

By: Davis of Dallas

H.B. No. 2964

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a prohibition placed on an open-enrollment charter
3 school against the employment of a person determined under certain
4 circumstances to have engaged in misconduct that presents a risk to
5 the health, safety, or welfare of a student or minor.

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

7 SECTION 1. Subchapter D, Chapter 12, Education Code, is
8 amended by adding Section 12.10591 to read as follows:

9 Sec. 12.10591. PROHIBITION ON EMPLOYMENT OF CERTAIN
10 PERSONS. (a) A person may not be employed by an open-enrollment
11 charter school if, based on the person's misconduct that presents a
12 risk to the health, safety, or welfare of a student or minor, as
13 provided under Subsection (c), the State Board for Educator
14 Certification has:

15 (1) revoked, canceled, suspended, or placed
16 restrictions on the person's educator certification; or

17 (2) refused to issue an educator certificate to the
18 person.

19 (b) A person may not be employed by an open-enrollment
20 charter school if, based on the person's misconduct that presents a
21 risk to the health, safety, or welfare of a student or minor, as
22 provided under Subsection (c), the board of trustees of a school
23 district has:

24 (1) revoked the person's school district teaching

1 permit; or

2 (2) refused to issue a school district teaching permit
3 to the person.

4 (c) For purposes of this section, each of the following is
5 misconduct that presents a risk to the health, safety, or welfare of
6 a student or minor:

7 (1) engaging in abuse or neglect, as defined by
8 Section 261.001, Family Code;

9 (2) engaging in assault, as prohibited under Section
10 22.01, Penal Code, if:

11 (A) the offense was committed on school property
12 or at a school-sponsored or school-related activity on or off of
13 school property; and

14 (B) the victim of the offense was a public or
15 private school employee;

16 (3) engaging in a sexual offense, as prohibited under
17 Chapter 21, Penal Code;

18 (4) engaging in the offense of:

19 (A) sexual assault, as prohibited under Section
20 22.011, Penal Code;

21 (B) aggravated sexual assault, as prohibited
22 under Section 22.021, Penal Code;

23 (C) abandoning or endangering a child, as
24 prohibited under Section 22.041, Penal Code; or

25 (D) deadly conduct, as prohibited under Section
26 22.05, Penal Code;

27 (5) engaging in an offense under Section 22.04, Penal

- 1 Code, relating to an injury to a child;
2 (6) engaging in the offense of online solicitation of
3 a minor, as prohibited under Section 33.021, Penal Code;
4 (7) engaging in an offense under Section 37.10, Penal
5 Code, or under Section 39.0303 of this code, relating to an
6 assessment instrument;
7 (8) engaging in the offense of the sale, distribution,
8 or display of harmful material to a minor, as prohibited under
9 Section 43.24, Penal Code;
10 (9) engaging in a romantic relationship with a student
11 or minor or soliciting sexual contact or a romantic relationship
12 with a student or minor;
13 (10) on school property or while attending a
14 school-sponsored or school-related activity on or off of school
15 property, using, exhibiting, or possessing:
16 (A) a firearm as defined by Section 46.01(3),
17 Penal Code, unless the person is:
18 (i) not prohibited from that conduct as
19 provided by Section 46.15, Penal Code; or
20 (ii) a school marshal who is carrying or
21 possessing a handgun under written school regulations;
22 (B) a location-restricted knife as defined by
23 Section 46.01(6), Penal Code;
24 (C) a club as defined by Section 46.01(1), Penal
25 Code; or
26 (D) a weapon listed as a prohibited weapon under
27 Section 46.05, Penal Code;

1 (11) while on or within 300 feet of school property, as
2 measured from any point on the school's real property boundary
3 line, or while attending a school-sponsored or school-related
4 activity on or off of school property:

5 (A) selling, giving, or delivering to another
6 person or possessing, using, or being under the influence of any
7 amount of:

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

11 (ii) a dangerous drug, as defined by
12 Chapter 483, Health and Safety Code; or

13 (B) engaging in an offense relating to an
14 abusable volatile chemical under Sections 485.031 through 485.033,
15 Health and Safety Code;

16 (12) selling, giving, or delivering to a minor,
17 regardless of location:

18 (A) a substance described by Subdivision
19 (11)(A)(i) or (ii) or (11)(B); or

20 (B) an alcoholic beverage, as defined by Section
21 1.04, Alcoholic Beverage Code;

22 (13) using fraud or deceit in obtaining or attempting
23 to obtain an educator certificate or school district teaching
24 permit;

25 (14) engaging in any other criminal offense punishable
26 as a felony; or

27 (15) engaging in any other misconduct determined by

1 the State Board for Educator Certification or a school district, as
2 applicable, to present a risk to the health, safety, or welfare of a
3 student or minor.

4 SECTION 2. This Act applies to an employment contract
5 entered into by an open-enrollment charter school on or after the
6 effective date of this Act. An employment contract entered into by
7 an open-enrollment charter school before the effective date of this
8 Act is governed by the law in effect on the date the contract was
9 entered into, and that law is continued in effect for that purpose.

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