

BILL ANALYSIS

S.B. 1109
By: Shapiro
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, some school districts have failed to report convictions of certified educators in a timely fashion. A recent comparison of the Department of Public Safety's registered sex offenders found 67 certified educators previously unknown to the State Board of Educator Certification (SBEC). S.B. 1109 requires SBEC to be notified if a certified educator is convicted of a felony or an offense on conviction of which a defendant is required to register as a sex offender and the victim is under 18 years of age; requires that the educator's certificate be revoked once notification of the conviction is received; and requires that the convicted educator be removed from any contact with children immediately and the educator's contract be terminated as soon as possible.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

ANALYSIS

S. B. 1109 amends the Education Code to require the State Board for Educator Certification (board) to take certain actions, by the fifth day after the date it receives notice of the conviction of a person who holds an educator certificate (Article 42.018, Code of Criminal Procedure). The bill requires a school district or open-enrollment charter school that receives such a notice of revocation of certificate to take certain actions. The bill authorizes a person whose certificate is revoked to reapply for a certificate in accordance with board rules. The bill provides that this added section applies only to a conviction of a felony offense under Title 5 (Offense Against the Person), Penal Code, or an offense on conviction of which the defendant is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, and if the victim of the offense is under 18 years of age.

The bill amends the Code of Criminal Procedure to require the clerk of the court in which the conviction or deferred adjudication is entered to provide to the board a written notice of the person's conviction, not later than the fifth day after the date a person who holds a certificate issued under Chapter 21B (Certification of Educators), Education Code, is convicted or granted deferred adjudication on the basis of an offense. The bill requires the notice to include the offense on which the conviction or deferred adjudication was based. The bill provides that this added article applies only to a conviction or deferred adjudication granted on the basis of: an offense under Title 5 (Offense Against the Person), Penal Code, or an offense on conviction of which the defendant is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, and if the victim of the offense is under 18 years of age.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

