~  
19 ~~arrangement~~] contracts with for services has obtained all criminal  
20 history record information as required by Section 22.0834.

21 (d) An educational entity or [~~A school district,~~  
22 ~~open-enrollment charter school,~~] private school[, ~~regional~~  
23 ~~education service center, or shared services arrangement~~] may  
24 discharge an employee if the entity [~~district~~] or school obtains  
25 information of the employee's conviction of a felony or of a  
26 misdemeanor involving moral turpitude that the employee did not  
27 disclose to the board [~~State Board for Educator Certification~~] or

the entity or ~~[district,~~ school~~, service center, or shared services arrangement]~~. An employee discharged under this section is considered to have been discharged for misconduct for purposes of Section 207.044, Labor Code.

(e) The board ~~[State Board for Educator Certification]~~ may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant for employment if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been:

(1) convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1); or

(2) convicted of an offense described by Subsection (a)(2).

(f) Each school year, the superintendent of a school district or chief operating officer of an open-enrollment charter school shall certify to the commissioner that the district or school has complied with this section.

SECTION 2.26. Chapter 22A, Education Code, as added by this Act, is amended by adding Subchapter E, and a heading is added to that subchapter to read as follows:

SUBCHAPTER E. DENIAL OR REVOCATION OF EDUCATOR CERTIFICATION FOR MISCONDUCT

SECTION 2.27. Section 21.058, Education Code, is transferred to Subchapter E, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.201, Education Code, and amended to read as follows:

1       Sec. 22A.201 [~~21.058~~]. DENIAL OR REVOCATION OF CERTIFICATE  
2 AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF OR PLACEMENT  
3 ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN  
4 OFFENSES.     (a)     The procedures described by this section  
5 [~~Subsections (b) and (c)~~] apply only to:

6               (1) conviction of or placement on deferred  
7 adjudication community supervision for:

8                       (A) an offense for which a defendant is required  
9 to register as a sex offender under Chapter 62, Code of Criminal  
10 Procedure;

11                      (B) an offense under Section 21.12 or 43.24,  
12 Penal Code;

13                      (C) a felony offense under Chapter 43, Penal  
14 Code;

15                      (D) a felony offense involving school property;  
16 or

17                      (E) an offense under the laws of another state or  
18 federal law that is equivalent to an offense under Paragraph (A),  
19 (B), (C), or (D); or

20               (2) conviction of:

21                       (A) a felony offense under Title 5, Penal Code[~~7~~  
22 ~~if the victim of the offense was under 18 years of age at the time~~  
23 ~~the offense was committed~~]; or

24                      (B) an offense under the laws of another state or  
25 federal law that is equivalent to an offense under Paragraph (A)

26 [~~(3) conviction of or placement on deferred adjudication~~  
27 ~~community supervision for an offense under Section 43.24, Penal~~

1 ~~Code~~].

2 (b) Notwithstanding Section 21.041(b)(7), not later than  
3 the fifth day after the date the board receives notice under Article  
4 42.018, Code of Criminal Procedure, of the conviction or placement  
5 on deferred adjudication community supervision of a person who  
6 holds a certificate under Subchapter B, Chapter 21 [~~this~~  
7 ~~subchapter~~], the board shall:

8 (1) revoke the certificate held by the person; and

9 (2) provide to the person, to the agency, and to any  
10 school district or open-enrollment charter school employing the  
11 person at the time of revocation written notice of:

12 (A) the revocation; and

13 (B) the basis for the revocation.

14 (c) A school district or open-enrollment charter school  
15 that receives notice under Subsection (b) of the revocation of a  
16 person's certificate issued under Subchapter B, Chapter 21, [~~this~~  
17 ~~subchapter~~] shall:

18 (1) immediately remove the person whose certificate  
19 has been revoked from campus or from an administrative office, as  
20 applicable, to prevent the person from having any contact with a  
21 student; and

22 (2) for a [~~if the~~] person [~~is~~] employed under a  
23 probationary, continuing, or term contract under Chapter 21 [~~this~~  
24 ~~chapter~~], with the approval of the board of trustees or governing  
25 body or a designee of the board or governing body:

26 (A) suspend the person without pay;

27 (B) provide the person with written notice that

the person's contract is void as provided by Subsection (e) [~~(c-2)~~]; and

(C) terminate the employment of the person as soon as practicable.

(d) [~~(c-1)~~] If a school district or open-enrollment charter school becomes aware that a person employed by the district or school under a probationary, continuing, or term contract under Chapter 21 [~~this chapter~~] has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to Subsection (c), the district or school may, with the approval of the board of trustees or governing body or a designee of the board of trustees or governing body:

(1) suspend the person without pay;

(2) provide the person with written notice that the person's contract is void as provided by Subsection (e) [~~(c-2)~~]; and

(3) terminate the employment of the person as soon as practicable.

(e) [~~(c-2)~~] A person's probationary, continuing, or term contract under Chapter 21 is void if, with the approval of the board of trustees or governing body or a designee of the board or governing body, the school district or open-enrollment charter school takes action under Subsection (c)(2)(B) or (d)(2) [~~(c-1)(2)~~].

(f) The board or a school district may not issue a certificate or permit under Subchapter B, Chapter 21, to a person who has been convicted of or placed on deferred adjudication for an

offense described by Subsection (a)(1) or who has been convicted of  
an offense described by Subsection (a)(2) [~~(d) A person whose~~  
~~certificate is revoked under Subsection (b) may reapply for a~~  
~~certificate in accordance with board rules~~].

