

By: Bettencourt, et al.
(Meyer, Leach, et al.)

S.B. No. 1230

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 Section 21.0062 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) "Private school educator" means a person employed by or seeking employment in a private school for a position in which

1 the person would be required to hold a certificate issued under
2 Subchapter B if 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 a
6 private school educator:

7 (1) has a criminal record and the private school
8 obtained information about the educator's criminal record; or

9 (2) was terminated and there is evidence that the
10 educator:

11 (A) abused or otherwise committed an unlawful act
12 with a student or minor; or

13 (B) was involved in a romantic relationship with
14 or solicited or engaged in sexual contact with a student or minor.

15 (c) If there is evidence that a private school educator may
16 have engaged in misconduct described by Subsection (b) and the
17 educator resigns from employment before completion of the
18 investigation, the chief administrative officer of the private
19 school shall submit the evidence of misconduct collected to the
20 State Board for Educator Certification.

21 (d) The chief administrative officer of the private school
22 must notify the State Board for Educator Certification by filing a
23 report with the board not later than the seventh business day after
24 the date the chief administrative officer knew that a private
25 school educator:

26 (1) has a criminal record under Subsection (b)(1); or

27 (2) was terminated following an alleged incident of

1 misconduct described by Subsection (b)(2).

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

3 (1) in writing; and

4 (2) in a form prescribed by the board.

5 (f) Any person who knows or has reason to believe that a
6 private school educator engaged in the misconduct described by
7 Subsection (b)(2) may file a report with the State Board for
8 Educator Certification under this section.

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

17 (h) The name of a student or minor who is the victim of abuse
18 or unlawful conduct by a private school educator must be included in
19 a report filed under this section, but the name of the student or
20 minor is not public information under Chapter 552, Government Code.

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

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

25 (a) An applicant for a position described by Section
26 21.003(a) or (b) with a school district, district of innovation,
27 open-enrollment charter school, private school, regional education

1 service center, or shared services arrangement must submit, using a
2 form adopted by the agency, a pre-employment affidavit disclosing
3 whether the applicant has ever been charged with, adjudicated for,
4 or convicted of having an inappropriate relationship with a minor.

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

7 (a) The board may suspend or revoke a certificate held by a
8 person under this subchapter, impose other sanctions against the
9 person, or refuse to issue a certificate to the person under this
10 subchapter if:

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

15 (2) the person knew that the other person has
16 previously engaged in sexual misconduct with a minor or student in
17 violation of the law.

18 SECTION 5. Sections 21.355(c) and (d), Education Code, are
19 amended to read as follows:

20 (c) At the request of a school district, ~~[or]~~
21 open-enrollment charter school, or private school at which a
22 teacher or administrator has applied for employment, a school
23 district or an open-enrollment charter school shall ~~[may]~~ give the
24 requesting district or school a document evaluating the performance
25 of a teacher or administrator employed by the school.

26 (d) A school district or open-enrollment charter school
27 shall ~~[may]~~ give the agency a document evaluating the performance

1 of a teacher or administrator employed by the district or school for
2 purposes of an investigation conducted by the agency.

3 SECTION 6. Article 42.018(c), Code of Criminal Procedure,
4 as added by this Act, applies only to a judgment of conviction or
5 order granting deferred adjudication community supervision entered
6 on or after the effective date of this Act.

7 SECTION 7. As soon as practicable after the effective date
8 of this Act, the commissioner of education and the State Board of
9 Education, on the recommendation of the State Board for Educator
10 Certification, shall adopt rules as necessary to implement Section
11 21.0062, Education Code, as added by this Act.

12 SECTION 8. This Act takes effect September 1, 2019.