

By: Shaheen

H.B. No. 5393

A BILL TO BE ENTITLED

AN ACT

relating to the reporting and investigation of misconduct by public and private school employees; creating a criminal offense; providing a civil penalty.

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

ARTICLE 1. SCHOOL EMPLOYEE MISCONDUCT

SECTION 1.01. Articles 42.018(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) This article applies only to ~~+~~ ~~(1)~~ conviction or deferred adjudication community supervision granted on the basis of:

(1) an offense for which a conviction or grant of deferred adjudication community supervision requires the defendant to register as a sex offender under Chapter 62;

(2) a felony ~~[conviction of an]~~ offense under Title 4, Title 5, or Title 8, Penal Code ~~[, if the victim of the offense was under 18 years of age at the time the offense was committed]~~; or

(3) ~~[conviction or deferred adjudication community supervision granted on the basis of]~~ an offense under Chapter 43 ~~[Section 43.24]~~, Penal Code.

(b) Not later than the fifth day after the date a person who holds a certificate issued under Subchapter B, Chapter 21, Education Code, or who is employed by a school district or open-enrollment charter school is convicted or granted deferred

1 adjudication on the basis of an offense, the clerk of the court in
2 which the conviction or deferred adjudication is entered shall
3 provide [~~to the State Board for Educator Certification~~] written
4 notice of the person's conviction or deferred adjudication,
5 including the offense on which the conviction or deferred
6 adjudication was based, to:

7 (1) the State Board for Educator Certification and the
8 Texas Education Agency for a person who holds a certificate issued
9 under Subchapter B, Chapter 21, Education Code; or

10 (2) the Texas Education Agency for a person not
11 described by Subdivision (1) who is employed by a school district or
12 open-enrollment charter school.

13 SECTION 1.02. Section 21.0585, Education Code, is amended
14 to read as follows:

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

22 SECTION 1.03. Subtitle D, Title 2, Education Code, is
23 amended by adding Chapter 22A, and a heading is added to that
24 chapter to read as follows:

25 CHAPTER 22A. EMPLOYEE MISCONDUCT

26 SECTION 1.04. Chapter 22A, Education Code, as added by this
27 Act, is amended by adding Subchapter A, and a heading is added to

that subchapter to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 1.05. 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) "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.

SECTION 1.06. Chapter 22A, Education Code, as added by this

Act, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. REQUIRED MISCONDUCT REPORTING

SECTION 1.07. Sections 21.006(b), (b-1), (b-2), (c), (c-1), (c-2), (d), (e), (f), (g), (g-1), (h), (i), (j), and (k), Education Code, are transferred to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.051, Education Code, and amended to read as follows:

Sec. 22A.051. REQUIREMENT TO REPORT MISCONDUCT TO AGENCY.

(a) ~~[(b)]~~ In addition to the reporting requirement under Section 261.101, Family Code, ~~[and except as provided by Subsection (c-2),]~~ the 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 notify the agency ~~[State Board for Educator Certification]~~ if:

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

(2) a person's ~~[an educator's]~~ employment at or

1 contract with the educational entity [~~school district, district of~~
2 ~~innovation, charter school, other charter entity, service center,~~
3 ~~or shared services arrangement~~] was terminated and there is
4 evidence that the person [~~educator~~]:

5 (A) abused or otherwise committed an unlawful act
6 with a student or minor, including by:

7 (i) engaging in conduct that causes bodily
8 injury or serious mental deficiency, impairment, or injury or
9 constitutes a threat of violence to a student or minor and that is
10 not justified under Chapter 9, Penal Code;

11 (ii) engaging in the offense of child
12 grooming under Section 15.032, Penal Code; or

13 (iii) engaging in sexual advances, requests
14 for sexual favors or images, or other verbal or physical conduct of
15 a sexual nature with a student or minor;

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

19 (C) engaged in a communication with a student or
20 minor, with intent to arouse or gratify the sexual desire of any
21 person immediately before, during, or immediately after the
22 communication, that involved:

23 (i) a message between the person and the
24 student or minor without:

25 (a) written consent of the student's
26 or minor's parent or guardian; or

27 (b) the inclusion of the student's or

minor's parent or guardian, a school administrator, or the entire student body of the campus at which the person was employed;

(ii) a personal discussion unrelated to educational needs; or

(iii) contact through personal social media;

(D) engaged in a communication with a student or minor with intent to coerce the student or minor to conceal a communication described by Paragraph (C) from the student's or minor's parent or guardian, school administrators, or law enforcement;

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

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

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

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

(3) a person employed by or contracting with the educational entity [~~the educator~~] resigned or terminated the contractor's contract, as applicable, and there is evidence that

1 the person ~~[educator]~~ engaged in misconduct described by
2 Subdivision (2);

3 (4) the superintendent or director becomes aware that
4 a person employed by or contracting with the educational entity is
5 alleged to have engaged in misconduct described by Subdivision
6 (2)(A), (B), (C), or (D); or

7 (5) a person employed by the educational entity ~~[(4)~~
8 ~~the educator]~~ engaged in conduct that violated the assessment
9 instrument security procedures established under Section 39.0301.

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

19 (c) ~~[(b-2)]~~ The principal of a school district, district of
20 innovation, open-enrollment charter school, or other charter
21 entity campus must notify the superintendent or director of the
22 ~~[school]~~ district, ~~[district of innovation, charter]~~ school, or
23 ~~[other charter]~~ entity not later than 48 hours ~~[the seventh~~
24 ~~business day]~~ after ~~[the date]~~:

25 (1) a person's ~~[of an educator's]~~ termination of
26 employment or resignation or termination of a contractor's contract
27 following an alleged incident of misconduct described by Subsection

1 (a) ~~[(b)]~~; ~~[or]~~

2 (2) the principal knew about a person's ~~[an~~

3 ~~educator's]~~ criminal record under Subsection (a)(1); or

4 (3) the principal becomes aware of an allegation of

5 misconduct described by Subsection (a)(2)(A), (B), (C), or (D)

6 ~~[(b)(1)]~~.