(g) [(e)] Action taken by a school district or  
open-enrollment charter school under Subsection (c) or (d) [~~(c-1)~~]  
is not subject to appeal under this chapter, and the notice and  
hearing requirements of this chapter do not apply to the action.

SECTION 2.28. Subchapter E, Chapter 22A, Education Code, as  
added by this Act, is amended by adding Sections 22A.202 and 22A.203  
to read as follows:

Sec. 22A.202. TEMPORARY SUSPENSION OF CERTIFICATION OR  
PERMIT BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE.

(a) The board shall temporarily suspend an educator's  
certification or permit issued under Subchapter B, Chapter 21, if  
the board, based on evidence or information presented to the board  
regarding a complaint alleging misconduct by the educator,  
determines, by a majority vote of the board or of a five-person  
committee of board members designated by the board, that the  
educator's continued certification or permit issuance constitutes  
a continuing and imminent threat to the public welfare.

(b) Notwithstanding Chapter 551, Government Code, the board  
or a committee described by Subsection (a) may hold a meeting by  
telephone conference call if the board or committee determines that  
immediate action is required and convening the board or committee  
at one location would be inconvenient for any member of the board or  
committee.

1        (c) An educator's certification or permit may be  
2 temporarily suspended under this section without notice or hearing  
3 on the complaint alleging the educator's misconduct if:

4            (1) proceedings for a hearing before the State Office  
5 of Administrative Hearings are initiated simultaneously with the  
6 temporary suspension; and

7            (2) a hearing is held as soon as possible under this  
8 chapter and Chapter 2001, Government Code.

9        (d) The State Office of Administrative Hearings shall hold a  
10 preliminary hearing not later than the 17th day after the date of  
11 the temporary suspension to determine whether probable cause exists  
12 that the educator's certification or permit issuance constitutes a  
13 continuing and imminent threat to the public welfare. The probable  
14 cause hearing shall be conducted as a de novo hearing.

15        (e) The State Office of Administrative Hearings shall hold a  
16 final hearing on the matter not later than the 61st day after the  
17 date of the temporary suspension.

18        (f) The board shall propose rules adopting procedures for  
19 the temporary suspension of an educator's certification or permit  
20 under this section.

21        Sec. 22A.203. TEMPORARY SUSPENSION OF CERTIFICATION OR  
22 PERMIT FOR CERTAIN ARRESTS. (a) The board shall temporarily  
23 suspend an educator's certification or permit issued under  
24 Subchapter B, Chapter 21, if the educator is arrested for an offense  
25 listed under Section 22A.201(a).

26        (b) Before suspending an educator's certification or permit  
27 under Subsection (a), the board or a five-person committee of board



1 members designated by the board must verify that the person  
2 arrested for an offense described by that subsection is the same  
3 person who holds a certification or permit issued under Subchapter  
4 B, Chapter 21, by the board.

5 (c) A suspension under this section remains in effect until  
6 the final disposition of the case.

7 (d) Sections 22A.202(c), (d), and (e) apply to a suspension  
8 under this section.

9 (e) The board shall propose rules to implement this section,  
10 including rules regarding evidence that serves as proof of final  
11 disposition of a case.

12 SECTION 2.29. Chapter 22A, Education Code, as added by this  
13 Act, is amended by adding Subchapter F to read as follows:

14 SUBCHAPTER F. OTHER REPORTING REQUIREMENTS

15 Sec. 22A.251. REPORT BY AGENCY. (a) The agency, in  
16 cooperation with the board, shall, on a quarterly basis, post on the  
17 agency's Internet website a report on educator, employee, and  
18 service provider misconduct reported under this chapter.

19 (b) The report under Subsection (a) must be disaggregated by  
20 type of misconduct and include:

21 (1) the number of reports of alleged misconduct,  
22 categorized by the source of the report and whether the person who  
23 is the subject of the report holds a certification or permit issued  
24 under Subchapter B, Chapter 21;

25 (2) the number of preliminary reviews under Section  
26 22A.102 that resulted in a formal investigation;

27 (3) the number of preliminary reviews under Section

22A.102 that did not result in a formal investigation, categorized by reason for disposition;

(4) the number of formal investigations, categorized by disposition;

(5) the number of individuals sanctioned by the board or placed on the registry following a formal investigation; and

(6) any other information as determined by the board or commissioner.

SECTION 2.30. Chapter 22A, Education Code, as added by this Act, is amended by adding Subchapter G, and a heading is added to that subchapter to read as follows:

SUBCHAPTER G. REQUIRED MISCONDUCT REPORTING: PRIVATE SCHOOLS

SECTION 2.31. Section 21.0062, Education Code, is transferred to Subchapter G, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.301, Education Code, and amended to read as follows:

Sec. 22A.301 [21.0062]. REQUIREMENT TO REPORT MISCONDUCT: PRIVATE SCHOOLS. (a) ~~[In this section:~~

~~[(1) "Abuse" has the meaning assigned by Section 261.001, Family Code, and includes any sexual conduct involving a student or minor and private school educator.~~

~~[(2) "Private school educator" means a person employed by or seeking employment in a private school for a position in which the person would be required to hold a certificate issued under Subchapter B if the person were employed by a school district.~~

~~[(b)]~~ In addition to the reporting requirement under Section 261.101, Family Code, the chief administrative officer of a

private school shall notify the board [~~State Board for Educator Certification~~] if the chief administrative officer becomes aware of evidence that a person employed by or seeking employment in a private school engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D) [~~educator:~~

~~[(1) has a criminal record and the private school obtained information about the educator's criminal record; or~~

~~[(2) was terminated and there is evidence that the educator:~~

~~[(A) abused or otherwise committed an unlawful act with a student or minor; or~~

~~[(B) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor].~~

(b) [~~(c)~~] If there is evidence that a private school employee [~~educator~~] may have engaged in misconduct described by Subsection (a) [~~(b)~~] and the employee [~~educator~~] resigns from employment before completion of the investigation, the chief administrative officer of the private school shall submit the evidence of misconduct collected to the board [~~State Board for Educator Certification~~].

