

By: Meyer, Leach, et al.

H.B. No. 2739

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of private school educator misconduct.

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

SECTION 1. Article 42.018, Code of Criminal Procedure, is amended by adding Subsections (c) and (d) to read as follows:

(c) Not later than the fifth day after the date a person who is employed by a private school is convicted or granted deferred adjudication on the basis of an offense, the clerk of the court in which the conviction or deferred adjudication is entered shall provide to the chief administrative officer of the private school at which the person is employed written notice of the person's conviction or deferred adjudication, including the offense on which the conviction or deferred adjudication was based.

(d) In this article, "private school" has the meaning assigned by Section 5.001, Education Code.

SECTION 2. Subchapter A, Chapter 21, Education Code, is amended by adding Sections 21.0062 and 21.0063 to read as follows:

Sec. 21.0062. REQUIREMENT TO REPORT MISCONDUCT: PRIVATE SCHOOLS. (a) In this section:

(1) "Abuse" has the meaning assigned by Section 261.001, Family Code, and includes any sexual conduct involving a student or minor and private school educator.

(2) "Educator" means a person employed by or seeking employment in a private school for a position in which the person

1 would be required to hold a certificate issued under Subchapter B if  
2 the person were employed by a school district.

3 (b) In addition to the reporting requirement under Section  
4 261.101, Family Code, the chief administrative officer of a private  
5 school shall notify the State Board for Educator Certification if  
6 an educator:

7 (1) has a criminal record and the private school  
8 obtained information about the educator's criminal record by a  
9 means other than the criminal history clearinghouse established  
10 under Section 411.0845, Government Code;

11 (2) was terminated and there is evidence that the  
12 educator:

13 (A) abused or otherwise committed an unlawful act  
14 with a student or minor; or

15 (B) was involved in a romantic relationship with  
16 or solicited or engaged in sexual contact with a student or minor;  
17 or

18 (3) resigned and there is evidence that the educator  
19 had engaged in misconduct described by Subdivision (2).

20 (c) The chief administrative officer of the private school  
21 shall complete an investigation of an educator that involves  
22 evidence that the educator may have engaged in misconduct described  
23 by Subsection (b), despite the educator's resignation from  
24 employment before completion of the investigation.

25 (d) The chief administrative officer of the private school  
26 must notify the State Board for Educator Certification by filing a  
27 report with the board not later than the seventh business day after

1 the date the chief administrative officer knew or had reason to  
2 believe that an educator:

3 (1) has a criminal record under Subsection (b)(1); or  
4 (2) was terminated or resigned following an alleged  
5 incident of misconduct described by Subsection (b)(2).

6 (e) The report filed under Subsection (d) must be:

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

9 (f) Any person who knows or has reason to believe that an  
10 educator engaged in the misconduct described by Subsection (b)(2)  
11 may file a report with the State Board for Educator Certification  
12 under this section.

13 (g) A chief administrative officer of a private school or  
14 any other person who in good faith files a report with the State  
15 Board for Educator Certification under this section or communicates  
16 with a chief administrative officer or other administrator of a  
17 private school concerning the criminal record of or an alleged  
18 incident of misconduct by an educator is immune from civil or  
19 criminal liability that might otherwise be incurred or imposed.

20 (h) The State Board for Educator Certification shall  
21 propose rules as necessary to implement this section.

22 Sec. 21.0063. ACCESS TO REPORTS OF ALLEGED MISCONDUCT.

23 (a) In this section, "educator" includes a person defined as an  
24 educator under Section 21.0062(a).

25 (b) The State Board for Educator Certification shall  
26 provide private schools and public schools equivalent access to  
27 reports made under this subchapter concerning the criminal record

1 or alleged misconduct of an educator.

2 SECTION 3. Section 21.009(a), Education Code, is amended to  
3 read as follows:

4 (a) An applicant for a position described by Section  
5 21.003(a) or (b) with a school district, district of innovation,  
6 open-enrollment charter school, private school, regional education  
7 service center, or shared services arrangement must submit, using a  
8 form adopted by the agency, a pre-employment affidavit disclosing  
9 whether the applicant has ever been charged with, adjudicated for,  
10 or convicted of having an inappropriate relationship with a minor.

11 SECTION 4. Section 21.0581(a), Education Code, is amended  
12 to read as follows:

13 (a) The board may suspend or revoke a certificate held by a  
14 person under this subchapter, impose other sanctions against the  
15 person, or refuse to issue a certificate to the person under this  
16 subchapter if:

17 (1) the person assists another person in obtaining  
18 employment at a school district, private school, or open-enrollment  
19 charter school, other than by the routine transmission of  
20 administrative and personnel files; and

21 (2) the person knew that the other person has  
22 previously engaged in sexual misconduct with a minor or student in  
23 violation of the law.

24 SECTION 5. Article 42.018(c), Code of Criminal Procedure,  
25 as added by this Act, applies only to a judgment of conviction or  
26 order granting deferred adjudication community supervision entered  
27 on or after the effective date of this Act.

1           SECTION 6. As soon as practicable after the effective date  
2 of this Act, the commissioner of education and the State Board of  
3 Education, on the recommendation of the State Board for Educator  
4 Certification, shall adopt rules as necessary to implement Sections  
5 21.0062 and 21.0063, Education Code, as added by this Act.

6           SECTION 7. This Act takes effect September 1, 2019.