7 (d) ~~The~~ ~~[(c) Except as provided by Subsection (c-2), the]~~

8 superintendent or director must notify the agency ~~[State Board for~~

9 ~~Educator Certification]~~ by filing a report with the agency ~~[board]~~

10 not later than 48 hours ~~[the seventh business day]~~ after ~~[the date]~~

11 the superintendent or director:

12 (1) receives notice ~~[a report]~~ from a principal under

13 Subsection (c);

14 (2) ~~[(b-2) or]~~ knew about a person's ~~[an educator's]~~

15 termination of employment or resignation or termination of a

16 contractor's contract following an alleged incident of misconduct

17 described by Subsection (a) ~~[(b)]~~ or a person's ~~[an employee's]~~

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

19 (3) became aware of an allegation of misconduct

20 described by Subsection (a)(2)(A), (B), (C), or (D) ~~[(b)(1)]~~.

21 (e) ~~[(c-1)]~~ The report under Subsection (d) ~~[(c)]~~:

22 ~~[(1)]~~ must be~~+~~

23 ~~[(A) in writing, and~~

24 ~~[(B) in a form prescribed by the board, and~~

25 ~~[(2) may be]~~ filed through the Internet portal

26 developed and maintained by the agency ~~[State Board for Educator~~

27 ~~Certification]~~ under Section 22A.152 ~~[Subsection (g-1)]~~.

(f) ~~[(c-2) A superintendent or director of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement is not required to notify the State Board for Educator Certification or file a report with the board under Subsection (b) or (c) if the superintendent or director:~~

~~[(1) completes an investigation into an educator's alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1) before the educator's termination of employment or resignation; and~~

~~[(2) determines the educator did not engage in the alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1).~~

~~[(d)]~~ The superintendent or director shall provide to ~~[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 person a copy ~~[educator of the filing]~~ of the report filed under ~~[required by]~~ Subsection (d) ~~[(c)]~~.

(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 agency ~~[State Board for Educator Certification]~~ under this section or communicates with another superintendent, director, or

principal concerning a person's ~~[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 commissioner shall adopt and the board ~~[State Board for Educator Certification]~~ shall propose rules as necessary to implement this section. In adopting rules to implement this section, the commissioner shall adopt rules that provide for transparency measures.

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

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

(k) ~~[(i)]~~ If an educator serving as a superintendent or director is required to file a report under Subsection (d) ~~[(e)]~~ and fails to file the report by the date required by that subsection, or

1 if an educator serving as a principal is required to notify a
 2 superintendent or director about an educator's criminal record or
 3 alleged incident of misconduct under Subsection (c) [~~(b-2)~~] and
 4 fails to provide the notice by the date required by that subsection,
 5 the board [~~State Board for Educator Certification~~] may impose on
 6 the educator an administrative penalty of not less than \$500 and not
 7 more than \$10,000. The board [~~State Board for Educator~~
 8 ~~Certification~~] may not renew the certification of an educator
 9 against whom an administrative penalty is imposed under this
 10 subsection until the penalty is paid.

11 (1) [~~(j)~~] A superintendent or director required to file a
 12 report under Subsection (d) [~~(e)~~] commits an offense if the
 13 superintendent or director fails to file the report by the date
 14 required by that subsection [~~with intent to conceal an educator's~~
 15 ~~criminal record or alleged incident of misconduct~~]. A principal
 16 required to notify a superintendent or director about a person's
 17 [~~an educator's~~] criminal record or alleged incident of misconduct
 18 under Subsection (c) [~~(b-2)~~] commits an offense if the principal
 19 fails to provide the notice by the date required by that subsection
 20 [~~with intent to conceal an educator's criminal record or alleged~~
 21 ~~incident of misconduct~~]. An offense under this subsection is a
 22 state jail felony.

23 (m) [~~(k)~~] The commissioner shall periodically, randomly, or
 24 on request by a member of the legislature conduct site visits and
 25 [may] review the records of an educational entity [~~a school~~
 26 ~~district, district of innovation, open-enrollment charter school,~~
 27 ~~other charter entity, regional education service center, or shared~~

1 ~~services arrangement]~~ to ensure compliance with the requirement to
2 report misconduct under this section.

3 SECTION 1.08. (a) This section takes effect only if H.B.
4 1025, 89th Legislature, Regular Session, 2025, becomes law.

5 (b) Section 22A.051, Education Code, as added by this Act,
6 is amended by adding Subsection (d-1) to read as follows:

7 (d-1) Not later than 24 hours after receiving a report under
8 Subsection (d), the agency shall notify the division of inspector
9 general established under Subchapter E, Chapter 7, and the division
10 of inspector general shall conduct an investigation into the
11 allegation of misconduct in accordance with that subchapter.

12 SECTION 1.09. Subchapter B, Chapter 22A, Education Code, as
13 added by this Act, is amended by adding Sections 22A.052 and 22A.053
14 to read as follows:

15 Sec. 22A.052. CONCEALMENT OF MISCONDUCT. (a)
16 Notwithstanding any other law, if the board of trustees of a school
17 district or the governing body of an open-enrollment charter school
18 or other charter entity determines that a superintendent,
19 principal, or other district or school employee intentionally or
20 knowingly concealed or delayed the reporting of a person's
21 misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D),
22 the board or governing body shall immediately terminate the
23 employment of that superintendent, principal, or other employee.

24 (b) The board of trustees of a school district or the
25 governing body of an open-enrollment charter school or other
26 charter entity must include in the employment contract of a person
27 who is required to report misconduct under Section 22A.051 a

provision that the person's employment will be terminated if the person engages in conduct described by Subsection (a).

Sec. 22A.053. REQUIREMENT TO REPORT MISCONDUCT TO LAW ENFORCEMENT; OFFENSE. (a) Not later than 48 hours after the superintendent or director of an educational entity becomes aware that an employee of or contractor with the entity is alleged to have engaged in conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), the superintendent or director shall report the allegation and provide any evidence possessed by the superintendent or director regarding the allegation to the appropriate local law enforcement agency and prosecuting attorney.

