

BILL ANALYSIS

C.S.S.B. 1488
By: Ogden
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas law does not require a superintendent or director of a school district, regional educational service center, or shared services arrangement, to notify the State Board for Educator Certification (SBEC) if an educator abuses or otherwise commits an unlawful act with a student or minor. This hampers SBEC's ability to prevent such an educator from relocating and gaining employment in another school district. C.S.S.B. 1488 requires a superintendent or director of a school district, regional educational service center, or shared services arrangement, to file a report with SBEC if a superintendent has reason to believe that an educator has engaged in certain incidents of misconduct. This bill also requires school districts to include information on this requirement in staff development programs. C.S.S.B. 1488 requires the Department of Protective and Regulatory Services (DPRS) to orally notify a school superintendent if DPRS investigates a public primary or secondary school employee.

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

C.S.S.B. 1488 amends the Education Code by requiring, in addition to the reporting requirement under Section 261.101 (Persons Required to Report; Time to Report), Family Code, the superintendent or director of a school district, regional educational service center, or shared services arrangement to notify the State Board for Educator Certification (SBEC) if the superintendent or director has reasonable cause to believe that:

- (1) an educator employed by, or seeking employment by, the district, service center, or shared services arrangement, has a criminal record;
- (2) an educator's employment at the district, service center, or shared services arrangement, was terminated based on certain incidents of misconduct; or
- (3) the educator resigned, and reasonable evidence supports a recommendation by the superintendent or director to terminate the educator based on a determination that the educator engaged in misconduct.

The bill requires the superintendent or director to notify SBEC by filing a report, that meets certain criteria, not later than the seventh day after the date superintendent or director first learns about an alleged incident of misconduct. The bill requires the superintendent or director to notify the board of trustees or governing body of the school district, regional educational service center, or shared services arrangement and the educator, of the filing of the report.

The bill exempts from civil or criminal liability that might otherwise be incurred, a superintendent or director

who, acting in an official capacity and in good faith, files a report with SBEC under this section. The bill requires SBEC to propose rules to implement this section.

C.S.S.B. 1488 amends the Family Code to require the Department of Protective and Regulatory Services (DPRS), if DPRS determines the abuse or neglect involves an employee of a public primary or secondary school, to orally notify the superintendent of the school district in which the employee is employed, about the investigation.

The bill provides that open-enrollment charter schools are subject to the requirements under this added section (Section 21.006).

This Act applies beginning with the 2003-2004 school year.

EFFECTIVE DATE

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

COMPARISON OF ENGROSSED TO SUBSTITUTE

C.S.S.B. 1488 modifies the engrossed version by deleting language in the added section (Section 21.006) referring to an open-enrollment charter school. C.S.S.B. 1488 modifies the engrossed version by providing that open-enrollment charter schools are subject to the requirements under the added section (Section 21.006).

C.S.S.B. 1488 modifies the engrossed version by deleting from the list of required content of staff development training provided by a school district, the requirement under Section 21.006 that a superintendent who has reasonable cause to believe that an educator has engaged in an alleged incident of misconduct as described by Section 21.006(b) report the alleged misconduct to SBEC.