(c) [~~(d)~~] The chief administrative officer of the private school must notify the board [~~State Board for Educator Certification~~] by filing a report with the board not later than 48 hours after the chief administrative officer becomes aware of evidence of [~~not later than the seventh business day after the date the chief administrative officer knew that a private school educator:~~

1           ~~[(1) has a criminal record under Subsection (b)(1); or~~  
2           ~~[(2) was terminated following]~~ an alleged incident of  
3 misconduct described by Subsection (a) ~~[(b)(2)]~~.

4           (d) ~~[(e)]~~ The report filed under Subsection (c) ~~[(d)]~~ must  
5 be:

- 6                   (1) in writing; ~~[and]~~  
7                   (2) in a form prescribed by the board; and  
8                   (3) filed through the Internet portal developed and  
9 maintained by the agency under Section 22A.155.

10           (e) ~~[(f)]~~ Any person who knows or has reason to believe that  
11 a person employed by or seeking employment in a private school  
12 ~~[educator]~~ engaged in the misconduct described by Subsection (a)  
13 ~~[(b)(2)]~~ may file a report with the board ~~[State Board for Educator~~  
14 ~~Certification]~~ under this section.

15           (f) ~~[(g)]~~ A chief administrative officer of a private  
16 school or any other person who in good faith files a report with the  
17 board ~~[State Board for Educator Certification]~~ under this section  
18 or communicates with a chief administrative officer or other  
19 administrator of a private school concerning the criminal record of  
20 or an alleged incident of misconduct by a person employed by or  
21 seeking employment in a private school ~~[educator]~~ is immune from  
22 civil or criminal liability that might otherwise be incurred or  
23 imposed.

24           (g) ~~[(h)]~~ The name of a student or minor who is the victim of  
25 abuse or unlawful conduct by a person employed by or seeking  
26 employment in a private school ~~[educator]~~ must be included in a  
27 report filed under this section, but the name of the student or

minor is not public information under Chapter 552, Government Code.

(h) ~~[(i)]~~ The board ~~[State Board for Educator Certification]~~ shall propose rules and the commissioner shall adopt rules as necessary to implement this section.

SECTION 2.32. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.092 to read as follows:

Sec. 37.092. CONFIDENTIALITY OF AND ACTION ON NOTICE OF CERTAIN LAW ENFORCEMENT ACTIVITIES AGAINST SCHOOL EMPLOYEE. (a) A school district, open-enrollment charter school, or private school that receives notice under Article 2A.2075, Code of Criminal Procedure, shall keep the information in the notice confidential except as provided by this section.

(b) The chief of police of a school district police department or the superintendent of a school district, open-enrollment charter school, or private school who receives notice of an investigation into a district or school employee under Article 2A.2075, Code of Criminal Procedure, may disclose the contents of the notice only to:

(1) a peace officer employed by a law enforcement agency involved in the investigation;

(2) a school administrator with direct responsibility for the employee;

(3) an attorney who represents the district or school;  
or

(4) staff of the district or school, if necessary to maintain the safety of district or school students and staff.

(c) A school district, open-enrollment charter school, or

private school that receives notice of an investigation into a district or school employee under Article 2A.2075, Code of Criminal Procedure, shall:

(1) notify any district or school staff with responsibility for the employee necessary to maintain the safety of district or school students and staff;

(2) promptly collaborate with the law enforcement agency that sent the notice to develop a plan to maximize student and staff safety without jeopardizing the success of the investigation; and

(3) destroy the notice if:

(A) at least one year has elapsed since the last notice received for the investigation under Article 2A.2075, Code of Criminal Procedure; and

(B) the employee has not been charged with an offense as a result of the investigation.

(d) An employee of a school district, open-enrollment charter school, or private school who receives information regarding the contents of a notice received under Article 2A.2075, Code of Criminal Procedure, must keep the information confidential and may not disclose the information to any other individual except as authorized by this section.

SECTION 2.33. Section 261.001, Family Code, is amended by amending Subdivision (1) and adding Subdivision (3-a) to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

1 (A) mental or emotional injury to a child that  
2 results in an observable and material impairment in the child's  
3 growth, development, or psychological functioning;

4 (B) causing or permitting the child to be in a  
5 situation in which the child sustains a mental or emotional injury  
6 that results in an observable and material impairment in the  
7 child's growth, development, or psychological functioning;

8 (C) physical injury that results in substantial  
9 harm to the child, or the genuine threat of substantial harm from  
10 physical injury to the child, including an injury that is at  
11 variance with the history or explanation given and excluding an  
12 accident or reasonable discipline by a parent, guardian, or  
13 managing or possessory conservator that does not expose the child  
14 to a substantial risk of harm;

15 (D) failure to make a reasonable effort to  
16 prevent an action by another person that results in physical injury  
17 that results in substantial harm to the child;

18 (E) sexual conduct harmful to a child's mental,  
19 emotional, or physical welfare, including conduct that constitutes  
20 the offense of continuous sexual abuse of young child or disabled  
21 individual under Section 21.02, Penal Code, indecency with a child  
22 under Section 21.11, Penal Code, improper relationship between  
23 educator and student under Section 21.12, Penal Code, sexual  
24 assault under Section 22.011, Penal Code, or aggravated sexual  
25 assault under Section 22.021, Penal Code;