(b) For purposes of making a report under Subsection (a), an appropriate local law enforcement agency does not include a police department operated by the educational entity.

(c) A superintendent or director described by Subsection (a) commits an offense if the superintendent or director, with intent to conceal a person's conduct, fails to make the report or provide evidence as required by Subsection (a). An offense under this subsection is a state jail felony.

(d) If conduct that constitutes an offense under this section also constitutes an offense under Section 261.109, Family Code, the actor may be prosecuted only under this section.

SECTION 1.10. Section 21.0061, Education Code, is transferred to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.054, Education Code, and amended to read as follows:

Sec. 22A.054 [21.0061]. NOTICE [~~TO PARENT OR GUARDIAN~~]

ABOUT ~~[EDUCATOR]~~ MISCONDUCT; CIVIL PENALTY. (a) As soon as practicable but not later than 24 hours after becoming aware that an employee or contractor is alleged to have engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), the ~~[The]~~ board of trustees or governing body 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 provide ~~[adopt a policy under which]~~ notice ~~[is provided]~~ to:

(1) the parent or guardian of a student with whom the person ~~[an educator]~~ is alleged to have engaged in the misconduct ~~[described by Section 21.006(b)(2)(A) or (A-1)]~~ informing the parent or guardian:

- (A) ~~[(1)]~~ that the alleged misconduct occurred;
- (B) ~~[(2)]~~ whether the person ~~[educator]~~ was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
- (C) ~~[(3)]~~ whether a report was submitted to the agency ~~[State Board for Educator Certification]~~ concerning the alleged misconduct; and

(2) students and staff who were potentially impacted by the misconduct regarding guidance, resources, and contact information for a person to whom students or staff may provide information regarding the misconduct.

(b) The board of trustees or governing body of an educational entity is liable to the state for a civil penalty in an amount of \$1,000 for each day in which the board or governing body

is not in compliance with Subsection (a). The board or governing body must publicly disclose the penalty amount and the reason for the penalty at the board's or governing body's next meeting. ~~[The policy required by this section must require that information specified by Subsection (a)(1) be provided as soon as feasible after the 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 1.11. 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.055 and 22A.056, Education Code, and amended to read as follows:

Sec. 22A.055 ~~[21.007]~~. NOTICE ON CERTIFICATION RECORD OF ALLEGED MISCONDUCT. (a) ~~[In this section, "board" means the State Board for Educator Certification.]~~

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

(b) ~~[(c)]~~ The board must notify an educator in writing when placing a notice of an alleged incident of misconduct on the public certification records of the educator.

(c) ~~[(d)]~~ The board must provide an opportunity for an

educator to show cause why the notice should not be placed on the educator's public certification records. The board shall propose rules establishing the length of time that a notice may remain on the educator's public certification records before the board must:

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

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

(d) ~~[(e)]~~ If it is determined that the educator has not engaged in the alleged incident of misconduct, the board shall immediately remove the notice from the educator's public certification records.

(e) ~~[(f)]~~ The board shall propose rules necessary to administer this section.

Sec. 22A.056 ~~[21.009]~~. PRE-EMPLOYMENT AFFIDAVIT. (a) An applicant for employment with an educational entity, or an applicant for 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, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of an offense involving misconduct described by Section 22A.051(a)(2) ~~[having an inappropriate relationship with a minor]~~.

(b) An applicant who answers affirmatively concerning an offense involving misconduct described by Section 22A.051(a)(2)

1 ~~[inappropriate relationship with a minor]~~ must disclose in the
2 affidavit all relevant facts pertaining to the charge,
3 adjudication, or conviction, including, for a charge, whether the
4 charge was determined to be true or false.

5 (c) An applicant is not precluded from being employed based
6 on a disclosed charge if the employing entity determines based on
7 the information disclosed in the affidavit that the charge was
8 false.

9 (d) On determining ~~[A determination]~~ that an employee
10 failed to disclose information required to be disclosed by an
11 applicant under this section, the educational entity or private
12 school at which the employee is employed shall terminate the
13 employee's ~~[is grounds for termination of]~~ employment.

14 (e) The board ~~[State Board for Educator Certification]~~ may
15 revoke the certificate of an administrator if the board determines
16 it is reasonable to believe that the administrator employed an
17 applicant ~~[for a position]~~ described by Subsection (a) ~~[Section~~
18 ~~21.003(a) or (b)]~~ despite being aware that the applicant had been
19 adjudicated for or convicted of having an inappropriate
20 relationship with a minor.

21 SECTION 1.12. Chapter 22A, Education Code, as added by this
22 Act, is amended by adding Subchapter C, and a heading is added to
23 that subchapter to read as follows:

24 SUBCHAPTER C. INVESTIGATION OF MISCONDUCT

25 SECTION 1.13. Section 22.094, Education Code, is
26 transferred to Subchapter C, Chapter 22A, Education Code, as added
27 by this Act, redesignated as Section 22A.101, Education Code, and

1 amended to read as follows:

2 Sec. 22A.101 [~~22.094~~]. NOTICE OF ALLEGED MISCONDUCT;
 3 INVESTIGATION; HEARING. (a) A person who is employed by or
 4 contracting with an educational entity, who does not hold a
 5 certification or permit issued under Subchapter B, Chapter 21,
 6 ~~[described by Section 22.093(b)]~~ and who is the subject of a report
 7 that alleges misconduct described by Section 22A.051(a)(2)(A),
 8 (B), (C), or (D) [~~22.093(c)(1)(A) or (B)~~] or who is identified as
 9 having engaged in that misconduct using the interagency reportable
 10 conduct search engine established under Chapter 810, Health and
 11 Safety Code, is entitled to a hearing on the merits of the
 12 allegations of misconduct under the procedures provided by Chapter
 13 2001, Government Code, to contest the allegation in the report or
 14 search engine.

