

By: Ogden

S.B. No. 1488

A BILL TO BE ENTITLED

AN ACT

relating to the misconduct of a person who is employed by or is seeking employment by a school district, open-enrollment charter school, regional education service center, or shared services arrangement.

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

SECTION 1. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.006 to read as follows:

Sec. 21.006. REQUIREMENT TO REPORT MISCONDUCT. (a) In this section, "abuse" has the meaning assigned by Section 261.001, Family Code, and includes any sexual conduct involving an educator and a student or minor.

(b) In addition to the reporting requirement under Section 261.101, Family Code, the superintendent or director of a school district, open-enrollment charter school, regional education service center, or shared services arrangement shall notify the State Board for Educator Certification if the superintendent or director has reasonable cause to believe that:

(1) an educator employed by or seeking employment by the district, school, service center, or shared services arrangement has a criminal record;

(2) an educator's employment at the district, school, service center, or shared services arrangement was terminated based on a determination that the educator:

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

3                   (B) possessed, transferred, sold, or distributed  
4 a controlled substance, as defined by Chapter 481, Health and  
5 Safety Code, or by 21 U.S.C. Section 801 et seq., and its subsequent  
6 amendments;

7                   (C) illegally transferred, appropriated, or  
8 expended funds or other property of the district, school, service  
9 center, or shared services arrangement;

10                  (D) attempted by fraudulent or unauthorized  
11 means to obtain or alter a professional certificate or license for  
12 the purpose of promotion or additional compensation; or

13                  (E) committed a criminal offense or any part of a  
14 criminal offense on school property or at a school-sponsored event;  
15 or

16                  (3) the educator resigned and reasonable evidence  
17 supports a recommendation by the superintendent or director to  
18 terminate the educator based on a determination that the educator  
19 engaged in misconduct described by Subdivision (2).

20                  (c) The superintendent or director must notify the State  
21 Board for Educator Certification by filing a report with the board  
22 not later than the seventh day after the date the superintendent or  
23 director first learns about an alleged incident of misconduct  
24 described by Subsection (b). The report must be:

25                   (1) in writing; and

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

27                  (d) The superintendent or director shall notify the board of

1 trustees or governing body of the school district, open-enrollment  
2 charter school, regional education service center, or shared  
3 services arrangement and the educator of the filing of the report  
4 required by Subsection (c).

5 (e) A superintendent or director who in good faith and while  
6 acting in an official capacity files a report with the State Board  
7 for Educator Certification under this section is immune from civil  
8 or criminal liability that might otherwise be incurred or imposed.

9 (f) The State Board for Educator Certification shall  
10 determine whether to impose sanctions against a superintendent or  
11 director who fails to file a report in violation of Subsection (c).

12 (g) The State Board for Educator Certification shall  
13 propose rules as necessary to implement this section.

14 SECTION 2. Subsection (a), Section 21.451, Education Code,  
15 is amended to read as follows:

16 (a) The staff development provided by a school district must  
17 be conducted in accordance with minimum standards developed by the  
18 commissioner for program planning, preparation, and improvement.  
19 The staff development:

20 (1) must include training in:

21 (A) technology;

22 (B) conflict resolution; ~~and~~

23 (C) discipline strategies, including classroom  
24 management, district discipline policies, and the student code of  
25 conduct adopted under Section 37.001 and Chapter 37; and

26 (D) the requirement under Section 21.006 that a  
27 superintendent who has reasonable cause to believe that an educator

1 has engaged in an alleged incident of misconduct as described by  
2 Section 21.006(b) report the alleged misconduct of the educator to  
3 the State Board for Educator Certification;

4 (2) must include training that:

5 (A) relates to instruction of students with  
6 disabilities; and

7 (B) is designed for educators who work primarily  
8 outside of the area of special education; and

9 (3) may include instruction as to what is permissible  
10 under law, including opinions of the United States Supreme Court,  
11 in regard to prayers in public school.

12 SECTION 3. Subsection (d), Section 261.105, Family Code, is  
13 amended to read as follows:

14 (d) If the department initiates an investigation and  
15 determines that the abuse or neglect does not involve a person  
16 responsible for the child's care, custody, or welfare, the  
17 department shall refer the report to a law enforcement agency for  
18 further investigation. If the department determines that the abuse  
19 or neglect involves an employee of a public primary or secondary  
20 school, and that the child is a student at the school, the  
21 department shall orally notify the superintendent of the school  
22 district or director of the school in which the employee is employed  
23 about the investigation.

24 SECTION 4. This Act applies beginning with the 2003-2004  
25 school year.

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 1488

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2003.