

By: Vaught

H.B. No. 3889

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibited retaliation against school district
3 employees for reporting to certain persons violations of law.

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

5 SECTION 1. Section 554.002, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) A state or local governmental entity may not suspend or
9 terminate the employment of, or take other adverse personnel action
10 against, a public employee who in good faith reports a violation of
11 law by the employing governmental entity or another public
12 employee:

13 (1) to an appropriate law enforcement authority; or
14 (2) in the case of a public employee employed by a
15 school district, to either an appropriate law enforcement authority
16 or to a person specified by Subsection (c) concerning a violation of
17 law or rule described by that subsection.

18 (c) Subsection (a) applies to a school district employee who
19 in good faith:

20 (1) reports to an appropriate law enforcement
21 authority a violation of law by the district or another public
22 employee; or

23 (2) reports to the Texas Education Agency a violation
24 by the district or another public employee or reports to the

1 district a violation by another public employee of:

2 (A) the Education Code;

3 (B) a civil or penal law, if the violation
4 affects the safety of the educational environment; or

5 (C) a rule adopted by the commissioner of
6 education, the State Board of Education, or the State Board for
7 Educator Certification.

8 SECTION 2. Section 554.002, Education Code, as amended by
9 this Act, applies only to a personnel action taken on or after the
10 effective date of this Act against a school district employee who
11 reports a violation of law by a school district or another public
12 employee, regardless of the date on which the alleged violation of
13 law occurred or was reported. A personnel action taken before the
14 effective date of this Act against a school district employee who
15 reports a violation of law by a school district or another public
16 employee is governed by the law in effect when the personnel action
17 was taken, and that law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2009.