15 (b) On receiving a report filed under Section 22A.051(d)
 16 ~~[22.093(f)]~~ or making an identification described by Subsection (a)
 17 regarding a person described by Subsection (a), the commissioner
 18 shall promptly send to the person who is the subject of the report
 19 or identification a notice that includes:

20 (1) a statement informing the person that the person
 21 must request a hearing on the merits of the allegations of
 22 misconduct within the period provided by Subsection (c);

23 (2) a request that the person submit a written
 24 response within the period provided by Subsection (c) to show cause
 25 why the commissioner should not pursue an investigation; and

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

1 provided by Subdivision (2), the agency shall provide information
2 indicating the person is under investigation in the manner provided
3 by Subsection (d).

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

8 (d) If a person who receives notice provided under
9 Subsection (b) does not timely submit a written response to show
10 cause why the commissioner should not pursue an investigation, the
11 commissioner shall instruct the agency to make available through
12 the Internet portal developed and maintained by the agency under
13 Section 22A.152 ~~[22.095]~~ information indicating that the person is
14 under investigation for alleged misconduct.

15 (e) If a person entitled to a hearing under Subsection (a)
16 does not request a hearing as provided by Subsection (c), the
17 commissioner shall:

18 (1) based on the report filed under Section 22A.051(d)
19 ~~[22.093(f)]~~ or the identification described by Subsection (a), make
20 a determination whether the person engaged in misconduct; and

21 (2) if the commissioner determines that the person
22 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),
23 (C), or (D) ~~[22.093(c)(1)(A) or (B)]~~, instruct the agency to add the
24 person's name to the registry maintained under Section 22A.151
25 ~~[22.092]~~.

26 (f) If a person entitled to a hearing under Subsection (a)
27 requests a hearing as provided by Subsection (c) and the final

1 decision in that hearing determines that the person engaged in
 2 misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D)
 3 [~~22.093(c)(1)(A) or (B)~~], the commissioner shall instruct the
 4 agency to add the person's name to the registry maintained under
 5 Section 22A.151 [~~22.092~~].

6 (g) If a person entitled to a hearing under Subsection (a)
 7 requests a hearing as provided by Subsection (c) and the final
 8 decision in that hearing determines that the person did not engage
 9 in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or
 10 (D) [~~22.093(c)(1)(A) or (B)~~], the commissioner shall instruct the
 11 agency to immediately remove from the Internet portal developed and
 12 maintained by the agency under Section 22A.152 [~~22.095~~] the
 13 information indicating that the person is under investigation for
 14 alleged misconduct.

15 (h) The commissioner shall adopt rules as necessary to
 16 implement this section.

17 SECTION 1.14. Section 21.062, Education Code, is
 18 transferred to Subchapter C, Chapter 22A, Education Code, as added
 19 by this Act, redesignated as Section 22A.102, Education Code, and
 20 amended to read as follows:

21 Sec. 22A.102 [~~21.062~~]. ISSUANCE OF SUBPOENAS. (a) During
 22 an investigation by the commissioner of an educator or person who is
 23 employed by or contracting with an educational entity for an
 24 alleged incident of misconduct, the commissioner may issue a
 25 subpoena to compel:

- 26 (1) the attendance of a relevant witness; or
- 27 (2) the production, for inspection or copying, of

1 relevant evidence that is located in this state.

2 (b) A subpoena may be served personally or by certified
3 mail.

4 (c) If a person fails to comply with a subpoena, the
5 commissioner, acting through the attorney general, may file suit to
6 enforce the subpoena in a district court in this state. On finding
7 that good cause exists for issuing the subpoena, the court shall
8 order the person to comply with the subpoena. The court may punish
9 a person who fails to obey the court order.

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

14 (e) Except as provided by a protective order, and
15 notwithstanding Subsection (d), all information and materials
16 subpoenaed or compiled in connection with an investigation
17 described by Subsection (a) may be used in a disciplinary
18 proceeding against a person ~~[an educator]~~ based on an alleged
19 incident of misconduct.

20 SECTION 1.15. Subchapter C, Chapter 22A, Education Code, as
21 added by this Act, is amended by adding Section 22A.103 to read as
22 follows:

23 Sec. 22A.103. MANDATORY TERMINATION OR REVOCATION OF
24 CERTIFICATE OF EMPLOYEE WHO ATTEMPTS TO RESIGN OR SURRENDER
25 CERTIFICATE PENDING INVESTIGATION. (a) If a person employed by an
26 educational entity attempts to resign while the educational entity
27 is investigating an allegation that the person engaged in

misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D),
the educational entity:

(1) may not accept the person's resignation;

(2) shall terminate the person's employment; and

(3) shall complete the investigation.

(b) If a person issued a certificate under Subchapter B,
Chapter 21, attempts to surrender the certificate while the board
is investigating an allegation that the person engaged in
misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D),
the board:

(1) may not accept the surrender;

(2) shall revoke the certificate; and

(3) shall complete the investigation.

(c) The termination of a person's employment or revocation
of a person's certificate under this section does not preclude an
educational entity or the board from completing an investigation of
an allegation that the person engaged in misconduct described by
Section 22A.051(a)(2)(A), (B), (C), or (D) or the board from
imposing penalties on the person if the board determines that the
person engaged in the misconduct.

SECTION 1.16. Chapter 22A, Education Code, as added by this
Act, is amended by adding Subchapter D, and a heading is added to
that subchapter to read as follows:

SUBCHAPTER D. PERSONS NOT ELIGIBLE FOR EMPLOYMENT OR VOLUNTEERING

SECTION 1.17. Section 22.092, Education Code, is
transferred to Subchapter D, Chapter 22A, Education Code, as added
by this Act, redesignated as Section 22A.151, Education Code, and

1 amended to read as follows:

2 Sec. 22A.151 [~~22.092~~]. REGISTRY OF PERSONS NOT ELIGIBLE FOR
3 EMPLOYMENT OR VOLUNTEERING IN PUBLIC SCHOOLS. (a) The agency shall
4 maintain and make available through the Internet portal developed
5 and maintained by the agency under Section 22A.152 [~~22.095~~] a
6 registry of persons who are not eligible to be employed by or
7 volunteer at an educational entity [~~a school district, district of~~
8 ~~innovation, open-enrollment charter school, other charter entity,~~
9 ~~regional education service center, or shared services~~
10 ~~arrangement~~].

