

By: Huffines

S.B. No. 2168

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the disclosure of records produced in the course of an  
3 investigation related to educator misconduct.

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

5 SECTION 1. Subchapter B, Chapter 21, Education Code, is  
6 amended by adding Section 21.063 to read as follows:

7 Sec. 21.063. INVESTIGATION RECORDS. (a) A record produced  
8 by the board in the course of an investigation involving an alleged  
9 incident of educator misconduct, if the record is involving a  
10 complaint determined to be groundless, is confidential and not  
11 subject to disclosure under Chapter 552, Government Code.

12 (b) Notwithstanding Subsection (a) and except as otherwise  
13 provided by a court order prohibiting disclosure, a record produced  
14 by the board in the course of an investigation involving an alleged  
15 incident of educator misconduct may be used in a disciplinary  
16 proceeding against a teacher or administrator based on a report  
17 submitted under Section 21.006 concerning an alleged incident of  
18 misconduct, if permissible under rules of evidence applicable to  
19 contested a case, as provided by Section 2001.081, Government Code.  
20 The record remains confidential and not subject to disclosure under  
21 Chapter 552, Government Code unless it becomes a part of the record  
22 in a contested case under Chapter 2001, Government Code.

23 SECTION 2. This Act takes effect September 1, 2017.