

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 18, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB218 by Dale (Relating to improper relationships between educators and students; creating a criminal offense and expanding the applicability of an existing offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code by prohibiting an improper relationship between any school employee serving in a capacity that requires a license regardless of whether the employee holds that license and any student the employee knows is enrolled in any public or private primary or secondary school in any school district.

The bill would amend the Penal Code to allow the Attorney General, with the consent of local prosecuting authority, to prosecute any of offenses in Penal Code Section 21.12 as amended.

The bill would amend the Education Code to require certain investigation, reporting, and notification responsibilities to boards of trustees and certain additional school officials. The bill would require each school district to adopt an electronic communication policy addressing any online or cellular communication between a school employee and a student enrolled in that district.

The bill would allow the Commissioner of Education to authorize a special accreditation investigation if a school district fails to produce certain information related to an educator under investigation by the State Board for Educator Certification.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The Texas Education Agency, Department of Criminal Justice, Office of Attorney General, and Court of Criminal Appeals indicate that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

The bill would amend Education Code to create a Class A misdemeanor offense for any school official required to file a report under the provisions of the bill that knowingly fails to file the report as required. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement,

prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

School districts and charter schools may incur costs associated with modifying existing policies to comply with the provisions of the bill; however, these costs are not expected to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 696 Department of Criminal Justice, 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW, GDz, JSm, JPo