

By: King of Hemphill

H.B. No. 1664

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirement of certain administrators of certain
3 educational entities to report certain educator misconduct to the
4 State Board for Educator Certification.

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

6 SECTION 1. Section 21.006, Education Code, is amended by
7 amending Subsections (b) and (c) and adding Subsection (c-2) to
8 read as follows:

9 (b) In addition to the reporting requirement under Section
10 261.101, Family Code, and except as provided by Subsection (c-2),
11 the superintendent or director of a school district, district of
12 innovation, open-enrollment charter school, regional education
13 service center, or shared services arrangement shall notify the
14 State Board for Educator Certification if:

15 (1) an educator employed by or seeking employment by
16 the school district, district of innovation, charter school,
17 service center, or shared services arrangement has a criminal
18 record and the school district, district of innovation, charter
19 school, service center, or shared services arrangement obtained
20 information about the educator's criminal record by a means other
21 than the criminal history clearinghouse established under Section
22 411.0845, Government Code;

23 (2) an educator's employment at the school district,
24 district of innovation, charter school, service center, or shared

1 services arrangement was terminated and there is evidence that the
2 educator:

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

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

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

11 (C) illegally transferred, appropriated, or
12 expended funds or other property of the school district, district
13 of innovation, charter school, service center, or shared services
14 arrangement;

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

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

20 (3) the educator resigned and there is evidence that
21 the educator engaged in misconduct described by Subdivision (2); or

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

25 (c) Except as provided by Subsection (c-2), the ~~[The]~~
26 superintendent or director must notify the State Board for Educator
27 Certification by filing a report with the board not later than the

1 seventh business day after the date the superintendent or director
2 receives a report from a principal under Subsection (b-2) or knew
3 about an educator's termination of employment or resignation
4 following an alleged incident of misconduct described by Subsection
5 (b) or an employee's criminal record under Subsection (b)(1).

6 (c-2) A superintendent or director of a school district,
7 district of innovation, open-enrollment charter school, regional
8 education service center, or shared services arrangement is not
9 required to notify the State Board for Educator Certification or
10 file a report with the board under Subsections (b) and (c) if the
11 superintendent or director:

12 (1) completes an investigation into an educator's
13 alleged incident of misconduct described by Subsection (b) before
14 the educator's termination of employment or resignation; and

15 (2) determines the educator did not engage in the
16 alleged incident of misconduct described by Subsection (b).

17 SECTION 2. This Act applies beginning with the 2019-2020
18 school year.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2019.