

1-1 By: Taylor of Collin S.B. No. 1497
 1-2 (In the Senate - Filed March 12, 2015; March 19, 2015, read
 1-3 first time and referred to Committee on Education; May 5, 2015,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 11, Nays 0; May 5, 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 COMMITTEE SUBSTITUTE FOR S.B. No. 1497 By: Taylor of Collin

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to educator misconduct and employment sanctions and a
 1-23 requirement that a school district, open-enrollment charter
 1-24 school, or shared services arrangement terminate or refuse to hire
 1-25 an employee or applicant convicted of certain offenses.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Sections 21.058(a), (c), (c-2), and (e),
 1-28 Education Code, are amended to read as follows:

1-29 (a) The procedures described by Subsections (b) and (c)
 1-30 apply only to conviction of:

1-31 (1) ~~[to conviction of]~~ a felony offense;

1-32 (2) ~~[under Title 5, Penal Code, or]~~ an offense on
 1-33 conviction of which a defendant is required to register as a sex
 1-34 offender under Chapter 62, Code of Criminal Procedure;

1-35 (3) an offense under the laws of another state or
 1-36 federal law that is equivalent to an offense under Subdivision (1)
 1-37 or (2); or

1-38 (4) a misdemeanor offense under Chapter 21 or 43,
 1-39 Penal Code ~~[and~~

1-40 ~~[(2) if the victim of the offense is under 18 years of~~
 1-41 ~~age].~~

1-42 (c) A school district or open-enrollment charter school
 1-43 that receives notice under Subsection (b) of the revocation of a
 1-44 certificate issued under this subchapter shall:

1-45 (1) immediately remove the person whose certificate
 1-46 has been revoked from campus or from an administrative office, as
 1-47 applicable, to prevent the person from having any contact with a
 1-48 student; and

1-49 (2) if the person is employed under a probationary,
 1-50 continuing, or term contract under this chapter, on the action of
 1-51 the board of trustees or governing body or a designee of the board
 1-52 or governing body:

1-53 (A) suspend the person without pay;

1-54 (B) provide the person with written notice that
 1-55 the person's contract is void as provided by Subsection (c-2); and

1-56 (C) terminate the employment of the person as
 1-57 soon as practicable.

1-58 (c-2) A person's probationary, continuing, or term contract
 1-59 is void if, on the action of the board of trustees or governing body
 1-60 or a designee of the board or governing body, the school district or

2-1 open-enrollment charter school takes action under Subsection (c)
2-2 [~~(c)(2)(B) or (c-1)(2)~~].

2-3 (e) Action taken by a school district or open-enrollment
2-4 charter school under Subsection (c) [~~or (c-1)~~] is not subject to
2-5 appeal under this chapter, and the notice and hearing requirements
2-6 of this chapter do not apply to the action.

2-7 SECTION 2. Sections 22.085(a) and (d), Education Code, are
2-8 amended to read as follows:

2-9 (a) A school district, open-enrollment charter school, or
2-10 shared services arrangement shall discharge or refuse to hire an
2-11 employee or applicant for employment if the district, school, or
2-12 shared services arrangement obtains information through a criminal
2-13 history record information review that[+]

2-14 [~~(1)~~] the employee or applicant has been convicted of:

2-15 (1) [~~(A)~~] a felony offense [~~under Title 5, Penal~~
2-16 Code];

2-17 (2) [~~(B)~~] an offense on conviction of which a
2-18 defendant is required to register as a sex offender under Chapter
2-19 62, Code of Criminal Procedure; [~~or~~]

2-20 (3) [~~(C)~~] an offense under the laws of another state
2-21 or federal law that is equivalent to an offense under Subdivision
2-22 (1) or (2) [~~Paragraph (A) or (B)~~]; or

2-23 (4) a misdemeanor offense under Chapter 21 or 43,
2-24 Penal Code [~~and~~

2-25 [~~(2) at the time the offense occurred, the victim of~~
2-26 the offense described by Subdivision (1) was under 18 years of age

2-27 or was enrolled in a public school].

2-28 (d) [~~A school district, open-enrollment charter school,~~
2-29 private school, regional education service center, or shared
2-30 services arrangement may discharge an employee if the district or
2-31 school obtains information of the employee's conviction of a felony
2-32 or of a misdemeanor involving moral turpitude that the employee did
2-33 not disclose to the State Board for Educator Certification or the
2-34 district, school, service center, or shared services arrangement.]

2-35 An employee discharged under this section is considered to have
2-36 been discharged for misconduct for purposes of Section 207.044,
2-37 Labor Code.

2-38 SECTION 3. Article 42.018(a), Code of Criminal Procedure,
2-39 is amended to read as follows:

2-40 (a) This article applies only[+]

2-41 [~~(1)~~] to conviction or deferred adjudication granted on
2-42 the basis of:

2-43 (1) a felony [~~(A) an~~] offense [~~under Title 5, Penal~~
2-44 Code];

2-45 (2) [~~or~~
2-46 [~~(B)~~] an offense on conviction of which a
2-47 defendant is required to register as a sex offender under Chapter
2-48 62; or

2-49 (3) a misdemeanor offense under Chapter 21 or 43,
2-50 Penal Code [~~and~~

2-51 [~~(2) if the victim of the offense is under 18 years of~~
2-52 age].

2-53 SECTION 4. Sections 21.058(c-1) and 22.085(b), Education
2-54 Code, are repealed.

2-55 SECTION 5. This Act takes effect immediately if it receives
2-56 a vote of two-thirds of all the members elected to each house, as
2-57 provided by Section 39, Article III, Texas Constitution. If this
2-58 Act does not receive the vote necessary for immediate effect, this
2-59 Act takes effect September 1, 2015.

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