

By: Hinojosa

S.B. No. 1058

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reporting of criminal history record information of
3 educators and other public school employees who engage in certain
4 misconduct.

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

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

8 (b) In addition to the reporting requirement under Section
9 261.101, Family Code, the superintendent or director of a school
10 district, open-enrollment charter school, regional education
11 service center, or shared services arrangement shall notify the
12 State Board for Educator Certification if [~~the superintendent or~~
13 ~~director has reasonable cause to believe that~~]:

14 (1) an educator employed by or seeking employment by
15 the district, school, service center, or shared services
16 arrangement has a criminal record and the district, school, service
17 center, or shared services arrangement obtained information about
18 the educator's criminal record by a means other than the criminal
19 history clearinghouse established under Section 411.0845,
20 Government Code;

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

24 (A) abused or otherwise committed an unlawful act

1 with a student or minor;

2 (A-1) was involved in a romantic relationship
3 with or solicited or engaged in sexual contact with a student or
4 minor;

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

9 (C) illegally transferred, appropriated, or
10 expended funds or other property of the district, school, service
11 center, or shared services arrangement;

12 (D) attempted by fraudulent or unauthorized
13 means to obtain or alter a professional certificate or license for
14 the purpose of promotion or additional compensation; or

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

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

21 (4) the educator engaged in conduct that violated the
22 assessment instrument security procedures established under
23 Section 39.0301.

24 (b-1) A superintendent or director of a school district or
25 open-enrollment charter school shall complete an investigation of
26 an educator that is based on evidence that [~~reasonable cause to~~
27 ~~believe~~] the educator may have engaged in misconduct described by

1 Subsection (b)(2)(A) or (A-1), despite the educator's resignation
2 from district or school employment before completion of the
3 investigation.

4 (c) The superintendent or director must notify the State
5 Board for Educator Certification by filing a report with the board
6 not later than the seventh day after the date the superintendent or
7 director knew or should have known [~~first learns~~] about an
8 employee's criminal record under Subsection (b)(1) or a termination
9 of employment or resignation following an alleged incident of
10 misconduct described by Subsection (b). The report must be:

- 11 (1) in writing; and
12 (2) in a form prescribed by the board.

13 (d) The superintendent or director shall notify the board of
14 trustees or governing body of the school district, open-enrollment
15 charter school, regional education service center, or shared
16 services arrangement and the educator of the filing of the report
17 required by Subsection (c).

18 SECTION 2. Section [22.087](#), Education Code, is amended to
19 read as follows:

20 Sec. 22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR
21 CERTIFICATION. The superintendent of a school district or the
22 director of an open-enrollment charter school, private school,
23 regional education service center, or shared services arrangement
24 shall promptly notify the State Board for Educator Certification in
25 writing if:

- 26 (1) the person obtains or has knowledge of information
27 showing that an applicant for or holder of a certificate issued

1 under Subchapter B, Chapter 21, has a reported criminal history;
2 and

3 (2) the person obtained the information by a means
4 other than the criminal history clearinghouse established under
5 Section [411.0845](#), Government Code.

6 SECTION 3. This Act takes effect September 1, 2015.