26 (F) failure to make a reasonable effort to  
27 prevent sexual conduct harmful to a child;

1 (G) compelling or encouraging the child to engage  
2 in sexual conduct as defined by Section 43.01, Penal Code,  
3 including compelling or encouraging the child in a manner that  
4 constitutes an offense of trafficking of persons under Section  
5 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under  
6 Section 43.021, Penal Code, or compelling prostitution under  
7 Section 43.05(a)(2), Penal Code;

8 (H) causing, permitting, encouraging, engaging  
9 in, or allowing the photographing, filming, or depicting of the  
10 child if the person knew or should have known that the resulting  
11 photograph, film, or depiction of the child is obscene as defined by  
12 Section 43.21, Penal Code, or pornographic;

13 (I) the current use by a person of a controlled  
14 substance as defined by Chapter 481, Health and Safety Code, in a  
15 manner or to the extent that the use results in physical, mental, or  
16 emotional injury to a child;

17 (J) causing, expressly permitting, or  
18 encouraging a child to use a controlled substance as defined by  
19 Chapter 481, Health and Safety Code;

20 (K) causing, permitting, encouraging, engaging  
21 in, or allowing a sexual performance by a child as defined by  
22 Section 43.25, Penal Code;

23 (L) knowingly causing, permitting, encouraging,  
24 engaging in, or allowing a child to be trafficked in a manner  
25 punishable as an offense under Section 20A.02(a)(5), (6), (7), or  
26 (8), Penal Code, or the failure to make a reasonable effort to  
27 prevent a child from being trafficked in a manner punishable as an



1 offense under any of those sections; or

2 (M) forcing or coercing a child to enter into a  
3 marriage.

4 (3-a) "Law enforcement agency" means:

5 (A) the Department of Public Safety;

6 (B) the police department of a municipality;

7 (C) the sheriff's office of a county; or

8 (D) a constable's office of a county.

9 SECTION 2.34. Sections 261.101(b) and (d), Family Code, are  
10 amended to read as follows:

11 (b) If a professional has reasonable cause to believe that a  
12 child has been abused or neglected or may be abused or neglected, or  
13 that a child is a victim of an offense under Section 21.11, Penal  
14 Code, and the professional has reasonable cause to believe that the  
15 child has been abused as defined by Section 261.001, the  
16 professional shall make a report not later than the 24th ~~[48th]~~ hour  
17 after the hour the professional first has reasonable cause to  
18 believe that the child has been or may be abused or neglected or is a  
19 victim of an offense under Section 21.11, Penal Code. A  
20 professional may not delegate to or rely on another person to make  
21 the report. In this subsection, "professional" means an individual  
22 who is licensed or certified by the state or who is an employee of a  
23 facility licensed, certified, or operated by the state and who, in  
24 the normal course of official duties or duties for which a license  
25 or certification is required, has direct contact with children.  
26 The term includes teachers, nurses, doctors, day-care employees,  
27 employees of a clinic or health care facility that provides

reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

(d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:

(1) as provided by Section 261.201; ~~or~~

(2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report; or

(3) to the Texas Education Agency or the State Board for Educator Certification, on request by the agency or board, for the purposes of:

(A) conducting an investigation of the report;

(B) conducting an investigation of an allegation that a person failed to submit a report as required under this chapter; or

(C) compliance monitoring or conducting an investigation or review of an investigation under Section 22A.156, Education Code.

SECTION 2.35. Section 261.103(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsections (b) and (c) and Section 261.405, a report shall be made to:

(1) a ~~[any local or state]~~ law enforcement agency;

(2) the department; or

(3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

SECTION 2.36. Sections 261.104(b) and (d), Family Code, are amended to read as follows:

(b) If the individual making a report of child abuse or neglect uses the toll-free telephone number the department operates for reporting child abuse or neglect and the individual is unwilling to provide the information described by Subsection (a)(4), the department representative receiving the report shall notify the individual that:

(1) the department is not authorized to accept an anonymous report of abuse or neglect;

(2) the individual may report the abuse or neglect by making a report to a ~~any local or state~~ law enforcement agency; and

(3) the identity of an individual making a report under this subchapter is confidential and may be disclosed only:

(A) as provided by Section 261.201; ~~or~~

(B) to a law enforcement officer for the purposes of conducting a criminal investigation of the report; or

(C) to the Texas Education Agency or the State Board for Educator Certification, on request by the agency or board, for the purposes of:

(i) conducting an investigation of the report;

(ii) conducting an investigation of an allegation that a person failed to submit a report as required under this chapter; or

(iii) compliance monitoring or conducting

1 an investigation or review of an investigation under Section  
2 22A.156, Education Code.

3 (d) If a report of abuse or neglect is made orally, the  
4 department or [~~local or state~~] law enforcement agency receiving the  
5 report shall:

6 (1) notify the individual making the report that:

7 (A) the report is being recorded; and

8 (B) making a false report is a criminal offense  
9 under Section 261.107 punishable as a state jail felony or a third  
10 degree felony; and

11 (2) make an audio recording of the report.

12 SECTION 2.37. Sections 261.105(a), (b), and (d), Family  
13 Code, are amended to read as follows:

14 (a) All reports received by a [~~local or state~~] law  
15 enforcement agency that allege abuse or neglect by a person  
16 responsible for a child's care, custody, or welfare shall be  
17 referred immediately to the department.

18 (b) The department shall immediately notify the appropriate  
19 [~~state or local~~] law enforcement agency of any report it receives,  
20 other than a report from a law enforcement agency, that concerns the  
21 suspected abuse or neglect of a child or death of a child from abuse  
22 or neglect.