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

17 (c) A contractor who provides services to an educational
18 entity may not assign duties at the entity to a person listed on the
19 registry maintained under this section.

20 (d) The registry maintained under this section must list the
21 following persons as not eligible to be employed by or volunteer at
22 public schools:

23 (1) a person determined by the agency under Section
24 22.0832 as a person who would not be eligible for educator
25 certification under Subchapter B, Chapter 21;

26 (2) a person determined by the agency to be not
27 eligible for employment based on the person's criminal history

record information review, as provided by Section 22.0833;

(3) a person who is not eligible for employment based on criminal history record information received by the agency under Section 22A.154(b) [21.058(b)];

(4) a person whose certification or permit, or application for a certification or permit, issued under Subchapter B, Chapter 21, is denied or revoked by the board [~~State Board for Educator Certification on a finding that the person engaged in misconduct described by Section 21.006(b)(2)(A) or (A-1)]~~; [and]

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

(6) a person who is determined by the commissioner under Section 22A.101 [22.094] to have engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D) [22.093(c)(1)(A) or (B)]; and

(7) a person for whom the agency receives notice under Article 42.018, Code of Criminal Procedure.

(e) A person described by Subsection (d) must be listed on the registry maintained under this section regardless of whether the person resigned from the person's position before the completion of an investigation into the alleged misconduct.

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

(1) private schools;

(2) public schools; [~~and~~]

(3) nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913; and

(4) contractors who provide services to an educational entity.

(g) [(e)] The commissioner [agency] shall adopt rules as necessary to implement this section, including rules that provide for transparency measures.

SECTION 1.18. Sections 22.095 and 22.096, Education Code, are transferred to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignated as Sections 22A.152 and 22A.153, Education Code, and amended to read as follows:

Sec. 22A.152 [22.095]. INTERNET PORTAL. (a) The agency shall develop and maintain an Internet portal through which:

(1) a report required under Section 22A.051(d) [22.093(f)] may be confidentially and securely filed; ~~and~~

(2) the agency provides:
(A) electronic confirmation to the person filing a report under Subdivision (1) that the report has been received;
and

(B) notice to the parent or guardian of a student or minor involved in an allegation of misconduct included in the report that the report has been submitted; and

(3) the agency makes available:
(A) the registry of persons who are not eligible to be employed in public schools as described by Section 22A.151 [22.092]; and

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

(b) The agency shall develop a form on which a report described by Subsection (a)(1) made through the Internet portal must be submitted and ensure that each field on the form includes a uniform standard of data entry and must be completed before the form may be submitted.

(c) Not later than 48 hours after receipt of a report concerning an educator under this section, the agency shall submit the report to the board.

Sec. 22A.153 [22.096]. COMPLIANCE MONITORING. The agency shall periodically, randomly, or on request by a member of the legislature conduct site visits and review the records of educational entities ~~[school districts, districts of innovation, open-enrollment charter schools, other charter entities, regional education service centers, and shared services arrangements]~~ to ensure compliance with Section 22A.151(b) [22.092(b)].

SECTION 1.19. Section 21.058, Education Code, is transferred to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.154, Education Code, and amended to read as follows:

Sec. 22A.154 [21.058]. REVOCATION OF CERTIFICATE, AND [AND] TERMINATION OF EMPLOYMENT, AND LISTING ON REGISTRY BASED ON CONVICTION OF OR PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY

1 SUPERVISION FOR CERTAIN OFFENSES. (a) The procedures described by
2 this section [~~Subsections (b) and (c)~~] apply only to[~~+~~

3 [~~(1)~~] conviction of or placement on deferred
4 adjudication community supervision for:

5 (1) an offense for which a defendant is required to
6 register as a sex offender under Chapter 62, Code of Criminal
7 Procedure;

8 (2) [~~conviction of~~] a felony offense under Title 4,
9 Title 5, or Title 8, Penal Code[~~, if the victim of the offense was~~
10 ~~under 18 years of age at the time the offense was committed~~]; or

11 (3) [~~conviction of or placement on deferred~~
12 ~~adjudication community supervision for~~] an offense under Chapter 43
13 [~~Section 43.24~~], Penal Code.

14 (b) Notwithstanding Section 21.041(b)(7), not later than
15 the fifth day after the date the agency or board receives notice
16 under Article 42.018, Code of Criminal Procedure, of the conviction
17 or placement on deferred adjudication community supervision of a
18 person who holds a certificate under Subchapter B, Chapter 21 or who
19 is employed by a school district or open-enrollment charter school:

20 (1) the agency shall:

21 (A) list the person in the registry maintained
22 under Section 22A.151; and

23 (B) provide to the person and to any school
24 district or open-enrollment charter school employing the person at
25 the time of the inclusion in the registry written notice of:

26 (i) the listing in the registry; and

27 (ii) the basis for the listing; and

1 (2) if applicable ~~[this subchapter]~~, the board shall:

2 (A) ~~[(1)]~~ revoke the certificate held by the
3 person; and

4 (B) ~~[(2)]~~ provide to the person~~[, to the agency,]~~
5 and to any school district or open-enrollment charter school
6 employing the person at the time of revocation written notice of:

7 (i) ~~[(A)]~~ the revocation; and

8 (ii) ~~[(B)]~~ the basis for the revocation.

9 (c) A school district or open-enrollment charter school
10 that receives notice under Subsection (b) of the listing of a person
11 in the registry maintained under Section 22A.151 or the revocation
12 of a person's certificate issued under Subchapter B, Chapter 21,
13 ~~[this subchapter]~~ shall:

14 (1) immediately remove the person ~~[whose certificate~~
15 ~~has been revoked]~~ from campus or from an administrative office, as
16 applicable, to prevent the person from having any contact with a
17 student; ~~and]~~

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

22 (A) suspend the person without pay;

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

26 (C) terminate the employment of the person the
27 day notice is received; and

1 (3) for a person not described by Subdivision (2),
2 terminate the employment of the person the day notice is received
3 [as soon as practicable].

