

By: Shapiro, Hinojosa

S.B. No. 1109

A BILL TO BE ENTITLED

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AN ACT

relating to revocation of the certificate and termination of the employment of public school educators convicted of certain offenses.

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

SECTION 1. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.058 to read as follows:

Sec. 21.058. REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF CERTAIN OFFENSES. (a) This section applies only:

(1) to conviction of a felony offense under Title 5, Penal Code, or an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and

(2) if the victim of the offense is under 18 years of age.

(b) Notwithstanding Section 21.041(b)(7), not later than the fifth day after the date the board receives notice under Article 42.018, Code of Criminal Procedure, of the conviction of a person who holds a certificate under this subchapter, the board shall:

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

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

1 (A) the revocation; and

2 (B) the basis for the revocation.

3 (c) A school district or open-enrollment charter school
4 that receives notice under Subsection (b) of the revocation of a
5 certificate issued under this subchapter shall:

6 (1) immediately remove the person whose certificate
7 has been revoked from campus or from an administrative office, as
8 applicable, to prevent the person from having any contact with a
9 student; and

10 (2) as soon as practicable, terminate the employment
11 of the person in accordance with the person's contract and with this
12 subchapter.

13 (d) A person whose certificate is revoked under Subsection
14 (b) may reapply for a certificate in accordance with board rules.

15 SECTION 2. Chapter 42, Code of Criminal Procedure, is
16 amended by adding Article 42.018 to read as follows:

17 Art. 42.018. NOTICE PROVIDED BY CLERK OF COURT. (a) This
18 article applies only:

19 (1) to conviction or deferred adjudication granted on
20 the basis of:

21 (A) an offense under Title 5, Penal Code; or

22 (B) an offense on conviction of which a defendant
23 is required to register as a sex offender under Chapter 62; and

24 (2) if the victim of the offense is under 18 years of
25 age.

26 (b) Not later than the fifth day after the date a person who
27 holds a certificate issued under Subchapter B, Chapter 21,

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

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2003.