23 (d) If the department initiates an investigation and  
24 determines that the abuse or neglect does not involve a person  
25 responsible for the child's care, custody, or welfare, the  
26 department shall refer the report to the appropriate [a] law  
27 enforcement agency for further investigation. If the department

1 determines that the abuse or neglect involves an employee of a  
2 public or private elementary or secondary school, [~~and that the~~  
3 ~~child is a student at the school,~~] the department shall [~~orally~~]  
4 notify, in writing, the superintendent of the school district, the  
5 director of the open-enrollment charter school, or the chief  
6 executive officer of the private school in which the employee is  
7 employed about the investigation. The written notice required by  
8 this subsection may be provided by e-mail to the official e-mail  
9 address of the appropriate official, if that e-mail address is  
10 publicly available.

11 SECTION 2.38. Sections 261.301(a) and (c), Family Code, are  
12 amended to read as follows:

13 (a) With assistance from the appropriate [~~state or local~~]  
14 law enforcement agency as provided by this section, the department  
15 shall make a prompt and thorough investigation of a report of child  
16 abuse or neglect allegedly committed by a person responsible for a  
17 child's care, custody, or welfare. The investigation shall be  
18 conducted without regard to any pending suit affecting the  
19 parent-child relationship.

20 (c) The department is not required to investigate a report  
21 that alleges child abuse, neglect, or exploitation by a person  
22 other than a person responsible for a child's care, custody, or  
23 welfare. The appropriate [~~state or local~~] law enforcement agency  
24 shall investigate that report if the agency determines an  
25 investigation should be conducted.

26 SECTION 2.39. Section 261.304(a), Family Code, is amended  
27 to read as follows:

1           (a) If an individual makes an anonymous report of child  
2 abuse or neglect by a person responsible for a child's care,  
3 custody, or welfare to a ~~[local or state]~~ law enforcement agency and  
4 the agency refers the report to the department, the department  
5 shall conduct a preliminary investigation to determine whether  
6 there is any evidence to corroborate the report.

7           SECTION 2.40. Section 261.308, Family Code, is amended by  
8 adding Subsection (f) to read as follows:

9           (f) The department shall release information required to be  
10 released to the Texas Education Agency or the State Board for  
11 Educator Certification under Subsection (d) or (e) by submitting  
12 the information through the Internet portal developed and  
13 maintained by the agency under Section 22A.155, Education Code.

14          SECTION 2.41. Section 261.402(b), Family Code, is amended  
15 to read as follows:

16          (b) A state agency shall immediately notify the appropriate  
17 ~~[state or local]~~ law enforcement agency of any report the agency  
18 receives, other than a report from a law enforcement agency, that  
19 concerns the suspected abuse, neglect, or exploitation of a child  
20 or the death of a child from abuse or neglect. If the state agency  
21 finds evidence indicating that a child may have been abused,  
22 neglected, or exploited, the agency shall report the evidence to  
23 the appropriate law enforcement agency.

24          SECTION 2.42. Section 261.406(b), Family Code, is amended  
25 to read as follows:

26          (b) The department shall send a copy of the completed report  
27 of the department's investigation to the Texas Education Agency or,

1 in the case of a private school, the school's chief executive  
2 officer. On request, the department shall provide a copy of the  
3 completed report of the department's investigation to the State  
4 Board for Educator Certification, the local school board or the  
5 school's governing body, the superintendent of the school district,  
6 the public school principal or director, or the chief executive  
7 officer of the private school, unless the principal, director, or  
8 chief executive officer is alleged to have committed the abuse or  
9 neglect, for appropriate action. On request, the department shall  
10 provide a copy of the report of investigation to the parent,  
11 managing conservator, or legal guardian of a child who is the  
12 subject of the investigation and to the person alleged to have  
13 committed the abuse or neglect. The report of investigation shall  
14 be edited to protect the identity of the persons who made the report  
15 of abuse or neglect unless the Texas Education Agency or State Board  
16 for Educator Certification requests the identity of the persons who  
17 made the report under Section 261.101(d)(3). Except as otherwise  
18 provided by this subsection, Section 261.201(b) applies to the  
19 release of the report relating to the investigation of abuse or  
20 neglect under this section and to the identity of the person who  
21 made the report of abuse or neglect.

22 SECTION 2.43. This article applies beginning with the  
23 2025-2026 school year.

24 SECTION 2.44. Sections 22A.051 and 22A.052, Education Code,  
25 as transferred, redesignated, and amended by this article, apply  
26 only to an offense committed on or after September 1, 2025. An  
27 offense committed before September 1, 2025, is governed by the law

in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2025, if any element of the offense occurred before that date.

ARTICLE 3. CONFORMING CHANGES

SECTION 3.01. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 22A.051(m) [~~21.006(k)~~], 22A.052(1) [~~22.093(1)~~], 22A.156 [~~22.096~~], 28.006, 29.001(5), 29.010(a), 33.006(h), 37.1083, 37.1084, 38.003, or 39.003, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements;
- (3) data integrity for purposes of:
  - (A) the Public Education Information Management System (PEIMS); and
  - (B) accountability under Chapters 39 and 39A; and
- (4) qualification for funding under Chapter 48.

SECTION 3.02. Section 12.0271, Education Code, is amended to read as follows:

Sec. 12.0271. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR



1 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, ~~[OR]~~  
2 APPLICANTS, OR SERVICE PROVIDERS. A home-rule school district  
3 commits a material violation of the school district's charter if  
4 the school district fails to comply with the duty to discharge or  
5 refuse to hire, or terminate or refuse to accept services from,  
6 certain employees, ~~[or]~~ applicants for employment, or service  
7 providers under Section 22A.151 or 22A.157, as applicable ~~[22.085~~  
8 ~~or 22.092]~~.