4 (d) [(c-1)] If a school district or open-enrollment charter
5 school becomes aware that a person employed by the district or
6 school [under a probationary, continuing, or term contract under
7 this chapter] has been convicted of or received deferred
8 adjudication for a felony offense, and the person is not subject to
9 Subsection (c), the district or school may:

10 (1) for a person employed under a probationary,
11 continuing, or term contract under this chapter, with the approval
12 of the board of trustees or governing body or a designee of the
13 board of trustees or governing body:

14 (A) [(1)] suspend the person without pay;

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

18 (C) [(3)] terminate the employment of the person
19 as soon as practicable; or

20 (2) for a person not described by Subdivision (1),
21 terminate the employment of the person as soon as practicable.

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

(f) ~~[(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) ~~[(e-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 1.20. Section 22.085, Education Code, is transferred to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.155, Education Code, and amended to read as follows:

Sec. 22A.155 ~~[22.085]~~. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES. (a) An educational entity ~~[A school district, open-enrollment charter school, or shared services arrangement]~~ shall discharge or refuse to hire an employee or applicant for employment if the entity ~~[district, school, or shared services arrangement]~~ obtains information 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:

(1) an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; ~~[or]~~

(2) ~~[convicted of:]~~
~~[(A)]~~ a felony offense under Title 4, Title 5, or Title 8, Penal Code ~~[, if the victim of the offense was under 18]~~

~~years of age at the time the offense was committed];~~

(3) an offense under Chapter 43, Penal Code; or

(4) [~~(B)~~] an offense under the laws of another state or federal law that is equivalent to an offense under Subdivision (1), (2), or (3) [~~Paragraph (A)~~].

(b) Subsection (a) does not apply if the employee or applicant for employment committed an offense under Title 4, Title 5, or Title 8, Penal Code and:

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

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

(B) the date the person's employment will begin, in the case of a person applying for employment with a school district, open-enrollment charter school, or shared services arrangement after the effective date of S.B. No. 9, Acts of the 80th Legislature, Regular Session, 2007; and

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

(c) An educational entity [~~A school district, open-enrollment charter school, or shared services arrangement~~] may not allow a person who is an employee of or applicant for employment by a qualified school contractor or an entity that contracts with the entity [~~district, school, or shared services arrangement~~] to serve [~~at the district or school or~~] for the entity

1 ~~[shared services arrangement]~~ if the entity ~~[district, school, or~~
 2 ~~shared services arrangement]~~ obtains information described by
 3 Subsection (a) through a criminal history record information review
 4 concerning the employee or applicant. An educational entity ~~[A~~
 5 ~~school district, open-enrollment charter school, or shared~~
 6 ~~services arrangement]~~ must ensure that an entity that the
 7 educational entity ~~[district, school, or shared services~~
 8 ~~arrangement]~~ contracts with for services has obtained all criminal
 9 history record information as required by Section 22.0834.

10 (d) An educational entity or ~~[A school district,~~
 11 ~~open-enrollment charter school,~~] private school~~[, regional~~
 12 ~~education service center, or shared services arrangement]~~ may
 13 discharge an employee if the entity ~~[district]~~ or school obtains
 14 information of the employee's conviction of a felony or of a
 15 misdemeanor involving moral turpitude that the employee did not
 16 disclose to the board ~~[State Board for Educator Certification]~~ or
 17 the entity or ~~[district,~~] school~~[, service center, or shared~~
 18 ~~services arrangement]~~. An employee discharged under this section
 19 is considered to have been discharged for misconduct for purposes
 20 of Section 207.044, Labor Code.

21 (e) The board ~~[State Board for Educator Certification]~~ may
 22 impose a sanction on an educator, or the agency may impose a
 23 sanction on an employee who is not an educator, who does not
 24 discharge another ~~[an]~~ employee or refuse to hire an applicant for
 25 employment if the educator or employee knows or should have known,
 26 through a criminal history record information review, that the
 27 other employee or applicant has been~~+~~

1 ~~[(1)]~~ convicted of or placed on deferred adjudication
 2 community supervision for an offense described by Subsection (a)
 3 ~~[(a)(1), or~~
 4 ~~[(2) convicted of an offense described by Subsection~~
 5 ~~(a)(2)]~~.

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

10 SECTION 1.21. Chapter 22A, Education Code, as added by this
 11 Act, is amended by adding Subchapter E to read as follows:

12 SUBCHAPTER E. OTHER REPORTING REQUIREMENTS

13 Sec. 22A.201. REPORT BY EDUCATIONAL ENTITIES TO AGENCY. An
 14 educational entity shall include in the entity's Public Education
 15 Information Management System (PEIMS) report the number of
 16 employees alleged to have engaged in misconduct described by
 17 Section 22A.051(a)(2)(A), (B), (C), or (D) during the preceding
 18 school year, disaggregated by whether the employee is an educator
 19 and type of misconduct.

20 Sec. 22A.202. REPORT BY AGENCY. (a) The agency, in
 21 cooperation with the board, shall, on a quarterly basis, submit to
 22 the legislature and post on the agency's Internet website a report
 23 on employee misconduct reported under this chapter.

24 (b) A report under Subsection (a) must include the number of
 25 employees added to the registry maintained under Section 22A.151
 26 for misconduct described by Section 22A.051(a)(2)(A), (B), (C), or
 27 (D), disaggregated by type of misconduct, house district, senate

1 district, and, if applicable, school district.

2 SECTION 1.22. Chapter 22A, Education Code, as added by this
3 Act, is amended by adding Subchapter F, and a heading is added to
4 that subchapter to read as follows:

5 SUBCHAPTER F. REQUIRED MISCONDUCT REPORTING: PRIVATE SCHOOLS

6 SECTION 1.23. Section 21.0062, Education Code, is
7 transferred to Subchapter F, Chapter 22A, Education Code, as added
8 by this Act, redesignated as Section 22A.251, Education Code, and
9 amended to read as follows:

10 Sec. 22A.251 [21.0062]. REQUIREMENT TO REPORT MISCONDUCT:
11 PRIVATE SCHOOLS. (a) In this section, "private [+

12 ~~[(1) "Abuse" has the meaning assigned by Section~~
13 ~~261.001, Family Code, and includes any sexual conduct involving a~~
14 ~~student or minor and private school educator.~~

15 ~~[(2) "Private]~~ school educator" means a person
16 employed by or seeking employment in a private school for a position
17 in which the person would be required to hold a certificate issued
18 under Subchapter B, Chapter 21, if the person were employed by a
19 school district.

