

By: Gallegos

S.B. No. 1415

A BILL TO BE ENTITLED

AN ACT

1
2 relating to adverse personnel action against certain school
3 employees who report cheating in the administration of an
4 assessment instrument.

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

6 SECTION 1. Subchapter B, Chapter 39, Education Code, is
7 amended by adding Section 39.034 to read as follows:

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

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

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

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

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

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

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

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.