9 SECTION 3.03. Section 12.0631, Education Code, is amended  
10 to read as follows:

11 Sec. 12.0631. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR  
12 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, ~~[OR]~~  
13 APPLICANTS, OR SERVICE PROVIDERS. A campus or campus program  
14 granted a charter under this subchapter commits a material  
15 violation of its charter if the campus or program fails to comply  
16 with the duty to discharge or refuse to hire, or terminate or refuse  
17 to accept services from, certain employees, ~~[or]~~ applicants for  
18 employment, or service providers under Section 12.1059, 22A.151, or  
19 22A.157, as applicable ~~[22.085, or 22.092]~~.

20 SECTION 3.04. Section 12.104(b), Education Code, is amended  
21 to read as follows:

22 (b) An open-enrollment charter school is subject to:

23 (1) a provision of this title establishing a criminal  
24 offense;

25 (2) the provisions in Chapter 554, Government Code;  
26 and

27 (3) a prohibition, restriction, or requirement, as

1 applicable, imposed by this title or a rule adopted under this  
2 title, relating to:

3 (A) the Public Education Information Management  
4 System (PEIMS) to the extent necessary to monitor compliance with  
5 this subchapter as determined by the commissioner;

6 (B) criminal history records under Subchapter C,  
7 Chapter 22;

8 (C) reading instruments and accelerated reading  
9 instruction programs under Section 28.006;

10 (D) accelerated instruction under Section  
11 28.0211;

12 (E) high school graduation requirements under  
13 Section 28.025;

14 (F) special education programs under Subchapter  
15 A, Chapter 29;

16 (G) bilingual education under Subchapter B,  
17 Chapter 29;

18 (H) prekindergarten programs under Subchapter E  
19 or E-1, Chapter 29, except class size limits for prekindergarten  
20 classes imposed under Section 25.112, which do not apply;

21 (I) extracurricular activities under Section  
22 33.081;

23 (J) discipline management practices or behavior  
24 management techniques under Section 37.0021;

25 (K) health and safety under Chapter 38;

26 (L) the provisions of Subchapter A, Chapter 39;

27 (M) public school accountability and special

1 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
2 39, and Chapter 39A;

3 (N) the requirement under Section 22A.051 or  
4 22A.052 [21.006] to report [~~an educator's~~] misconduct;

5 (O) intensive programs of instruction under  
6 Section 28.0213;

7 (P) the right of a school employee to report a  
8 crime, as provided by Section 37.148;

9 (Q) bullying prevention policies and procedures  
10 under Section 37.0832;

11 (R) the right of a school under Section 37.0052  
12 to place a student who has engaged in certain bullying behavior in a  
13 disciplinary alternative education program or to expel the student;

14 (S) the right under Section 37.0151 to report to  
15 local law enforcement certain conduct constituting assault or  
16 harassment;

17 (T) a parent's right to information regarding the  
18 provision of assistance for learning difficulties to the parent's  
19 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

20 (U) establishment of residency under Section  
21 25.001;

22 (V) school safety requirements under Sections  
23 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,  
24 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and  
25 37.2071 and Subchapter J, Chapter 37;

26 (W) the early childhood literacy and mathematics  
27 proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; and

(Y) parental options to retain a student under Section 28.02124.

SECTION 3.05. Section 12.1059, Education Code, is amended to read as follows:

Sec. 12.1059. REQUIREMENTS FOR EMPLOYMENT OF CERTAIN EMPLOYEES. A person may not be employed by or serve as a teacher, librarian, educational aide, administrator, or school counselor for an open-enrollment charter school unless:

(1) the person has been approved by the agency following a review of the person's national criminal history record information as provided by Section 22.0832; and

(2) the school has confirmed that the person is not included in the registry under Section 22A.151 ~~[22.092]~~.

SECTION 3.06. Section 12.1151, Education Code, is amended to read as follows:

Sec. 12.1151. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, ~~[OR]~~ APPLICANTS, OR SERVICE PROVIDERS. An open-enrollment charter school commits a material violation of the school's charter if the school fails to comply with the duty to discharge or refuse to hire, or terminate or refuse to accept services from, certain employees, ~~[or]~~ applicants for employment, or service providers under Section 12.1059, 22A.151, or 22A.157, as applicable ~~[22.085, or 22.092]~~.

SECTION 3.07. Section 12.252(b), Education Code, is amended to read as follows:

(b) An adult education program operated under a charter granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary as determined by the commissioner to monitor compliance with this subchapter and, as applicable, Subchapter D;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation requirements under Section 28.025, to the extent applicable to a program participant;

(D) special education programs under Subchapter A, Chapter 29;

(E) bilingual education under Subchapter B, Chapter 29;

(F) health and safety under Chapter 38;

(G) the requirement under Section 22A.051 or 22A.052 ~~[21.006]~~ to report ~~[an educator's]~~ misconduct; and

(H) the right of an employee to report a crime, as provided by Section 37.148.

SECTION 3.08. Section 12A.008(b-1), Education Code, is amended to read as follows:

(b-1) The commissioner may terminate a district's

1 designation as a district of innovation if the district fails to  
2 comply with the duty to discharge or refuse to hire certain  
3 employees or applicants for employment under Section 12.1059,  
4 applicable to the district under Section 12A.004(a)(1), or Section  
5 22A.151 or 22A.157 [~~22.085 or 22.092~~].