20 (b) In addition to the reporting requirement under Section
21 261.101, Family Code, the chief administrative officer of a private
22 school shall notify the board [~~State Board for Educator~~
23 ~~Certification]~~ if a private school educator:

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

26 (2) was terminated and there is evidence that the
27 educator:

1 (A) abused or otherwise committed an unlawful act
2 with a student or minor; or

3 (B) was involved in a romantic relationship with
4 or solicited or engaged in sexual contact with a student or minor.

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

11 (d) The chief administrative officer of the private school
12 must notify the board [~~State Board for Educator Certification~~] by
13 filing a report with the board not later than the seventh business
14 day after the date the chief administrative officer knew that a
15 private school educator:

16 (1) has a criminal record under Subsection (b)(1); or

17 (2) was terminated following an alleged incident of
18 misconduct described by Subsection (b)(2).

19 (e) The report filed under Subsection (d) must be:

20 (1) in writing; and

21 (2) in a form prescribed by the board.

22 (f) Any person who knows or has reason to believe that a
23 private school educator engaged in the misconduct described by
24 Subsection (b)(2) may file a report with the board [~~State Board for
25 Educator Certification~~] under this section.

26 (g) A chief administrative officer of a private school or
27 any other person who in good faith files a report with the board

1 ~~[State Board for Educator Certification]~~ under this section or
2 communicates with a chief administrative officer or other
3 administrator of a private school concerning the criminal record of
4 or an alleged incident of misconduct by a private school educator is
5 immune from civil or criminal liability that might otherwise be
6 incurred or imposed.

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

11 (i) The board ~~[State Board for Educator Certification]~~
12 shall propose rules as necessary to implement this section.

13 ARTICLE 2. CONFORMING CHANGES

14 SECTION 2.01. Section 7.028(a), Education Code, is amended
15 to read as follows:

16 (a) Except as provided by Section 22A.051(m) ~~[21.006(k)]~~,
17 22A.153 ~~[22.093(1), 22.096]~~, 28.006, 29.001(5), 29.010(a),
18 33.006(h), 37.1083, 37.1084, 38.003, or 39.003, the agency may
19 monitor compliance with requirements applicable to a process or
20 program provided by a school district, campus, program, or school
21 granted charters under Chapter 12, including the process described
22 by Subchapter F, Chapter 11, or a program described by Subchapter B,
23 C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as
24 necessary to ensure:

- 25 (1) compliance with federal law and regulations;
26 (2) financial accountability, including compliance
27 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 2.02. Section 12.0271, Education Code, is amended to read as follows:

Sec. 12.0271. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, ~~[OR]~~ APPLICANTS, OR VOLUNTEERS. A home-rule school district commits a material violation of the school district's charter if the school district fails to comply with the duty to discharge or refuse to hire, or terminate or refuse to accept volunteer services from, certain employees, ~~[or]~~ applicants for employment, or volunteers under Section 22A.151 or 22A.155, as applicable ~~[22.085 or 22.092]~~.

SECTION 2.03. Section 12.0631, Education Code, is amended to read as follows:

Sec. 12.0631. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, ~~[OR]~~ APPLICANTS, OR VOLUNTEERS. A campus or campus program granted a charter under this subchapter commits a material violation of its charter if the campus or program fails to comply with the duty to discharge or refuse to hire, or terminate or refuse to accept volunteer services from, certain employees, ~~[or]~~ applicants for employment, or volunteers under Section 12.1059, 22A.151, or 22A.155, as applicable ~~[22.085, or 22.092]~~.

SECTION 2.04. Section 12.104(b), Education Code, is amended

1 to read as follows:

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

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

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

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

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

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

15 (C) reading instruments and accelerated reading
16 instruction programs under Section 28.006;

17 (D) accelerated instruction under Section
18 28.0211;

19 (E) high school graduation requirements under
20 Section 28.025;

21 (F) special education programs under Subchapter
22 A, Chapter 29;

23 (G) bilingual education under Subchapter B,
24 Chapter 29;

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

(I) extracurricular activities under Section 33.081;

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

(K) health and safety under Chapter 38;

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

(M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

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

(O) intensive programs of instruction under Section 28.0213;

(P) the right of a school employee to report a 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

1 25.001;

2 (V) school safety requirements under Sections
3 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,
4 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and
5 37.2071 and Subchapter J, Chapter 37;

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

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

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

12 SECTION 2.05. Section 12.1059, Education Code, is amended
13 to read as follows:

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

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

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

23 SECTION 2.06. Section 12.1151, Education Code, is amended
24 to read as follows:

25 Sec. 12.1151. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR
26 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, ~~[OR]~~
27 APPLICANTS, OR VOLUNTEERS. An open-enrollment charter school

1 commits a material violation of the school's charter if the school
2 fails to comply with the duty to discharge or refuse to hire, or
3 terminate or refuse to accept volunteer services from, certain
4 employees, ~~[or]~~ applicants for employment, or volunteers under
5 Section [12.1059](#), [22A.151](#), or [22A.155](#), as applicable ~~[22.085, or~~
6 ~~22.092]~~.

7 SECTION 2.07. Section [12.252](#)(b), Education Code, is amended
8 to read as follows:

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

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

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

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

20 (B) criminal history records under Subchapter [C](#),
21 Chapter [22](#);

22 (C) high school graduation requirements under
23 Section [28.025](#), to the extent applicable to a program participant;

24 (D) special education programs under Subchapter
25 [A](#), Chapter [29](#);

26 (E) bilingual education under Subchapter [B](#),
27 Chapter [29](#);

(F) health and safety under Chapter 38;

(G) the requirement under Section 22A.051 [~~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 2.08. Section 12A.008(b-1), Education Code, is amended to read as follows:

(b-1) The commissioner may terminate a district's designation as a district of innovation if the district fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under Section 12.1059, applicable to the district under Section 12A.004(a)(1), or Section 22A.151 or 22A.155 [~~22.085 or 22.092~~].

