

By: Davis of Dallas

H.B. No. 2219

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition placed on an open-enrollment charter
3 school against the employment of a person determined under certain
4 circumstances to have engaged in misconduct that presents a risk to
5 the health, safety, or welfare of a student or minor.

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

7 SECTION 1. Subchapter D, Chapter 12, Education Code, is
8 amended by adding Section 12.10591 to read as follows:

9 Sec. 12.10591. PROHIBITION ON EMPLOYMENT OF CERTAIN
10 PERSONS. (a) A person may not be employed by an open-enrollment
11 charter school if, based on the person's misconduct that presents a
12 risk to the health, safety, or welfare of a student or minor, as
13 provided under Subsection (c), the State Board for Educator
14 Certification has:

15 (1) revoked, canceled, suspended, or placed
16 restrictions on the person's educator certification; or

17 (2) refused to issue an educator certificate to the
18 person.

19 (b) A person may not be employed by an open-enrollment
20 charter school if, based on the person's misconduct that presents a
21 risk to the health, safety, or welfare of a student or minor, as
22 provided under Subsection (c), the board of trustees of a school
23 district has:

24 (1) revoked the person's school district teaching

1 permit; or

2 (2) refused to issue a school district teaching permit
3 to the person.

4 (c) For purposes of this section, each of the following is
5 misconduct that presents a risk to the health, safety, or welfare of
6 a student or minor:

7 (1) engaging in abuse or neglect, as defined by
8 Section 261.001, Family Code;

9 (2) engaging in a sexual offense, as prohibited under
10 Chapter 21, Penal Code;

11 (3) engaging in the offense of:

12 (A) sexual assault, as prohibited under Section
13 22.01, Penal Code;

14 (B) aggravated sexual assault, as prohibited
15 under Section 22.021, Penal Code;

16 (C) injury to a child, as prohibited under
17 Section 22.04, Penal Code;

18 (D) abandoning or endangering a child, as
19 prohibited under Section 22.041, Penal Code; or

20 (E) deadly conduct, as prohibited under Section
21 22.05, Penal Code;

22 (4) engaging in the offense of online solicitation of
23 a minor, as prohibited under Section 33.021, Penal Code;

24 (5) engaging in an offense under Section 37.10, Penal
25 Code, or under Section 39.0303 of this code, relating to an
26 assessment instrument;

27 (6) engaging in the offense of the sale, distribution,

1 or display of harmful material to a minor, as prohibited under
2 Section 43.24, Penal Code;

3 (7) engaging in a romantic relationship with a student
4 or minor or soliciting sexual contact or a romantic relationship
5 with a student or minor;

6 (8) on school property or while attending a
7 school-sponsored or school-related activity on or off of school
8 property, using, exhibiting, or possessing:

9 (A) a firearm as defined by Section 46.01(3),
10 Penal Code;

11 (B) an illegal knife as defined by Section
12 46.01(6), Penal Code, or by local policy;

13 (C) a club as defined by Section 46.01(1), Penal
14 Code; or

15 (D) a weapon listed as a prohibited weapon under
16 Section 46.05, Penal Code;

17 (9) while on or within 300 feet of school property, as
18 measured from any point on the school's real property boundary
19 line, or while attending a school-sponsored or school-related
20 activity on or off of school property:

21 (A) selling, giving, or delivering to another
22 person or possessing, using, or being under the influence of any
23 amount of:

24 (i) marihuana or a controlled substance, as
25 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
26 Section 801 et seq.; or

27 (ii) a dangerous drug, as defined by

1 Chapter 483, Health and Safety Code; or

2 (B) engaging in an offense relating to an
3 abusable volatile chemical under Sections 485.031 through 485.033,
4 Health and Safety Code;

5 (10) selling, giving, or delivering to a minor,
6 regardless of location:

7 (A) a substance described by Subdivision
8 (9)(A)(i) or (ii) or (9)(B); or

9 (B) an alcoholic beverage, as defined by Section
10 1.04, Alcoholic Beverage Code;

11 (11) using fraud or deceit in obtaining or attempting
12 to obtain an educator certificate or school district teaching
13 permit;

14 (12) engaging in any other criminal offense punishable
15 as a felony; or

16 (13) engaging in any other misconduct determined by
17 the State Board for Educator Certification or a school district, as
18 applicable, to present a risk to the health, safety, or welfare of a
19 student or minor.

20 SECTION 2. This Act applies to an employment contract
21 entered into by an open-enrollment charter school on or after the
22 effective date of this Act. An employment contract entered into by
23 an open-enrollment charter school before the effective date of this
24 Act is governed by the law in effect on the date the contract was
25 entered into, and that law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.