

House Bill 1783
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p>SECTION 1. Section 12.104(b), Education Code, is amended to read as follows:</p> <p>(b) An open-enrollment charter school is subject to:</p> <p>(1) a provision of this title establishing a criminal offense; and</p> <p>(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:</p> <p>(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;</p> <p>(B) criminal history records under Subchapter C, Chapter 22;</p> <p>(C) reading instruments and accelerated reading instruction programs under Section 28.006;</p> <p>(D) accelerated instruction under Section 28.0211;</p> <p>(E) high school graduation requirements under Section 28.025;</p> <p>(F) special education programs under Subchapter A, Chapter 29;</p> <p>(G) bilingual education under Subchapter B, Chapter 29;</p> <p>(H) prekindergarten programs under Subchapter E, Chapter 29;</p> <p>(I) extracurricular activities under Section 33.081;</p> <p>(J) discipline management practices or behavior management techniques under Section 37.0021;</p> <p>(K) health and safety under Chapter 38;</p> <p>(L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;</p> <p>(M) the requirement under Section 21.006 to report an educator's misconduct; and</p> <p>(N) intensive programs of instruction under Section 28.0213; <u>and</u></p>	<p>SECTION 1. Same as House version.</p>	

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

No equivalent provision.

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

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

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

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

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

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

(C) illegally transferred, appropriated, or expended funds or

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other property of the district, school, service center, or shared services arrangement;

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

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

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

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

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

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

(1) in writing; and

(2) in a form prescribed by the board.

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

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trustees or governing body of the school district, open-enrollment charter school, regional education service center, or shared services arrangement and the educator of the filing of the report required by Subsection (c). [FA1]

SECTION __. Section 22.087, Education Code, is amended to read as follows:
Sec. 22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR CERTIFICATION. The superintendent of a school district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement shall promptly notify the State Board for Educator Certification in writing if:
(1) the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter 21, has a reported criminal history; and
(2) the person obtained the information by a means other than the criminal history clearinghouse established under Section 411.0845, Government Code. [FA1]

SECTION 2. Same as House version.

No equivalent provision.

SECTION 2. Subchapter E-1, Chapter 37, Education Code, is amended by adding Section 37.148 to read as follows:
Sec. 37.148. RIGHT TO REPORT CRIME. (a) An employee of a school district or open-enrollment charter school may report a crime witnessed at the school to any peace officer with authority to investigate the crime.
(b) A school district or open-enrollment charter school may not adopt a policy requiring a school employee to:
(1) refrain from reporting a crime witnessed at the school; or

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

SECTION 3. Section 39.06(a), Penal Code, is amended to read as follows:

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

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

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

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

SECTION 4. The change in law made by this Act to Section 39.06, Penal Code, applies to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2015.

SECTION 3. Same as House version.

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