6 SECTION 3.09. Section 13.051(j), Education Code, is amended  
7 to read as follows:

8 (j) If both boards of trustees of the affected districts  
9 disapprove the petition, the decisions may not be appealed. If the  
10 board of trustees of only one affected district disapproves the  
11 petition, an aggrieved party to the proceedings in either district  
12 may appeal the board's decision to the commissioner [~~under Section~~  
13 ~~7.057~~]. An appeal under this subsection is de novo. In deciding  
14 the appeal, the commissioner shall consider the educational  
15 interests of the students in the affected territory and the  
16 affected districts and the social, economic, and educational  
17 effects of the proposed boundary change.

18 SECTION 3.10. Section 21.054(e), Education Code, is amended  
19 to read as follows:

20 (e) Continuing education requirements for a principal must  
21 provide that not more than 25 percent of the training required every  
22 five years include instruction regarding:

- 23 (1) effective and efficient management, including:
- 24 (A) collecting and analyzing information;
  - 25 (B) making decisions and managing time; and
  - 26 (C) supervising student discipline and managing  
27 behavior;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(4) effective implementation of a comprehensive school counseling program under Section 33.005;

(5) mental health programs addressing a mental health condition;

(6) educating diverse student populations, including:

(A) students who are educationally disadvantaged;

(B) emergent bilingual students; and

(C) students at risk of dropping out of school; and

(7) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 22A.051 [~~21.006~~] of this code.

SECTION 3.11. Section 22.0815(a), Education Code, is amended to read as follows:

(a) In this section, "other charter entity" has the meaning assigned by Section 22A.001 [~~21.006~~].

SECTION 3.12. Section 22.0825(a), Education Code, is amended to read as follows:

(a) In this section, "other charter entity" has the meaning assigned by Section 22A.001 [~~21.006~~].

SECTION 3.13. Section 22.0833(g), Education Code, is

1 amended to read as follows:

2 (g) A school district, open-enrollment charter school, or  
3 shared services arrangement shall provide the agency with the name  
4 of a person to whom this section applies. The agency shall obtain  
5 all criminal history record information of the person through the  
6 criminal history clearinghouse as provided by Section 411.0845,  
7 Government Code. The agency shall examine the criminal history  
8 record information of the person and notify the district, school,  
9 or shared services arrangement if the person may not be hired or  
10 must be discharged as provided by Section 22A.157 [~~22.085~~].

11 SECTION 3.14. Section 22.0834(o), Education Code, is  
12 amended to read as follows:

13 (o) A school district, charter school, regional education  
14 service center, commercial transportation company, education  
15 shared services arrangement, or qualified school contractor,  
16 contracting entity, or subcontracting entity may not permit an  
17 employee to whom Subsection (a) applies to provide services at a  
18 school if the employee has been convicted of a felony or misdemeanor  
19 offense that would prevent a person from being employed under  
20 Section 22A.157(a) [~~22.085(a)~~].

21 SECTION 3.15. Section 22.0836(g), Education Code, is  
22 amended to read as follows:

23 (g) A school district, open-enrollment charter school, or  
24 shared services arrangement shall provide the agency with the name  
25 of a person to whom this section applies. The agency shall obtain  
26 all criminal history record information of the person through the  
27 criminal history clearinghouse as provided by Section 411.0845,



Government Code. The agency shall examine the criminal history record information and certification records of the person and notify the district, school, or shared services arrangement if the person:

(1) may not be hired or must be discharged as provided by Section 22A.157 [~~22.085~~]; or

(2) may not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

SECTION 3.16. Sections 28.004(i) and (q-5), Education Code, are amended to read as follows:

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

(1) a statement informing the parent of the human sexuality instruction requirements under state law;

(2) a detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;

(3) a statement of the parent's right to:

(A) at the parent's discretion, review or purchase a copy of curriculum materials as provided by Subsection (j);

(B) remove the student from any part of the district's human sexuality instruction without subjecting the

student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(C) use the grievance procedure as provided by Subsection (i-1) or the appeals process under Section 26B.060 [~~7.057~~] concerning a complaint of a violation of this section;

(4) a statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's Internet website, if the district has an Internet website, and the Internet website address at which the curriculum materials are located; and

(5) information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(q-5) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided, the notice must include:

(1) a statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;

(2) a detailed description of the content of the

1 district's instruction relating to the prevention of child abuse,  
2 family violence, dating violence, and sex trafficking;

3 (3) a statement of the parent's right to:

4 (A) at the parent's discretion, review or  
5 purchase a copy of curriculum materials as provided by Subsection  
6 (j);

7 (B) remove the student from any part of the  
8 district's instruction relating to the prevention of child abuse,  
9 family violence, dating violence, and sex trafficking without  
10 subjecting the student to any disciplinary action, academic  
11 penalty, or other sanction imposed by the district or the student's  
12 school; and

13 (C) use the grievance procedure as provided by  
14 Subsection (i-1) or the appeals process under Section 26B.060  
15 [~~7.057~~] concerning a complaint of a violation of this section;

16 (4) a statement that any curriculum materials in the  
17 public domain used for the district's instruction regarding the  
18 prevention of child abuse, family violence, dating violence, and  
19 sex trafficking must be posted on the district's Internet website  
20 address at which the curriculum materials are located; and

21 (5) information describing the opportunities for  
22 parental involvement in the development of the curriculum to be  
23 used in instruction relating to the prevention of child abuse,  
24 family violence, dating violence, and sex trafficking, including  
25 information regarding the local school health advisory council  
26 established under Subsection (a).

