

By: Ogden S.B. No. 1488  
(In the Senate - Filed March 13, 2003; March 20, 2003, read first time and referred to Committee on Education; April 7, 2003, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; April 7, 2003, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1488 By: Ogden

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 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:

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

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

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

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

(E) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; 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 described by Subdivision (2).

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

(1) in writing; and

(2) in a form prescribed by the board.

(d) The superintendent or director shall notify the board of trustees or governing body of the school district, open-enrollment charter school, regional education service center, or shared services arrangement of the filing of the report required by Subsection (c).

(e) A superintendent or director who in good faith and while

acting in an official capacity files a report with the State Board for Educator Certification under this section is immune from civil or criminal liability that might otherwise be incurred or imposed.

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

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

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

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

(1) must include training in:

(A) technology;

(B) conflict resolution; ~~and~~

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

(D) the requirement under Section 21.006 that a superintendent who has 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 of the educator to the State Board for Educator Certification;

(2) must include training that:

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

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

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

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

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

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

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

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