

Amend CSHB 2 by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONs accordingly:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.034 to read as follows:

Sec. 39.034. ADVERSE PERSONNEL ACTION PROHIBITED. (a) In this section:

(1) "Adverse personnel action" includes the transfer of a school employee to another school, the documentation of a poor appraisal under Subchapter H, Chapter 21, or a less desirable assignment within the same school campus.

(2) "Cheating" means any action intended to enable students to mark the correct response on an assessment instrument other than through the student's learning, individual effort, or personal knowledge.

(b) A school administrator may not suspend or terminate the employment of, or take other adverse personnel action against, a school district or charter school employee who reports cheating in the administration of an assessment instrument under this chapter.

(c) A school district or charter school employee who is suspended, terminated, or subjected to an adverse personnel action in violation of Subsection (b) may sue for the following relief:

- (1) injunctive relief;
- (2) actual damages;
- (3) inconvenience;
- (4) court costs; and
- (5) reasonable attorney's fees.

(d) In addition to relief under Subsection (c), an employee who is suspended, terminated, or subjected to an adverse personnel action in violation of Subsection (b) may sue for other pecuniary loss in an amount not exceeding \$5,000 for each instance the employee reports cheating in the administration of an assessment instrument under this chapter.