

AN ACT

relating to the right of a school employee to report a crime, persons subject to the prohibition on coercing another into suppressing or failing to report information to a law enforcement agency, and the reporting of criminal history record information of educators and other public school employees who engage in certain misconduct; creating a criminal offense.

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

SECTION 1. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section

28.0211;

(E) high school graduation requirements under  
Section 28.025;

(F) special education programs under Subchapter  
A, Chapter 29;

(G) bilingual education under Subchapter B,  
Chapter 29;

(H) prekindergarten programs under Subchapter E,  
Chapter 29;

(I) extracurricular activities under Section  
33.081;

(J) discipline management practices or behavior  
management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) public school accountability under  
Subchapters B, C, D, E, F, G, and J, Chapter 39;

(M) the requirement under Section 21.006 to  
report an educator's misconduct; ~~and~~

(N) intensive programs of instruction under  
Section 28.0213; and

(O) the right of a school employee to report a  
crime, as provided by Section 37.148.

SECTION 2. Sections 21.006(b), (b-1), (c), and (d),  
Education Code, are amended to read as follows:

(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

1 service center, or shared services arrangement shall notify the  
2 State Board for Educator Certification if [~~the superintendent or~~  
3 ~~director has reasonable cause to believe that~~]:

4 (1) an educator employed by or seeking employment by  
5 the district, school, service center, or shared services  
6 arrangement has a criminal record and the district, school, service  
7 center, or shared services arrangement obtained information about  
8 the educator's criminal record by a means other than the criminal  
9 history clearinghouse established under Section [411.0845](#),  
10 Government Code;

11 (2) an educator's employment at the district, school,  
12 service center, or shared services arrangement was terminated based  
13 on evidence [~~a determination~~] that the educator:

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

16 (A-1) was involved in a romantic relationship  
17 with or solicited or engaged in sexual contact with a student or  
18 minor;

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

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

26 (D) attempted by fraudulent or unauthorized  
27 means to obtain or alter a professional certificate or license for

1 the purpose of promotion or additional compensation; or

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

4 (3) the educator resigned and there is ~~[reasonable]~~  
5 evidence ~~[supports a recommendation by the superintendent or~~  
6 ~~director to terminate the educator based on a determination]~~ that  
7 the educator engaged in misconduct described by Subdivision (2); or

8 (4) the educator engaged in conduct that violated the  
9 assessment instrument security procedures established under  
10 Section 39.0301.

11 (b-1) A superintendent or director of a school district or  
12 open-enrollment charter school shall complete an investigation of  
13 an educator that is based on evidence that ~~[reasonable cause to~~  
14 ~~believe]~~ the educator may have engaged in misconduct described by  
15 Subsection (b)(2)(A) or (A-1), despite the educator's resignation  
16 from district or school employment before completion of the  
17 investigation.

18 (c) The superintendent or director must notify the State  
19 Board for Educator Certification by filing a report with the board  
20 not later than the seventh day after the date the superintendent or  
21 director knew ~~[first learns]~~ about an employee's criminal record  
22 under Subsection (b)(1) or a termination of employment or  
23 resignation following an alleged incident of misconduct described  
24 by Subsection (b). The report must be:

25 (1) in writing; and

26 (2) in a form prescribed by the board.

27 (d) The superintendent or director shall notify the board of

1 trustees or governing body of the school district, open-enrollment  
2 charter school, regional education service center, or shared  
3 services arrangement and the educator of the filing of the report  
4 required by Subsection (c).

5 SECTION 3. Section 22.087, Education Code, is amended to  
6 read as follows:

7 Sec. 22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR  
8 CERTIFICATION. The superintendent of a school district or the  
9 director of an open-enrollment charter school, private school,  
10 regional education service center, or shared services arrangement  
11 shall promptly notify the State Board for Educator Certification in  
12 writing if:

13 (1) the person obtains or has knowledge of information  
14 showing that an applicant for or holder of a certificate issued  
15 under Subchapter B, Chapter 21, has a reported criminal history;  
16 and

17 (2) the person obtained the information by a means  
18 other than the criminal history clearinghouse established under  
19 Section 411.0845, Government Code.

20 SECTION 4. Subchapter E-1, Chapter 37, Education Code, is  
21 amended by adding Section 37.148 to read as follows:

22 Sec. 37.148. RIGHT TO REPORT CRIME. (a) An employee of a  
23 school district or open-enrollment charter school may report a  
24 crime witnessed at the school to any peace officer with authority to  
25 investigate the crime.

26 (b) A school district or open-enrollment charter school may  
27 not adopt a policy requiring a school employee to:

1           (1) refrain from reporting a crime witnessed at the  
2 school; or

3           (2) report a crime witnessed at the school only to  
4 certain persons or peace officers.

5           SECTION 5. Section 39.06(a), Penal Code, is amended to read  
6 as follows:

7           (a) A public servant commits an offense if, in reliance on  
8 information to which the public servant ~~[he]~~ has access by virtue of  
9 the person's ~~[his]~~ office or employment and that has not been made  
10 public, the person ~~[he]~~:

11           (1) acquires or aids another to acquire a pecuniary  
12 interest in any property, transaction, or enterprise that may be  
13 affected by the information;

14           (2) speculates or aids another to speculate on the  
15 basis of the information; or

16           (3) as a public servant, including as a ~~[principal of~~  
17 ~~a]~~ school administrator, coerces another into suppressing or  
18 failing to report that information to a law enforcement agency.

19           SECTION 6. The change in law made by this Act to Section  
20 39.06, Penal Code, applies to an offense committed on or after the  
21 effective date of this Act. An offense committed before the  
22 effective date of this Act is governed by the law in effect on the  
23 date the offense was committed, and the former law is continued in  
24 effect for that purpose. For purposes of this section, an offense  
25 was committed before the effective date of this Act if any element  
26 of the offense occurred before that date.

27           SECTION 7. This Act takes effect September 1, 2015.

H.B. No. 1783

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1783 was passed by the House on May 12, 2015, by the following vote: Yeas 138, Nays 6, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1783 on May 29, 2015, by the following vote: Yeas 141, Nays 4, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1783 was passed by the Senate, with amendments, on May 27, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor