

1-1 By: Hinojosa S.B. No. 1058
 1-2 (In the Senate - Filed March 9, 2015; March 16, 2015, read
 1-3 first time and referred to Committee on Education; May 7, 2015,
 1-4 reported favorably by the following vote: Yeas 6, Nays 3;
 1-5 May 7, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt		X		
1-10 Campbell	X			
1-11 Garcia	X			
1-12 Huffines			X	
1-13 Kolthorst		X		
1-14 Rodríguez	X			
1-15 Seliger			X	
1-16 Taylor of Collin		X		
1-17 West	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the reporting of criminal history record information of
 1-22 educators and other public school employees who engage in certain
 1-23 misconduct.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Sections 21.006(b), (b-1), (c), and (d),
 1-26 Education Code, are amended to read as follows:

1-27 (b) In addition to the reporting requirement under Section
 1-28 261.101, Family Code, the superintendent or director of a school
 1-29 district, open-enrollment charter school, regional education
 1-30 service center, or shared services arrangement shall notify the
 1-31 State Board for Educator Certification if ~~[the superintendent or~~
 1-32 ~~director has reasonable cause to believe that]:~~

1-33 (1) an educator employed by or seeking employment by
 1-34 the district, school, service center, or shared services
 1-35 arrangement has a criminal record and the district, school, service
 1-36 center, or shared services arrangement obtained information about
 1-37 the educator's criminal record by a means other than the criminal
 1-38 history clearinghouse established under Section 411.0845,
 1-39 Government Code;

1-40 (2) an educator's employment at the district, school,
 1-41 service center, or shared services arrangement was terminated based
 1-42 on evidence ~~[a determination]~~ that the educator:

1-43 (A) abused or otherwise committed an unlawful act
 1-44 with a student or minor;

1-45 (A-1) was involved in a romantic relationship
 1-46 with or solicited or engaged in sexual contact with a student or
 1-47 minor;

1-48 (B) possessed, transferred, sold, or distributed
 1-49 a controlled substance, as defined by Chapter 481, Health and
 1-50 Safety Code, or by 21 U.S.C. Section 801 et seq. ~~[, and its~~
 1-51 ~~subsequent amendments];~~

1-52 (C) illegally transferred, appropriated, or
 1-53 expended funds or other property of the district, school, service
 1-54 center, or shared services arrangement;

1-55 (D) attempted by fraudulent or unauthorized
 1-56 means to obtain or alter a professional certificate or license for
 1-57 the purpose of promotion or additional compensation; or

1-58 (E) committed a criminal offense or any part of a
 1-59 criminal offense on school property or at a school-sponsored event;

1-60 (3) the educator resigned and there is ~~[reasonable]~~
 1-61 evidence ~~[supports a recommendation by the superintendent or~~

2-1 ~~director to terminate the educator based on a determination]~~ that
2-2 the educator engaged in misconduct described by Subdivision (2); or
2-3 (4) the educator engaged in conduct that violated the
2-4 assessment instrument security procedures established under
2-5 Section 39.0301.

2-6 (b-1) A superintendent or director of a school district or
2-7 open-enrollment charter school shall complete an investigation of
2-8 an educator that is based on evidence that ~~[reasonable cause to~~
2-9 ~~believe]~~ the educator may have engaged in misconduct described by
2-10 Subsection (b)(2)(A) or (A-1), despite the educator's resignation
2-11 from district or school employment before completion of the
2-12 investigation.

2-13 (c) The superintendent or director must notify the State
2-14 Board for Educator Certification by filing a report with the board
2-15 not later than the seventh day after the date the superintendent or
2-16 director knew or should have known ~~[first learns]~~ about an
2-17 employee's criminal record under Subsection (b)(1) or a termination
2-18 of employment or resignation following an alleged incident of
2-19 misconduct described by Subsection (b). The report must be:

- 2-20 (1) in writing; and
- 2-21 (2) in a form prescribed by the board.

2-22 (d) The superintendent or director shall notify the board of
2-23 trustees or governing body of the school district, open-enrollment
2-24 charter school, regional education service center, or shared
2-25 services arrangement and the educator of the filing of the report
2-26 required by Subsection (c).

2-27 SECTION 2. Section 22.087, Education Code, is amended to
2-28 read as follows:

2-29 Sec. 22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR
2-30 CERTIFICATION. The superintendent of a school district or the
2-31 director of an open-enrollment charter school, private school,
2-32 regional education service center, or shared services arrangement
2-33 shall promptly notify the State Board for Educator Certification in
2-34 writing if:

- 2-35 (1) the person obtains or has knowledge of information
2-36 showing that an applicant for or holder of a certificate issued
2-37 under Subchapter B, Chapter 21, has a reported criminal history;
2-38 and
- 2-39 (2) the person obtained the information by a means
2-40 other than the criminal history clearinghouse established under
2-41 Section 411.0845, Government Code.

2-42 SECTION 3. This Act takes effect September 1, 2015.

2-43 * * * * *