27 SECTION 3.17. Section 29.022(1), Education Code, is amended

to read as follows:

(1) A school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of video cameras under this section must:

(1) include information on how a person may appeal an action by the district or school that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeals process under Section 26B.060 [~~7.057~~];

(2) require that the district or school provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Subsection (a-3) that authorizes the request or states the reason for denying the request;

(3) except as provided by Subdivision (5), require that a school or a campus begin operation of a video camera in compliance with this section not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the agency grants an extension of time;

(4) permit the parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

(A) the date on which the current school year ends; or

(B) the 10th school business day after the date of the placement determination by the admission, review, and dismissal committee; and

(5) if a request is made by a parent in compliance with Subdivision (4), unless the agency grants an extension of time, require that a school or campus begin operation of a video camera in compliance with this section not later than the later of:

(A) the 10th school day of the fall semester; or

(B) the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

SECTION 3.18. Section 33.913(b), Education Code, is amended to read as follows:

(b) To participate in the program as a tutor, a person must:

(1) be an active or retired teacher;

(2) apply for the position in a manner specified by the nonprofit organization;

(3) designate in the application whether the person plans to provide tutoring:

(A) for compensation, on a volunteer basis, or both; and

(B) in person, online, or both; and

(4) not be included in the registry of persons not eligible for employment by a public school under Section 22A.151

[22.092].

SECTION 3.19. Section 37.006(j), Education Code, is amended to read as follows:

(j) Notwithstanding Section 26B.060(e) [~~7.057(e)~~], the decision of the board of trustees under Subsection (i) may be appealed to the office of inspector general established under Chapter 26B [~~commissioner~~] as provided by Sections 26B.060(b) [~~7.057(b)~~], (c), (d), and (f). The student may not be returned to the regular classroom pending the appeal.

SECTION 3.20. Section 39.0302(a), Education Code, is amended to read as follows:

(a) During an agency investigation or audit of a school district under Section 39.0301(e) or (f), a special investigation under Section 39.003(a)(8) or (14), a compliance review under Section 22A.051(m), 22A.052(l) [~~21.006(k), 22.093(l)~~], or 22A.156 [~~22.096~~], or an investigation by the State Board for Educator Certification of an educator for an alleged violation of an assessment instrument security procedure established under Section 39.0301(a), the commissioner may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is located in this state.

SECTION 3.21. Section 810.003(a), Health and Safety Code, is amended to read as follows:

(a) The department, in collaboration with each participating state agency, shall establish an interagency reportable conduct search engine for persons to search information on reportable conduct in accordance with this chapter and rules adopted under this chapter maintained by:

1           (1) the Department of Family and Protective Services  
2 in the central registry established under Section 261.002, Family  
3 Code;

4           (2) the Health and Human Services Commission in the  
5 employee misconduct registry established under Chapter 253;

6           (3) the Texas Education Agency in the registry  
7 established under Section 22A.151 [~~22.092~~], Education Code; and

8           (4) the Texas Juvenile Justice Department in the  
9 integrated certification information system and in any informal  
10 list the Texas Juvenile Justice Department maintains.

11         SECTION 3.22. Section 810.004(b), Health and Safety Code,  
12 is amended to read as follows:

13         (b) In addition to the eligible individuals described by  
14 Subsection (a), each participating state agency shall designate  
15 additional users who are eligible to access the search engine and  
16 may require those users to determine whether an individual has  
17 engaged in reportable conduct. The additional designated users may  
18 include controlling persons, hiring managers, or administrators  
19 of:

20           (1) licensed or certified long-term care providers,  
21 including:

22                 (A) home and community support services agencies  
23 licensed under Chapter 142;

24                 (B) nursing facilities licensed under Chapter  
25 242;

26                 (C) assisted living facilities licensed under  
27 Chapter 247;

(D) prescribed pediatric extended care centers licensed under Chapter 248A;

(E) intermediate care facilities for individuals with an intellectual disability licensed under Chapter 252;

(F) state supported living centers, as defined by Section 531.002; and

(G) day activity and health services facilities licensed under Chapter 103, Human Resources Code;

(2) providers under a Section 1915(c) waiver program, as defined by Section 521.0001 [~~531.001~~], Government Code;

(3) juvenile probation departments and registered juvenile justice facilities;

(4) independent school districts, districts of innovation, open-enrollment charter schools, other charter entities, as defined by Section 22A.001 [~~21.006~~], Education Code, regional education service centers, education shared services arrangements, or any other educational entity or provider that is authorized to access the registry established under Section 22A.151 [~~22.092~~], Education Code;

(5) private schools that:

(A) offer a course of instruction for students in this state in one or more grades from prekindergarten through grade 12; and

(B) are:

(i) accredited by an organization recognized by the Texas Education Agency or the Texas Private School Accreditation Commission;



(ii) listed in the database of the National Center for Education Statistics of the United States Department of Education; or

(iii) otherwise authorized by Texas Education Agency rule to access the search engine; and

(6) nonprofit teacher organizations approved by the commissioner of education for the purpose of participating in the tutoring program established under Section 33.913, Education Code.

SECTION 3.23. The following provisions of the Education Code are repealed:

(1) the heading to Section 21.006;

(2) Section 21.006(c-2);

(3) the heading to Subchapter C-1, Chapter 22; and

(4) Section 22.091.

#### ARTICLE 4. TRANSITION; SEVERABILITY; EFFECTIVE DATE

SECTION 4.01. To the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.02. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to each person or entity, is severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

1       SECTION 4.03. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas Constitution.  
4 If this Act does not receive the vote necessary for immediate  
5 effect, this Act takes effect September 1, 2025.