

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. Subsection (b), Section 12.104, Education Code, is amended to read as follows:

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

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

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

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

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

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

(D) satisfactory performance on assessment instruments and to accelerated instruction under Section 28.0211;

(E) high school graduation under Section 28.025;

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

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

(H) prekindergarten programs under Subchapter E, Chapter 29;

(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; ~~and~~

(L) public school accountability under Subchapters B, C, D, and G, Chapter 39; and

(M) the requirement under Section 21.006 to report an educator's misconduct.

SECTION 2. 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, 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 (1) an educator employed by or seeking employment by
2 the district, service center, or shared services arrangement has a
3 criminal record;

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

7 (A) abused or otherwise committed an unlawful act
8 with a student or minor;

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

13 (C) illegally transferred, appropriated, or
14 expended funds or other property of the district, service center,
15 or shared services arrangement;

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

19 (E) committed a criminal offense or any part of a
20 criminal offense on school property or at a school-sponsored event;
21 or

22 (3) the educator resigned and reasonable evidence
23 supports a recommendation by the superintendent or director to
24 terminate the educator based on a determination that the educator
25 engaged in misconduct described by Subdivision (2).

26 (c) The superintendent or director must notify the State
27 Board for Educator Certification by filing a report with the board

1 not later than the seventh day after the date the superintendent or
2 director first learns about an alleged incident of misconduct
3 described by Subsection (b). The report must be:

4 (1) in writing; and

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

6 (d) The superintendent or director shall notify the board of
7 trustees or governing body of the school district, regional
8 education service center, or shared services arrangement and the
9 educator of the filing of the report required by Subsection (c).

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

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

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

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

21 (d) If the department initiates an investigation and
22 determines that the abuse or neglect does not involve a person
23 responsible for the child's care, custody, or welfare, the
24 department shall refer the report to a law enforcement agency for
25 further investigation. If the department determines that the abuse
26 or neglect involves an employee of a public primary or secondary
27 school, and that the child is a student at the school, the

1 department shall orally notify the superintendent of the school
2 district in which the employee is employed about the investigation.

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

5 SECTION 5. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1488 passed the Senate on April 22, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 30, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1488 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor