

By: Taylor of Collin

S.B. No. 653

A BILL TO BE ENTITLED

1 AN ACT
2 relating to improper relationships between educators or certain
3 other school personnel and students; creating an offense and
4 expanding the applicability of existing offenses.

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

6 ARTICLE 1. LEGISLATIVE FINDINGS

7 SECTION 1.01. The legislature finds that:

8 (1) all children receiving an education in Texas are
9 entitled to a safe, secure learning environment;

10 (2) registered sex offenders and employees that engage
11 in sexual contact with students should be barred from Texas
12 classrooms;

13 (3) inappropriate teacher-student relationships,
14 including the use of certain forms of electronic communication,
15 detract from the state's expectation of a general diffusion of
16 knowledge;

17 (4) education administrators have a duty to report
18 employees that engage in sexual contact with students to the
19 appropriate law enforcement and regulatory agencies; and

20 (5) a school employee found to engage in inappropriate
21 behavior with a student in one school or district must not be
22 allowed to be employed by another school or district.

23 ARTICLE 2. REPORTING, ENFORCEMENT, AND CRIMINAL PENALTIES

24 SECTION 2.01. Section [7.028\(a\)](#), Education Code, is amended

1 to read as follows:

2 (a) Except as provided by Section 29.001(5), 29.010(a), or
3 39.057, the agency may monitor compliance with requirements
4 applicable to a process or program provided by a school district,
5 campus, program, or school granted charters under Chapter 12,
6 including the process described by Subchapter F, Chapter 11, or a
7 program described by Subchapter B, C, D, E, F, H, or I, Chapter 29,
8 Subchapter A, Chapter 37, or Section 38.003, and the use of funds
9 provided for such a program under Subchapter C, Chapter 42, only as
10 necessary to ensure:

- 11 (1) compliance with federal law and regulations;
- 12 (2) financial accountability, including compliance
13 with grant requirements; ~~and~~
- 14 (3) data integrity for purposes of:
- 15 (A) the Public Education Information Management
16 System (PEIMS); and
- 17 (B) accountability under Chapter 39; and
- 18 (4) compliance with reporting requirements under
19 Section 21.006.

20 SECTION 2.02. Section 12.056(b), Education Code, is amended
21 to read as follows:

22 (b) A campus or program for which a charter is granted under
23 this subchapter is subject to:

- 24 (1) a provision of this title establishing a criminal
25 offense; and
- 26 (2) a prohibition, restriction, or requirement, as
27 applicable, imposed by this title or a rule adopted under this

1 title, relating to:

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

5 (B) a requirement to report misconduct under
6 Section 21.006;

7 (C) criminal history records under Subchapter C,
8 Chapter 22, including the registry created under Section 22.088;

9 (D) [~~C~~] high school graduation under Section
10 28.025;

11 (E) [~~D~~] special education programs under
12 Subchapter A, Chapter 29;

13 (F) [~~E~~] bilingual education under Subchapter
14 B, Chapter 29;

15 (G) [~~F~~] prekindergarten programs under
16 Subchapter E, Chapter 29;

17 (H) [~~G~~] extracurricular activities under
18 Section 33.081;

19 (I) [~~H~~] health and safety under Chapter 38; and

20 (J) [~~I~~] public school accountability under
21 Subchapters B, C, D, E, F, and J, Chapter 39.

22 SECTION 2.03. Section 12.104(b), Education Code, is amended
23 to read as follows:

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

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

27 (2) a prohibition, restriction, or requirement, as

1 applicable, imposed by this title or a rule adopted under this
2 title, relating to:

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

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

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

10 (D) accelerated instruction under Section 28.0211;

11 (E) high school graduation requirements under
12 Section 28.025;

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

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

17 (H) prekindergarten programs under Subchapter E
18 or E-1, Chapter 29;

19 (I) extracurricular activities under Section
20 33.081;

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

23 (K) health and safety under Chapter 38;

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

26 (M) the requirement under Section 21.006 to
27 report misconduct by an educator or a person in a certified role

1 ~~[educator's misconduct]~~;

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

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

6 SECTION 2.04. Section 12.1059, Education Code, is amended
7 to read as follows:

8 Sec. 12.1059. AGENCY APPROVAL REQUIRED FOR CERTAIN
9 EMPLOYEES. A person may not be employed by or serve as a teacher,
10 librarian, educational aide, administrator, or school counselor or
11 in any other position with direct, unsupervised contact with
12 students for an open-enrollment charter school unless the person
13 has been approved by the agency following a review of:

14 (1) the person's national criminal history record
15 information as provided by Section 22.0832; and

16 (2) the registry created under Section 22.088.

17 SECTION 2.05. Chapter 12A, Education Code, is amended by
18 adding Section 12A.0041 to read as follows:

19 Sec. 12A.0041. ADDITIONAL REQUIREMENTS. A district of
20 innovation that is exempt from the certification requirements of
21 Subchapter B, Chapter 21, is subject, to the extent of the
22 exemption, to the following sections as if the district of
23 innovation were an open-enrollment charter school:

24 (1) Section 12.1059;

25 (2) Section 21.006;

26 (3) Section 22.085; and

27 (4) Section 22.088.

1 SECTION 2.06. Section 12A.008, Education Code, is amended
2 by adding Subsection (e) to read as follows:

3 (e) The commissioner shall terminate a school district's
4 designation as a district of innovation if the district hires a
5 person, or fails to discharge a person, in violation of Section
6 22.088(b).

7 SECTION 2.07. Section 21.006, Education Code, is amended to
8 read as follows:

9 Sec. 21.006. REQUIREMENT TO REPORT MISCONDUCT. (a) In
10 this section:

11 (1) "Abuse" [,"abuse"] has the meaning assigned by
12 Section 261.001, Family Code, and includes any sexual conduct
13 involving an educator and a student or minor.

14 (2) "Person in a certified role" means a person who is
15 not required to hold a certificate or permit issued under
16 Subchapter B but is employed by or serves as a teacher, librarian,
17 educational aide, administrator, or school counselor or in any
18 other position with direct, unsupervised contact with students for
19 an open-enrollment charter school or school district.

20 (b) In addition to the reporting requirement under Section
21 261.101, Family Code, the superintendent or director of, or a
22 principal in, a school district, open-enrollment charter school,
23 regional education service center, or shared services arrangement
24 shall notify the State Board for Educator Certification if:

25 (1) an educator employed by or seeking employment by
26 the district, school, service center, or shared services
27 arrangement has a criminal record and the district, school, service

1 center, or shared services arrangement obtained information about
2 the educator's criminal record by a means other than the criminal
3 history clearinghouse established under Section 411.0845,
4 Government Code;

5 (2) an educator's employment at the district, school,
6 service center, or shared services arrangement was terminated,
7 including by resignation of the educator, and at the time of the
8 termination or resignation the superintendent, director, or
9 principal knew or had probable cause to believe ~~[based on evidence]~~
10 that the educator:

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

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

16 (B) possessed, transferred, sold, or distributed
17 a controlled substance, as defined by Chapter 481, Health and
18 Safety Code, or by 21 U.S.C. Section 801 et seq.;

19 (C) illegally transferred, appropriated, or
20 expended funds or other property of the district, school, service
21 center, or shared services arrangement;

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

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

27 (3) the educator resigned and there is evidence that

1 the educator engaged in misconduct described by Subdivision (2); or
2 (4) the educator engaged in conduct that violated the
3 assessment instrument security procedures established under
4 Section 39.0301.

5 (b-1) In addition to the reporting requirement under
6 Section 261.101, Family Code, the superintendent, director, or
7 principal of an open-enrollment charter school shall notify the
8 commissioner if:

9 (1) the school obtains information that a person in a
10 certified role at the school has a criminal record that includes
11 allegations that the person engaged in misconduct described by
12 Subsection (b)(2)(A) or (A-1); or

13 (2) the employment or service of a person in a
14 certified role at the school is terminated, including by
15 resignation of the person, and there is evidence that the person
16 engaged in misconduct described by Subsection (b)(2)(A) or (A-1).

17 (b-2) A superintendent or director of a school district or
18 open-enrollment charter school shall complete an investigation of
19 an educator or a person in a certified role that is based on
20 evidence that the educator or person may have engaged in misconduct
21 described by Subsection (b)(2)(A) or (A-1), despite the
22 ~~[educator's]~~ resignation of the educator or person from district or
23 school employment before completion of the investigation.

24 (c) The superintendent, ~~[or]~~ director, or principal must
25 notify the State Board for Educator Certification or the
26 commissioner, as applicable, by filing a report required under
27 Subsection (b) or (b-1) [a report with the board] not later than the

1 seventh day after the date the superintendent, ~~[or]~~ director, or
2 principal knew about an educator's or a person in a certified role's
3 ~~[employee's]~~ criminal record under Subsection (b)(1) or (b-1)(1) or
4 a termination of employment or resignation following an alleged
5 incident of misconduct described by Subsection (b) or (b-1). The
6 report must be:

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

9 (c-1) The State Board for Educator Certification and the
10 commissioner shall establish and maintain a secure online portal
11 that allows superintendents, directors, and principals to
12 electronically file a report required under this section.

13 (c-2) A requirement to report under this section, as applied
14 to a principal in a school district, is limited to reportable
15 incidents or events occurring at, or directly related to, the
16 school at which the principal serves.

17 (c-3) A requirement to report under this section is
18 satisfied by the timely filing of a single report by, as relevant
19 under the circumstances, a superintendent, director, or principal.

20 (d) The superintendent, ~~[or]~~ director, or principal shall
21 notify the board of trustees or governing body of the school
22 district, open-enrollment charter school, regional education
23 service center, or shared services arrangement and the educator or
24 the person in a certified role of the filing of a [the] report
25 required under this section ~~[by Subsection (c)]~~.

26 (e) A superintendent, ~~[or]~~ director, or principal who in
27 good faith and while acting in an official capacity files a report

1 with the State Board for Educator Certification or the commissioner
2 under this section is immune from civil or criminal liability that
3 might otherwise be incurred or imposed.

4 (f) The State Board for Educator Certification shall
5 determine whether to impose sanctions against a superintendent,
6 ~~[or]~~ director, or principal who fails to file a report in violation
7 of this section [~~Subsection (c)~~].

8 (g) The State Board for Educator Certification shall
9 propose rules as necessary to implement this section.

10 (h) A report under this section is confidential and not
11 subject to disclosure under the public access provisions of Chapter
12 552, Government Code. The name of a student or minor who is the
13 victim of abuse or unlawful conduct by an educator or a person in a
14 certified role must be included in a report filed under this
15 section[~~, but the name of the student or minor is not public~~
16 ~~information under Chapter 552, Government Code~~].

17 SECTION 2.08. Subchapter A, Chapter 21, Education Code, is
18 amended by adding Section 21.0061 to read as follows:

19 Sec. 21.0061. COMPLIANCE REVIEW. The commissioner may
20 authorize the agency to conduct a review of school districts and
21 open-enrollment charter schools to verify compliance with Section
22 21.006.

23 SECTION 2.09. Section 21.044(g), Education Code, is amended
24 to read as follows:

25 (g) Each educator preparation program must provide
26 information regarding:

27 (1) the skills that educators are required to possess,

1 the responsibilities that educators are required to accept, and the
2 high expectations for students in this state;

3 (2) the effect of supply and demand forces on the
4 educator workforce in this state;

5 (3) the performance over time of the educator
6 preparation program;

7 (4) the importance of building strong classroom
8 management skills; ~~and~~

9 (5) the framework in this state for teacher and
10 principal evaluation, including the procedures followed in
11 accordance with Subchapter H; and

12 (6) appropriate educator-student relationships,
13 boundaries, and communications.

14 SECTION 2.10. Sections 21.054(d) and (e), Education Code,
15 are amended to read as follows:

16 (d) Continuing education requirements for a classroom
17 teacher must provide that not more than 25 percent of the training
18 required every five years include instruction regarding:

19 (1) collecting and analyzing information that will
20 improve effectiveness in the classroom;

21 (2) recognizing early warning indicators that a
22 student may be at risk of dropping out of school;

23 (3) integrating technology into classroom
24 instruction; ~~and~~

25 (4) educating diverse student populations, including:

26 (A) students with disabilities, including mental
27 health disorders;

1 (B) students who are educationally
2 disadvantaged;

3 (C) students of limited English proficiency; and

4 (D) students at risk of dropping out of school;

5 and

6 (5) appropriate educator-student relationships,
7 boundaries, and communications.

8 (e) Continuing education requirements for a principal must
9 provide that not more than 25 percent of the training required every
10 five years include instruction regarding:

11 (1) effective and efficient management, including:

12 (A) collecting and analyzing information;

13 (B) making decisions and managing time; and

14 (C) supervising student discipline and managing
15 behavior;

16 (2) recognizing early warning indicators that a
17 student may be at risk of dropping out of school;

18 (3) integrating technology into campus curriculum and
19 instruction; ~~and~~

20 (4) educating diverse student populations, including:

21 (A) students with disabilities, including mental
22 health disorders;

23 (B) students who are educationally
24 disadvantaged;

25 (C) students of limited English proficiency; and

26 (D) students at risk of dropping out of school;

27 and

1 (5) recognizing, preventing, and reporting
2 inappropriate educator-student relationships.

3 SECTION 2.11. Sections 21.058(a), (b), (c), (c-1), and
4 (c-2), Education Code, are amended to read as follows:

5 (a) The procedures described by Subsections (b) and (c)
6 apply only to a person who is:

7 (1) registered as a sex offender under Chapter 62,
8 Code of Criminal Procedure; or

9 (2) convicted [~~to conviction~~] of a felony offense
10 under Title 5, Penal Code, committed against a [~~or an offense on~~
11 ~~conviction of which a defendant is required to register as a sex~~
12 ~~offender under Chapter 62, Code of Criminal Procedure; and~~

13 [~~(2) if the~~] victim younger than [~~of the offense is~~
14 ~~under~~] 18 years of age.

15 (b) Notwithstanding Section 21.041(b)(7), not later than
16 the fifth day after the date the board receives notice under Article
17 42.018, Code of Criminal Procedure, of the conviction or
18 adjudication of a person who holds a certificate under this
19 subchapter, the board shall:

20 (1) revoke the certificate held by the person; and

21 (2) provide to the person and to any school district or
22 open-enrollment charter school employing the person at the time of
23 revocation written notice of:

24 (A) the revocation; and

25 (B) the basis for the revocation.

26 (c) A school district or open-enrollment charter school
27 that receives notice under Subsection (b) of the revocation of a

1 certificate issued under this subchapter shall:

2 (1) immediately remove the person whose certificate
3 has been revoked from campus or from an administrative office, as
4 applicable, to prevent the person from having any contact with a
5 student; and

6 (2) if the person is employed under a probationary,
7 continuing, or term contract under this chapter, with the approval
8 of the board of trustees or governing body or a designee of the
9 board of trustees or governing body:

10 (A) suspend the person without pay;

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

13 (C) terminate the employment of the person as
14 soon as practicable.

15 (c-1) If a school district or open-enrollment charter
16 school becomes aware that a person employed by the district or
17 school under a probationary, continuing, or term contract under
18 this chapter has been convicted of or received deferred
19 adjudication for a felony offense, and the person is not subject to
20 Subsection (c), the district or school may, with the approval of the
21 board of trustees or governing body or a designee of the board of
22 trustees or governing body:

23 (1) suspend the person without pay;

24 (2) provide the person with written notice that the
25 person's contract is void as provided by Subsection (c-2); and

26 (3) terminate the employment of the person as soon as
27 practicable.

1 (c-2) A person's probationary, continuing, or term contract
2 is void if, with the approval of the board of trustees or governing
3 body or a designee of the board of trustees or governing body, the
4 school district or open-enrollment charter school takes action
5 under Subsection (c)(2)(B) or (c-1)(2).

6 SECTION 2.12. Subchapter B, Chapter 21, Education Code, is
7 amended by adding Section 21.0585 to read as follows:

8 Sec. 21.0585. TEMPORARY SUSPENSION. (a) The certificate
9 of an educator shall be temporarily suspended on a determination by
10 a majority of the board or of a three-member committee of board
11 members designated by the board that, from the evidence or
12 information presented, continued work as an educator by the
13 certificate holder would constitute a continuing or imminent threat
14 to the safety and welfare of students, educators, or school
15 personnel.

16 (b) An educator's certificate may be temporarily suspended
17 under Subsection (a) without notice or hearing if:

18 (1) the board immediately provides notice of the
19 suspension to the educator; and

20 (2) proceedings for a preliminary hearing before the
21 State Office of Administrative Hearings are initiated
22 simultaneously with the suspension under this chapter and Chapter
23 2001, Government Code.

24 (c) A preliminary hearing must be set for a date not later
25 than the 17th day after the date of the temporary suspension. The
26 preliminary hearing shall be conducted as a de novo hearing and
27 shall determine whether probable cause exists that continued work

1 as an educator by the certificate holder would constitute a
2 continuing or imminent threat to the safety and welfare of
3 students, educators, or school personnel.

4 (d) If the State Office of Administrative Hearings does not
5 hold the preliminary hearing within the time required under
6 Subsection (c) or if the preliminary hearing results in a finding
7 that probable cause for the suspension does not exist, the board
8 shall reinstate the educator's certificate and order the school
9 district to:

10 (1) reinstate the educator;

11 (2) pay the educator any back pay and employment
12 benefits lost due to the temporary suspension from the time of the
13 suspension to reinstatement; and

14 (3) remove any record of the educator's suspension
15 from the school district's records.

16 (e) If a preliminary hearing results in a finding that
17 probable cause for the suspension exists, the State Office of
18 Administrative Hearings shall hold a final hearing on the matter
19 not later than the 61st day after the date of the temporary
20 suspension to determine whether the educator's certification
21 should be revoked.

22 (f) If the State Office of Administrative Hearings does not
23 hold the final hearing within the time required under Subsection
24 (e) or if the final hearing results in a finding that continued work
25 as an educator by the certificate holder would not constitute a
26 continuing or imminent threat to the safety and welfare of
27 students, educators, or school personnel, the board shall reinstate

1 the educator's certificate and order the school district to:

2 (1) reinstate the educator;

3 (2) pay the educator any back pay and employment
4 benefits lost due to the temporary suspension from the time of the
5 suspension to reinstatement; and

6 (3) remove any record of the educator's suspension
7 from the school district's records.

8 SECTION 2.13. Subchapter B, Chapter 21, Education Code, is
9 amended by adding Section 21.0605 to read as follows:

10 Sec. 21.0605. ACTION AGAINST PERSONS WHO ASSIST PERSONS
11 KNOWN TO ENGAGE IN SEXUAL MISCONDUCT. The board may suspend or
12 revoke a certificate or permit held by a person under this
13 subchapter, impose other sanctions against the person, or refuse to
14 issue a certificate or permit to a person under this subchapter if
15 the person:

16 (1) assists a school employee, contractor, or agent in
17 obtaining a new job at a school district or an open-enrollment
18 charter school, apart from the routine transmission of
19 administrative and personnel files; and

20 (2) knew or should have known that the school
21 employee, contractor, or agent engaged in sexual misconduct
22 involving a minor or student in violation of the law.

23 SECTION 2.14. Sections 21.062(a) and (d), Education Code,
24 are amended to read as follows:

25 (a) During an investigation by the commissioner of an
26 educator for an alleged incident of misconduct, the commissioner
27 may issue a subpoena to compel the attendance of a relevant witness

1 or the production, for inspection or copying, of relevant evidence
2 that is located in this state.

3 (d) Except as provided by this subsection, all [All]
4 information and materials subpoenaed or compiled in connection with
5 an investigation described by Subsection (a) are confidential and
6 not subject to public disclosure under Chapter 552, Government
7 Code. Upon request by the educator under investigation, such
8 information and materials shall be made available to the educator
9 after the completion of the investigation.

10 SECTION 2.15. Subchapter B, Chapter 21, Education Code, is
11 amended by adding Section 21.063 to read as follows:

12 Sec. 21.063. INVESTIGATION RECORDS. (a) An investigation
13 record of the board, including a record relating to a complaint that
14 is found to be groundless, is confidential and not subject to
15 disclosure under the public access provisions of Chapter 552,
16 Government Code.

17 (b) Except as provided by a protective order, and
18 notwithstanding Subsection (a), all investigation records of the
19 board may be used in disciplinary proceedings against an educator
20 based on an alleged incident of misconduct.

21 SECTION 2.16. Section 21.355, Education Code, is amended by
22 amending Subsection (a) and adding Subsections (d) and (e) to read
23 as follows:

24 (a) A document evaluating the performance of a teacher or
25 administrator is confidential and not subject to disclosure under
26 the public access provisions of Chapter 552, Government Code.

27 (d) A school district or open-enrollment charter school may

1 provide to the agency a document evaluating the performance of a
2 teacher or administrator employed by the district or school. A
3 document may be provided to the agency under this subsection only
4 for the purpose of aiding an investigation by the agency.

5 (e) Except as provided by a protective order, and
6 notwithstanding Subsection (a), documents provided to the agency
7 under Subsection (d) may be used in a disciplinary proceeding
8 against an educator based on an alleged incident of misconduct.

9 SECTION 2.17. Section 22.085, Education Code, is amended by
10 amending Subsection (a) and adding Subsection (b-1) to read as
11 follows:

12 (a) A school district, open-enrollment charter school, or
13 shared services arrangement shall discharge or refuse to hire an
14 employee or applicant for employment if the district, school, or
15 shared services arrangement obtains information through a criminal
16 history record information review that~~+~~

17 ~~[(1)]~~ the employee or applicant has been convicted of:

18 (1) ~~[(A)]~~ a felony offense under Title 5, Penal Code,
19 and at the time the offense occurred the victim of the offense was
20 under 18 years of age or was enrolled in a public school;

21 (2) ~~[(B)]~~ an offense on conviction of which a
22 defendant is required to register as a sex offender under Chapter
23 62, Code of Criminal Procedure; or

24 (3) ~~[(C)]~~ an offense under the laws of another state
25 or federal law that is equivalent to an offense under Subdivision
26 (1) or (2) ~~[Paragraph (A) or (B); and~~

27 ~~[(2) at the time the offense occurred, the victim of~~

1 ~~the offense described by Subdivision (1) was under 18 years of age~~
2 ~~or was enrolled in a public school].~~

3 (b-1) A school district, open-enrollment charter school, or
4 shared services arrangement shall discharge or refuse to hire any
5 person whose employment would place the district, school, or shared
6 services arrangement in violation of Section 22.088(b). The
7 employment prohibition under this subsection includes a person
8 hired as an independent contractor.

9 SECTION 2.18. Subchapter C, Chapter 22, Education Code, is
10 amended by adding Section 22.088 to read as follows:

11 Sec. 22.088. REGISTRY OF PERSONS BARRED FROM EMPLOYMENT.

12 (a) The agency shall create and maintain a registry of persons:

13 (1) barred from employment under Section 22.0832(a) or
14 Section 22.085;

15 (2) who previously held a certificate or permit issued
16 under Subchapter B, Chapter 21, that was revoked by the State Board
17 for Educator Certification on a finding that the person:

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

20 (B) was involved in a romantic relationship with
21 or solicited or engaged in sexual contact with a student or minor;
22 or

23 (3) who, in a final decision of the commissioner
24 following a contested case hearing, were found to have:

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

27 (B) been involved in a romantic relationship with

1 or solicited or engaged in sexual contact with a student or minor.

2 (b) A person listed on the registry may not be employed by or
3 serve as a teacher, librarian, educational aide, administrator, or
4 school counselor or in any other position with direct, unsupervised
5 contact with students for a school district, open-enrollment
6 charter school, or shared services arrangement. The employment
7 prohibition under this subsection includes a person hired as an
8 independent contractor.

9 (c) A hearing under Subsection (a)(3) shall be conducted by
10 the State Office of Administrative Hearings in the manner provided
11 for a contested case under Chapter 2001, Government Code.

12 (d) The commissioner may adopt rules as necessary to
13 implement this section.

14 SECTION 2.19. Subchapter A, Chapter 38, Education Code, is
15 amended by adding Sections 38.00415 and 38.00416 to read as follows:

16 Sec. 38.00415. ASSISTING EMPLOYEES INVOLVED IN SEXUAL
17 MISCONDUCT; OFFENSE. (a) Except as provided by Subsection (e), a
18 person who is a school district or open-enrollment charter school
19 employee, contractor, or agent may not assist a current or former
20 school employee, contractor, or agent in obtaining a new job at
21 another school district or open-enrollment charter school if the
22 person knows or should know that the current or former employee,
23 contractor, or agent engaged in sexual misconduct involving a minor
24 or student in violation of the law.

25 (b) In this section, "assist" includes providing a positive
26 or favorable professional reference or recommending employment at
27 another school district or open-enrollment charter school. The

1 term does not include the routine transmission of administrative
2 and personnel files.

3 (c) A person who violates this section commits an offense.
4 An offense under this section is a Class C misdemeanor.

5 (d) Each school district and open-enrollment charter school
6 shall adopt and publish a policy advising the district's or school's
7 employees, contractors, and agents of their obligations under this
8 section.

9 (e) Subsection (a) does not apply to assistance given to a
10 current or former employee, contractor, or agent if the information
11 giving rise to the person's knowledge under Subsection (a) was
12 properly reported to a law enforcement agency with jurisdiction
13 over the alleged misconduct and to any other authorities as
14 required by federal, state, or local law, including Title IX of the
15 Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.) and 34
16 C.F.R. Part 106, and:

17 (1) the matter was officially closed or the prosecutor
18 or law enforcement agency with jurisdiction over the alleged
19 misconduct investigated the allegations and notified the school
20 district or open-enrollment charter school that there is
21 insufficient information to establish probable cause that the
22 current or former employee, contractor, or agent engaged in sexual
23 misconduct involving a minor or student in violation of the law;

24 (2) the current or former employee, contractor, or
25 agent was charged with and acquitted or otherwise exonerated of the
26 alleged misconduct; or

27 (3) if the case or investigation remains open, there

1 were no charges filed against or indictment of the current or former
2 employee, contractor, or agent by the fourth anniversary of the
3 date on which the information was initially reported to a law
4 enforcement agency.

5 Sec. 38.00416. POLICIES ADDRESSING ONE-ON-ONE ELECTRONIC
6 COMMUNICATIONS BETWEEN EMPLOYEES AND STUDENTS. (a) In this
7 section, "electronic communication" means a communication
8 transmitted by means of an electronic device, including a
9 telephone, cellular telephone, computer, computer network,
10 personal data assistant, or pager. The term includes e-mails, text
11 messages, instant messages, and communications made by means of an
12 Internet website, including social media and social networking
13 websites.

14 (b) Each school district shall adopt a written policy
15 designed to prevent improper one-on-one electronic communication
16 between school employees and students enrolled in the district.
17 The policy shall include, at a minimum, provisions designed to
18 prevent improper one-on-one electronic communications via e-mail,
19 cellular telephone, or Internet website, including a social media
20 or social networking website. The policy must provide that a school
21 employee may refuse to engage in one-on-one electronic
22 communication with a student and may decline to provide students or
23 parents with the school employee's personal cellular telephone
24 number, personal e-mail address, or personal social media
25 information.

26 SECTION 2.20. Sections 39.0302(a) and (d), Education Code,
27 are amended to read as follows:

1 (a) During an agency investigation or audit of a school
2 district under Section 39.0301(e) or (f), an accreditation
3 investigation under Section 39.057(a)(8) or (14), a compliance
4 review under Section 21.0061, or an investigation by the State
5 Board for Educator Certification of an educator for an alleged
6 violation of an assessment instrument security procedure
7 established under Section 39.0301(a), the commissioner may issue a
8 subpoena to compel the attendance of a relevant witness or the
9 production, for inspection or copying, of relevant evidence that is
10 located in this state.

11 (d) All information and materials subpoenaed or compiled in
12 connection with an investigation, ~~or~~ audit, or review described
13 by Subsection (a):

14 (1) are confidential and not subject to public
15 disclosure under Chapter 552, Government Code; and

16 (2) are not subject to disclosure, discovery,
17 subpoena, or other means of legal compulsion for release to any
18 person other than:

19 (A) the commissioner or the State Board for
20 Educator Certification, as applicable;

21 (B) agency employees or agents involved in the
22 investigation, as applicable; and

23 (C) the office of the attorney general, the state
24 auditor's office, and law enforcement agencies.

25 SECTION 2.21. Section 39.056(b), Education Code, is amended
26 to read as follows:

27 (b) The commissioner shall determine the frequency of

1 monitoring reviews by the agency according to:

2 (1) annual comprehensive analyses of student
3 performance and equity in relation to the achievement indicators
4 adopted under Section 39.053;

5 (2) reviews of fiscal reports and other fiscal data as
6 set forth in Section 44.010; [~~or~~]

7 (3) comprehensive analyses of financial
8 accountability standards under Subchapter D; or

9 (4) the commissioner's determination that a monitoring
10 review is necessary to ensure compliance with reporting
11 requirements under Section 21.006.

12 SECTION 2.22. Section 39.057(a), Education Code, is amended
13 to read as follows:

14 (a) The commissioner may authorize special accreditation
15 investigations to be conducted:

16 (1) when excessive numbers of absences of students
17 eligible to be tested on state assessment instruments are
18 determined;

19 (2) when excessive numbers of allowable exemptions
20 from the required state assessment instruments are determined;

21 (3) in response to complaints submitted to the agency
22 with respect to alleged violations of civil rights or other
23 requirements imposed on the state by federal law or court order;

24 (4) in response to established compliance reviews of
25 the district's financial accounting practices and state and federal
26 program requirements;

27 (5) when extraordinary numbers of student placements

1 in disciplinary alternative education programs, other than
2 placements under Sections 37.006 and 37.007, are determined;

3 (6) in response to an allegation involving a conflict
4 between members of the board of trustees or between the board and
5 the district administration if it appears that the conflict
6 involves a violation of a role or duty of the board members or the
7 administration clearly defined by this code;

8 (7) when excessive numbers of students in special
9 education programs under Subchapter A, Chapter 29, are assessed
10 through assessment instruments developed or adopted under Section
11 39.023(b);

12 (8) in response to an allegation regarding or an
13 analysis using a statistical method result indicating a possible
14 violation of an assessment instrument security procedure
15 established under Section 39.0301, including for the purpose of
16 investigating or auditing a school district under that section;

17 (9) when a significant pattern of decreased academic
18 performance has developed as a result of the promotion in the
19 preceding two school years of students who did not perform
20 satisfactorily as determined by the commissioner under Section
21 39.0241(a) on assessment instruments administered under Section
22 39.023(a), (c), or (l);

23 (10) when excessive numbers of students eligible to
24 enroll fail to complete an Algebra II course or any other advanced
25 course as determined by the commissioner;

26 (11) when resource allocation practices as evaluated
27 under Section 39.0821 indicate a potential for significant

1 improvement in resource allocation;

2 (12) when a disproportionate number of students of a
3 particular demographic group is graduating with a particular
4 endorsement under Section 28.025(c-1);

5 (13) when an excessive number of students is
6 graduating with a particular endorsement under Section
7 28.025(c-1);

8 (14) in response to a complaint submitted to the
9 agency with respect to alleged inaccurate data that is reported
10 through the Public Education Information Management System (PEIMS)
11 or through other reports required by state or federal law or rule or
12 court order and that is used by the agency to make a determination
13 relating to public school accountability, including accreditation,
14 under this chapter; ~~or~~

15 (15) when a school district fails to produce existing
16 evidence or an investigation report in its possession by not later
17 than the 10th business day after the date a request is made by the
18 agency relating to an educator who is under investigation by the
19 State Board for Educator Certification; or

20 (16) as the commissioner otherwise determines
21 necessary.

22 SECTION 2.23. Article 42.018(a), Code of Criminal
23 Procedure, is amended to read as follows:

24 (a) This article applies only:

25 (1) to conviction or deferred adjudication granted on
26 the basis of ~~+~~

27 ~~(A)~~ an offense under Title 5, Penal Code, ~~+~~

1 [~~(B)~~ an offense on conviction of which a defendant
2 is required to register as a sex offender under Chapter 62; and
3 [~~(2)~~] if the victim of the offense is under 18 years of
4 age; or
5 (2) to an offense on conviction of which a defendant is
6 required to register as a sex offender under Chapter 62.

7 SECTION 2.24. Section 261.101(b), Family Code, is amended
8 to read as follows:

9 (b) If a professional has cause to believe that a child has
10 been abused or neglected or may be abused or neglected, or that a
11 child is a victim of an offense under Section 21.11, Penal Code, and
12 the professional has cause to believe that the child has been abused
13 as defined by Section 261.001 or 261.401, the professional shall
14 make a report not later than the 48th hour after the hour the
15 professional first suspects that the child has been or may be abused
16 or neglected or is a victim of an offense under Section 21.11, Penal
17 Code. A professional may not delegate to or rely on another person
18 to make the report. In this subsection, "professional" means an
19 individual who is licensed or certified by the state or who is an
20 employee of a facility licensed, certified, or operated by the
21 state and who, in the normal course of official duties or duties for
22 which a license or certification is required, has direct contact
23 with children. The term includes teachers, principals, charter
24 school directors, nurses, doctors, day-care employees, employees
25 of a clinic or health care facility that provides reproductive
26 services, juvenile probation officers, and juvenile detention or
27 correctional officers.

1 SECTION 2.25. Section 261.103, Family Code, is amended by
2 adding Subsection (d) to read as follows:

3 (d) The child protective services division of the
4 department shall develop a system that allows an education
5 professional to report anonymously to the division under Subsection
6 (a)(2) or Subsection (c) using a unique number or other identifier
7 provided by the division. The unique number or identifier must
8 allow the education professional to document the making of the
9 report and to verify that the department has responded to the
10 report. In this subsection, "education professional" means:

11 (1) a person who is required to hold a certificate or
12 permit issued under Subchapter B, Chapter 21, Education Code; or

13 (2) a person who is not required to hold a certificate
14 or permit issued under Subchapter B, Chapter 21, Education Code,
15 but is employed by or serves as a teacher, librarian, educational
16 aide, administrator, or school counselor or in any other position
17 with direct, unsupervised contact with students for an
18 open-enrollment charter school or school district.

19 SECTION 2.26. Section 21.12, Penal Code, is amended by
20 amending Subsections (a) and (d) and adding Subsection (a-1) to
21 read as follows:

22 (a) An employee of a public or private primary or secondary
23 school commits an offense if the employee:

24 (1) engages in sexual contact, sexual intercourse, or
25 deviate sexual intercourse with a person who is enrolled in a public
26 or private primary or secondary school at which the employee works;

27 (2) holds a certificate or permit issued as provided

1 by Subchapter B, Chapter 21, Education Code, or is a person who is
2 required to be licensed by a state agency as provided by Section
3 21.003(b), Education Code, and engages in sexual contact, sexual
4 intercourse, or deviate sexual intercourse with a person the
5 employee knows is:

6 (A) enrolled in a public primary or secondary
7 school in a ~~[the same]~~ school district in this state ~~[as the school~~
8 ~~at which the employee works]~~; or

9 (B) a student participant in an educational
10 activity that is sponsored by a school district or a public or
11 private primary or secondary school, if:

12 (i) students enrolled in a public or
13 private primary or secondary school are the primary participants in
14 the activity; and

15 (ii) the employee provides education
16 services to those participants; or

17 (3) engages in conduct described by Section 33.021,
18 with a person described by Subdivision (1), or a person the employee
19 knows is a person described by Subdivision (2)(A) or (B),
20 regardless of the age of that person.

21 (a-1) Subsection (a) applies to a person who is employed by
22 or serves as a teacher, librarian, educational aide, administrator,
23 peace officer, or school counselor for a charter school under
24 Chapter 12, Education Code, or a district of innovation under
25 Chapter 12A, Education Code, as though the person was an employee of
26 a public or private primary or secondary school.

27 (d) The name of a person who is enrolled in a public or

1 private primary or secondary school and involved in an improper
2 relationship with an educator or other person as provided by
3 Subsection (a) or (a-1) may not be released to the public and is not
4 public information under Chapter 552, Government Code.

5 ARTICLE 3. PENSION REVOCATION

6 SECTION 3.01. Article 42.01, Code of Criminal Procedure, is
7 amended by adding Section 12 to read as follows:

8 Sec. 12. In addition to the information described by
9 Section 1, the judgment should reflect affirmative findings entered
10 under Article 42.0192.

11 SECTION 3.02. Chapter 42, Code of Criminal Procedure, is
12 amended by adding Article 42.0192 to read as follows:

13 Art. 42.0192. FINDING REGARDING OFFENSE RELATED TO
14 PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense
15 described by Section 814.013 or 824.009, Government Code, the judge
16 shall make an affirmative finding of fact and enter the affirmative
17 finding in the judgment in the case if the judge determines that the
18 offense committed was related to the defendant's employment
19 described by Section 814.013(a) or 824.009(a), Government Code,
20 while a member of the Employees Retirement System of Texas or the
21 Teacher Retirement System of Texas.

22 (b) A judge that makes the affirmative finding described by
23 this article shall make the determination and enter the order
24 required by Section 814.013(k) or 824.009(k), Government Code, as
25 applicable.

26 SECTION 3.03. Subchapter A, Chapter 814, Government Code,
27 is amended by adding Section 814.013 to read as follows:

1 Sec. 814.013. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE
2 FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF ELIGIBILITY.

3 (a) This section applies only to a person who is a member or an
4 annuitant of the retirement system and is or was an employee of the
5 Texas Juvenile Justice Department in one of that department's
6 institutional schools who, as defined by rule of the board of
7 trustees, has or had regular, direct contact with students.

8 (b) To the extent ordered by a court under Subsection (k), a
9 person is not eligible to receive a full service retirement annuity
10 from the retirement system if the person is finally convicted of an
11 offense the victim of which is a student who is a minor and the
12 offense:

13 (1) arises from the person's employment described by
14 Subsection (a) while a member of the retirement system; and

15 (2) is punishable as a felony under the following
16 sections of the Penal Code:

17 (A) Section 15.01 (criminal attempt), Section
18 15.02 (criminal conspiracy), Section 15.03 (criminal
19 solicitation), or Section 15.031 (criminal solicitation of a
20 minor);

21 (B) Section 19.02 (murder), Section 19.03
22 (capital murder), Section 19.04 (manslaughter), or Section 19.05
23 (criminally negligent homicide);

24 (C) Section 20.02 (unlawful restraint);

25 (D) Section 20.03 (kidnapping) or Section 20.04
26 (aggravated kidnapping);

27 (E) Section 20.05 (smuggling of persons);

- 1 (F) Section 20A.02 (trafficking of persons);
2 (G) Section 21.02 (continuous sexual abuse of
3 young child or children);
4 (H) Section 21.11 (indecenty with a child);
5 (I) Section 21.12 (improper relationship between
6 educator and student);
7 (J) Section 22.01 (assault);
8 (K) Section 22.011 (sexual assault) or Section
9 22.021 (aggravated sexual assault);
10 (L) Section 22.04 (injury to a child, elderly
11 individual, or disabled individual);
12 (M) Section 22.041 (abandoning or endangering
13 child);
14 (N) Section 33.021 (online solicitation of a
15 minor);
16 (O) Section 43.05 (compelling prostitution);
17 (P) Section 43.25 (sexual performance by a
18 child); or
19 (Q) Section 43.251 (employment harmful to
20 children).

21 (c) To the extent ordered by a court under Subsection (k),
22 the retirement system shall suspend making full annuity payments to
23 a person who is not eligible to receive a full service retirement
24 annuity under Subsection (b) on receipt by the retirement system of
25 notice and the terms of the person's conviction.

26 (d) The retirement system shall resume making full annuity
27 payments if the person made ineligible for a full annuity under

1 Subsection (b):

2 (1) is subsequently found to be not guilty of the
3 offense; or

4 (2) meets the requirements for innocence under Section
5 103.001(a)(2), Civil Practice and Remedies Code.

6 (e) The retirement system as applicable shall:

7 (1) for a person whose full annuity payments are
8 resumed under Subsection (d), reimburse the person for any portion
9 of the annuity payments withheld during a period of suspension; or

10 (2) restore the full eligibility of a person convicted
11 of an offense described by Subsection (b) to receive a service
12 retirement annuity, including the restoration of all service
13 credits accrued by the person before the conviction, if the person
14 satisfies the condition under Subsection (d)(1) or (2).

15 (f) Except as provided by Subsection (g), a person convicted
16 of an offense described by Subsection (b) whose eligibility for a
17 service retirement annuity is not fully restored under Subsection
18 (e)(2) is eligible to accrue service credit toward a service
19 retirement annuity from the retirement system if the person:

20 (1) was placed on community supervision for the
21 offense for which the person was convicted and:

22 (A) successfully completed the period of
23 community supervision; and

24 (B) received a discharge and dismissal under
25 Article 42A.701, Code of Criminal Procedure; or

26 (2) was sentenced to serve a term of confinement in a
27 penal institution for the offense for which the person was

1 convicted and completely discharged the person's sentence,
2 including any term of confinement and any period of parole or other
3 form of conditional release.

4 (g) In determining a person's eligibility for retirement
5 benefits under Subsection (f), the retirement system may include
6 only those service credits that were:

7 (1) accrued by the person before the person's
8 conviction for an offense described by Subsection (b) and remaining
9 after conviction of the offense; or

10 (2) earned after fulfilling the requirements under
11 Subsection (f).

12 (h) Except as provided by Subsection (i), a person who is
13 not eligible to receive a full service retirement annuity under
14 Subsection (b) is entitled to request and receive a refund of the
15 person's retirement annuity contributions, not including any
16 interest earned on those contributions. A person who accepts a
17 refund under this subsection terminates the person's membership in
18 the retirement system.

19 (i) Benefits payable to an alternate payee under Chapter
20 804, including a spouse or dependent child, are not affected by a
21 person's ineligibility to receive a full service retirement annuity
22 under Subsection (b).

23 (j) The board of trustees may adopt rules and procedures to
24 implement this section.

25 (k) A court shall:

26 (1) determine and order as applicable for a person
27 convicted of an offense described by Subsection (b) the amount by

1 which the person's:

2 (A) service retirement annuity payments are to be
3 reduced; or

4 (B) accrued service credits are to be reduced;
5 and

6 (2) notify the retirement system of the terms of a
7 conviction ordered under Subdivision (1).

8 SECTION 3.04. Subchapter A, Chapter 824, Government Code,
9 is amended by adding Section 824.009 to read as follows:

10 Sec. 824.009. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE
11 FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF ELIGIBILITY.

12 (a) This section applies only to a person who is a member or an
13 annuitant of the retirement system and is or was an employee who, as
14 defined by rule of the board of trustees, has or had regular, direct
15 contact with students.

16 (b) To the extent ordered by a court under Subsection (k), a
17 person is not eligible to receive a full service retirement annuity
18 from the retirement system if the person is finally convicted of an
19 offense the victim of which is a student who is a minor and the
20 offense:

21 (1) arises from the person's employment described by
22 Subsection (a) while a member of the retirement system; and

23 (2) is punishable as a felony under the following
24 sections of the Penal Code:

25 (A) Section 15.01 (criminal attempt), Section
26 15.02 (criminal conspiracy), Section 15.03 (criminal
27 solicitation), or Section 15.031 (criminal solicitation of a

- 1 minor);
2 (B) Section 19.02 (murder), Section 19.03
3 (capital murder), Section 19.04 (manslaughter), or Section 19.05
4 (criminally negligent homicide);
5 (C) Section 20.02 (unlawful restraint);
6 (D) Section 20.03 (kidnapping) or Section 20.04
7 (aggravated kidnapping);
8 (E) Section 20.05 (smuggling of persons);
9 (F) Section 20A.02 (trafficking of persons);
10 (G) Section 21.02 (continuous sexual abuse of
11 young child or children);
12 (H) Section 21.11 (indecentcy with a child);
13 (I) Section 21.12 (improper relationship between
14 educator and student);
15 (J) Section 22.01 (assault);
16 (K) Section 22.011 (sexual assault) or Section
17 22.021 (aggravated sexual assault);
18 (L) Section 22.04 (injury to a child, elderly
19 individual, or disabled individual);
20 (M) Section 22.041 (abandoning or endangering
21 child);
22 (N) Section 33.021 (online solicitation of a
23 minor);
24 (O) Section 43.05 (compelling prostitution);
25 (P) Section 43.25 (sexual performance by a
26 child); or
27 (Q) Section 43.251 (employment harmful to

1 children).

2 (c) To the extent ordered by a court under Subsection (k),
3 the retirement system shall suspend making full annuity payments to
4 a person who is not eligible to receive a full service retirement
5 annuity under Subsection (b) on receipt by the retirement system of
6 notice and the terms of the person's conviction.

7 (d) The retirement system shall resume making full annuity
8 payments if the person made ineligible for a full annuity under
9 Subsection (b):

10 (1) is subsequently found to be not guilty of the
11 offense; or

12 (2) meets the requirements for innocence under Section
13 103.001(a)(2), Civil Practice and Remedies Code.

14 (e) The retirement system as applicable shall:

15 (1) for a person whose full annuity payments are
16 resumed under Subsection (d), reimburse the person for any portion
17 of the annuity payments withheld during a period of suspension; or

18 (2) restore the full eligibility of a person convicted
19 of an offense described by Subsection (b) to receive a service
20 retirement annuity, including the restoration of all service
21 credits accrued by the person before the conviction, if the person
22 satisfies the condition under Subsection (d)(1) or (2).

23 (f) Except as provided by Subsection (g), a person convicted
24 of an offense described by Subsection (b) whose eligibility for a
25 service retirement annuity is not fully restored under Subsection
26 (e)(2) is eligible to accrue service credit toward a service
27 retirement annuity from the retirement system if the person:

1 (1) was placed on community supervision for the
2 offense for which the person was convicted and:

3 (A) successfully completed the period of
4 community supervision; and

5 (B) received a discharge and dismissal under
6 Article 42A.701, Code of Criminal Procedure; or

7 (2) was sentenced to serve a term of confinement in a
8 penal institution for the offense for which the person was
9 convicted and completely discharged the person's sentence,
10 including any term of confinement and any period of parole or other
11 form of conditional release.

12 (g) In determining a person's eligibility for retirement
13 benefits under Subsection (f), the retirement system may include
14 only those service credits that were:

15 (1) accrued by the person before the person's
16 conviction for an offense described by Subsection (b) and remaining
17 after conviction of the offense; or

18 (2) earned after fulfilling the requirements under
19 Subsection (f).

20 (h) Except as provided by Subsection (i), a person who is
21 not eligible to receive a full service retirement annuity under
22 Subsection (b) is entitled to request and receive a refund of the
23 person's retirement annuity contributions, not including any
24 interest earned on those contributions. A person who accepts a
25 refund under this subsection terminates the person's membership in
26 the retirement system.

27 (i) Benefits payable to an alternate payee under Chapter

1 804, including a spouse or dependent child, are not affected by a
2 person's ineligibility to receive a full service retirement annuity
3 under Subsection (b).

4 (j) The board of trustees may adopt rules and procedures to
5 implement this section.

6 (k) A court shall:

7 (1) determine and order as applicable for a person
8 convicted of an offense described by Subsection (b) the amount by
9 which the person's:

10 (A) service retirement annuity payments are to be
11 reduced; or

12 (B) accrued service credits are to be reduced;
13 and

14 (2) notify the retirement system of the terms of a
15 conviction ordered under Subdivision (1).

16 ARTICLE 4. IMPLEMENTATION; EFFECTIVE DATES

17 SECTION 4.01. As soon as practicable, but not later than
18 September 1, 2017:

19 (1) the Texas Education Agency shall establish the
20 registry required under Section 22.088, Education Code, as added by
21 this Act; and

22 (2) each school district and open-enrollment charter
23 school shall adopt and implement the policy required under Section
24 38.00415(d), Education Code, as added by this Act.

25 SECTION 4.02. Section 38.00415(c), Education Code, as added
26 by this Act, applies only to an offense committed on or after the
27 effective date of this Act. An offense committed before the

1 effective date of this Act is governed by the law in effect on the
2 date the offense was committed, and the former law is continued in
3 effect for that purpose. For purposes of this section, an offense
4 was committed before the effective date of this Act if any element
5 of the offense occurred before that date.

6 SECTION 4.03. Not later than January 1, 2018, the child
7 protective services division of the Department of Family and
8 Protective Services shall develop and implement the system required
9 by Section 261.103(d), Family Code, as added by this Act.

10 SECTION 4.04. The change in law made by this Act to Section
11 21.12(a), Penal Code, applies only to an offense committed on or
12 after the effective date of this Act. An offense committed before
13 the effective date of this Act is governed by the law in effect on
14 the date the offense was committed, and the former law is continued
15 in effect for that purpose. For purposes of this section, an
16 offense was committed before the effective date of this Act if any
17 element of the offense occurred before that date.

18 SECTION 4.05. Section 21.12(a-1), Penal Code, as added by
19 this Act, applies only to an offense committed on or after the
20 effective date of this Act. An offense committed before the
21 effective date of this Act is governed by the law in effect on the
22 date the offense was committed, and the former law is continued in
23 effect for that purpose. For purposes of this section, an offense
24 was committed before the effective date of this Act if any element
25 of the offense occurred before that date.

26 SECTION 4.06. The changes in law made by Sections 2.05,
27 2.07, 2.09, and 2.16 of this Act apply beginning with the 2017-2018

1 school year.

2 SECTION 4.07. Section 12, Article 42.01, Code of Criminal
3 Procedure, and Article 42.0192, Code of Criminal Procedure, as
4 added by this Act, apply only to a judgment of conviction entered on
5 or after the effective date of this Act.

6 SECTION 4.08. Sections 814.013 and 824.009, Government
7 Code, as added by this Act, apply only to an offense committed on or
8 after the effective date of rules adopted in accordance with
9 Section 4.09 of this article. An offense committed before that date
10 is governed by the law in effect on the date the offense was
11 committed, and the former law is continued in effect for that
12 purpose. For purposes of this section, an offense was committed
13 before the effective date of rules adopted in accordance with
14 Section 4.09 of this article if any element of the offense occurred
15 before that date.

16 SECTION 4.09. (a) Not later than December 31, 2017, for
17 the purposes of Section 814.013(a), Government Code, as added by
18 this Act, the board of trustees of the Employees Retirement System
19 of Texas by rule shall define which employee positions at the
20 institutional schools of the Texas Juvenile Justice Department
21 include regular, direct contact with students.

22 (b) Not later than December 31, 2017, for the purposes of
23 Section 824.009(a), Government Code, as added by this Act, the
24 board of trustees of the Teacher Retirement System of Texas by rule
25 shall define which employee positions include regular, direct
26 contact with students.

27 SECTION 4.10. (a) Except as provided by Subsection (b) of

1 this section, this Act takes effect immediately if it receives a
2 vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2017.

6 (b) Section 12.1059, Education Code, as amended by this Act,
7 takes effect January 1, 2018.