

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 1, 2017**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB7 by Bettencourt (Relating to improper relationships between educators and students; creating a criminal offense and expanding the applicability of an existing offense.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to expand the prohibition on improper employee and student relationships for any school employee serving in a capacity that requires a license, regardless of whether the employee holds that license. The bill would expand the offense to include any employee engaging in an improper relationship with a student who the employee knows is enrolled in any public or private primary or secondary school, or with any student participant in an educational activity sponsored by a school district or public or private primary school or secondary school. The bill would create an offense for failing to report certain misconduct by educators which under certain circumstances would be punishable as state jail felony.

The bill would amend the Education Code to expand the requirements to report certain information regarding misconduct for principals, superintendents, and district directors of school districts, charter school, districts of innovation, service centers, and shared service arrangement and impose criminal offenses on those individuals for failing to comply with the reporting requirements.

The bill would amend the Education Code to require instruction to prevent and recognize improper educator-student relationships as an additional element of continuing education for educators and principals.

The bill would amend the Education Code to authorize the Commissioner of Education to conduct special accreditation investigations when a school district fails to produce, upon request, evidence or an investigation report relating to an educator who is 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, Office of Court Administration, and Office of the Attorney General estimates there would be minimal cost associated with implementing the provisions of the bill.

## Local Government Impact

The bill would create a Class A misdemeanor offense for assisting employees involved in certain misconduct with a minor or student. 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.

The bill would require school districts to adopt policies concerning electronic communications between school employees and students, including policies designed to prevent improper electronic communications between school employees and students. The bill expands the reporting requirements related to educator misconduct.

School districts and charter schools may incur costs associated with modifying existing policies to comply with the provisions of the bill. School districts and charter schools may also incur some legal costs associated with interpreting and applying the reporting requirements associated with the bill. However, this analysis assumes these costs are not expected to be significant.

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

**LBB Staff:** UP, AW, JPo, JGA, THo, AM, JSm