SECTION 2.09. Section 21.054(e), Education Code, is amended to read as follows:

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

(1) effective and efficient management, including:

(A) collecting and analyzing information;

(B) making decisions and managing time; and

(C) supervising student discipline and managing 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;

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

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

5 (6) educating diverse student populations, including:

6 (A) students who are educationally
7 disadvantaged;

8 (B) emergent bilingual students; and

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

10 and

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

15 SECTION 2.10. Section 22.0815(a), Education Code, is
16 amended to read as follows:

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

19 SECTION 2.11. Section 22.0825(a), Education Code, is
20 amended to read as follows:

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

23 SECTION 2.12. Section 22.0833(g), Education Code, is
24 amended to read as follows:

25 (g) A school district, open-enrollment charter school, or
26 shared services arrangement shall provide the agency with the name
27 of a person to whom this section applies. The agency shall obtain

1 all criminal history record information of the person through the
2 criminal history clearinghouse as provided by Section 411.0845,
3 Government Code. The agency shall examine the criminal history
4 record information of the person and notify the district, school,
5 or shared services arrangement if the person may not be hired or
6 must be discharged as provided by Section 22A.155 [~~22.085~~].

7 SECTION 2.13. Section 22.0834(o), Education Code, is
8 amended to read as follows:

9 (o) A school district, charter school, regional education
10 service center, commercial transportation company, education
11 shared services arrangement, or qualified school contractor,
12 contracting entity, or subcontracting entity may not permit an
13 employee to whom Subsection (a) applies to provide services at a
14 school if the employee has been convicted of a felony or misdemeanor
15 offense that would prevent a person from being employed under
16 Section 22A.155(a) [~~22.085(a)~~].

17 SECTION 2.14. Section 22.0836(g), Education Code, is
18 amended to read as follows:

19 (g) A school district, open-enrollment charter school, or
20 shared services arrangement shall provide the agency with the name
21 of a person to whom this section applies. The agency shall obtain
22 all criminal history record information of the person through the
23 criminal history clearinghouse as provided by Section 411.0845,
24 Government Code. The agency shall examine the criminal history
25 record information and certification records of the person and
26 notify the district, school, or shared services arrangement if the
27 person:

(1) may not be hired or must be discharged as provided by Section 22A.155 [~~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 2.15. 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 2.16. 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) [~~21.006(k), 22.093(1)~~], or 22A.153 [~~22.096~~], or an investigation by the State Board for Educator Certification of an educator for an alleged violation of an assessment instrument

1 security procedure established under Section 39.0301(a), the
2 commissioner may issue a subpoena to compel the attendance of a
3 relevant witness or the production, for inspection or copying, of
4 relevant evidence that is located in this state.

5 SECTION 2.17. Section 810.003(a), Health and Safety Code,
6 is amended to read as follows:

7 (a) The department, in collaboration with each
8 participating state agency, shall establish an interagency
9 reportable conduct search engine for persons to search information
10 on reportable conduct in accordance with this chapter and rules
11 adopted under this chapter maintained by:

12 (1) the Department of Family and Protective Services
13 in the central registry established under Section 261.002, Family
14 Code;

15 (2) the Health and Human Services Commission in the
16 employee misconduct registry established under Chapter 253;

17 (3) the Texas Education Agency in the registry
18 established under Section 22A.151 [~~22.092~~], Education Code; and

19 (4) the Texas Juvenile Justice Department in the
20 integrated certification information system and in any informal
21 list the Texas Juvenile Justice Department maintains.

22 SECTION 2.18. Section 810.004(b), Health and Safety Code,
23 is amended to read as follows:

24 (b) In addition to the eligible individuals described by
25 Subsection (a), each participating state agency shall designate
26 additional users who are eligible to access the search engine and
27 may require those users to determine whether an individual has

engaged in reportable conduct. The additional designated users may include controlling persons, hiring managers, or administrators of:

(1) licensed or certified long-term care providers, including:

(A) home and community support services agencies licensed under Chapter 142;

(B) nursing facilities licensed under Chapter 242;

(C) assisted living facilities licensed under 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

1 arrangements, or any other educational entity or provider that is
2 authorized to access the registry established under Section 22A.151
3 [~~22.092~~], Education Code;

4 (5) private schools that:

5 (A) offer a course of instruction for students in
6 this state in one or more grades from prekindergarten through grade
7 12; and

8 (B) are:

9 (i) accredited by an organization
10 recognized by the Texas Education Agency or the Texas Private
11 School Accreditation Commission;

12 (ii) listed in the database of the National
13 Center for Education Statistics of the United States Department of
14 Education; or

15 (iii) otherwise authorized by Texas
16 Education Agency rule to access the search engine; and

17 (6) nonprofit teacher organizations approved by the
18 commissioner of education for the purpose of participating in the
19 tutoring program established under Section 33.913, Education Code.

20 SECTION 2.19. The following provisions of the Education
21 Code are repealed:

22 (1) the heading to Section 21.006;

23 (2) the heading to Subchapter C-1, Chapter 22;

24 (3) Section 22.091; and

25 (4) Section 22.093.

26 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

27 SECTION 3.01. This Act applies beginning with the 2025-2026

1 school year.

2 SECTION 3.02. To the extent of any conflict, this Act
3 prevails over another Act of the 89th Legislature, Regular Session,
4 2025, relating to nonsubstantive additions to and corrections in
5 enacted codes.

6 SECTION 3.03. Except as otherwise provided by this Act,
7 this Act takes effect immediately if it receives a vote of
8 two-thirds of all the members elected to each house, as provided by
9 Section 39, Article III, Texas Constitution. If this Act does not
10 receive the vote necessary for immediate effect, this Act takes
11 effect September 1, 2025.