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West

S.B. No. 1256

A BILL TO BE ENTITLED

AN ACT

relating to employing, terminating, and reporting the misconduct of public school personnel and related entity personnel, including creating a registry of persons ineligible for hire; creating criminal offenses.

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

SECTION 1. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 21.006(k), 22.093(1), 22.096, 29.001(5), 29.010(a), or 39.057, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the use of funds provided for such a program under Subchapter C, Chapter 42, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements; and
- (3) data integrity for purposes of:
 - (A) the Public Education Information Management System (PEIMS); and
 - (B) accountability under Chapters 39 and 39A.

1 SECTION 2. Section 12.027(a), Education Code, is amended to
2 read as follows:

3 (a) The State Board of Education may place on probation or
4 revoke a home-rule school district charter of a school district if
5 the board determines that the district:

6 (1) committed a material violation of the charter,
7 including by failure to comply with the duty to discharge or refuse
8 to hire certain employees or applicants for employment, as provided
9 by Section 12.0271;

10 (2) failed to satisfy generally accepted accounting
11 standards of fiscal management; or

12 (3) failed to comply with this subchapter or other
13 applicable federal or state law or rule.

14 SECTION 3. Subchapter B, Chapter 12, Education Code, is
15 amended by adding Section 12.0271 to read as follows:

16 Sec. 12.0271. FAILURE TO DISCHARGE OR REFUSE TO HIRE
17 CERTAIN EMPLOYEES OR APPLICANTS. A home-rule school district
18 commits a material violation of the school district's charter if
19 the school district fails to comply with the duty to discharge or
20 refuse to hire certain employees or applicants for employment under
21 Section 22.085 or 22.092.

22 SECTION 4. Section 12.056(b), Education Code, is amended to
23 read as follows:

24 (b) A campus or program for which a charter is granted under
25 this subchapter is subject to:

26 (1) a provision of this title establishing a criminal
27 offense; and

1 (2) a prohibition, restriction, or requirement, as
2 applicable, imposed by this title or a rule adopted under this
3 title, relating to:

4 (A) the Public Education Information Management
5 System (PEIMS) to the extent necessary to monitor compliance with
6 this subchapter as determined by the commissioner;

7 (B) criminal history records under Subchapter C,
8 Chapter 22;

9 (C) high school graduation under Section 28.025;

10 (D) special education programs under Subchapter
11 A, Chapter 29;

12 (E) bilingual education under Subchapter B,
13 Chapter 29;

14 (F) prekindergarten programs under Subchapter E,
15 Chapter 29;

16 (G) extracurricular activities under Section
17 33.081;

18 (H) health and safety under Chapter 38; ~~and~~

19 (I) public school accountability under
20 Subchapters B, C, D, F, and J, Chapter 39, and Chapter 39A; and

21 (J) the duty to discharge or refuse to hire
22 certain employees or applicants for employment under Section
23 12.1059.

24 SECTION 5. Section 12.063(a), Education Code, is amended to
25 read as follows:

26 (a) A board of trustees may place on probation or revoke a
27 charter it grants if the board determines that the campus or

1 program:

2 (1) committed a material violation of the charter,
3 including by failure to comply with the duty to discharge or refuse
4 to hire certain employees or applicants for employment, as provided
5 by Section 12.0631;

6 (2) failed to satisfy generally accepted accounting
7 standards of fiscal management; or

8 (3) failed to comply with this subchapter, another
9 law, or a state agency rule.

10 SECTION 6. Subchapter C, Chapter 12, Education Code, is
11 amended by adding Section 12.0631 to read as follows:

12 Sec. 12.0631. FAILURE TO DISCHARGE OR REFUSE TO HIRE
13 CERTAIN EMPLOYEES OR APPLICANTS. A campus or campus program
14 granted a charter under this subchapter commits a material
15 violation of its charter if the campus or program fails to comply
16 with the duty to discharge or refuse to hire certain employees or
17 applicants for employment under Section 12.1059, 22.085, or 22.092.

18 SECTION 7. Section 12.1059, Education Code, is amended to
19 read as follows:

20 Sec. 12.1059. REQUIREMENTS [~~AGENCY APPROVAL REQUIRED~~] FOR
21 EMPLOYMENT OF CERTAIN EMPLOYEES. A person may not be employed by or
22 serve as a teacher, librarian, educational aide, administrator, or
23 school counselor for an open-enrollment charter school unless:

24 (1) the person has been approved by the agency
25 following a review of the person's national criminal history record
26 information as provided by Section 22.0832; and

27 (2) the school has confirmed that the person is not

1 included in the registry under Section 22.092.

2 SECTION 8. Section 12.115(a), Education Code, is amended to
3 read as follows:

4 (a) Except as provided by Subsection (c), the commissioner
5 shall revoke the charter of an open-enrollment charter school or
6 reconstitute the governing body of the charter holder if the
7 commissioner determines that the charter holder:

8 (1) committed a material violation of the charter,
9 including by a failure to:

10 (A) satisfy accountability provisions prescribed
11 by the charter; or

12 (B) comply with the duty to discharge or refuse
13 to hire certain employees or applicants for employment, as provided
14 by Section 12.1151;

15 (2) failed to satisfy generally accepted accounting
16 standards of fiscal management;

17 (3) failed to protect the health, safety, or welfare
18 of the students enrolled at the school;

19 (4) failed to comply with this subchapter or another
20 applicable law or rule;

21 (5) failed to satisfy the performance framework
22 standards adopted under Section 12.1181; or

23 (6) is imminently insolvent as determined by the
24 commissioner in accordance with commissioner rule.

25 SECTION 9. Subchapter D, Chapter 12, Education Code, is
26 amended by adding Section 12.1151 to read as follows:

27 Sec. 12.1151. FAILURE TO DISCHARGE OR REFUSE TO HIRE

1 CERTAIN EMPLOYEES OR APPLICANTS. An open-enrollment charter school
2 commits a material violation of the school's charter if the school
3 fails to comply with the duty to discharge or refuse to hire certain
4 employees or applicants for employment under Section 12.1059,
5 22.085, or 22.092.

6 SECTION 10. Section 12A.008, Education Code, is amended by
7 adding Subsection (b-1) to read as follows:

8 (b-1) The commissioner may terminate a district's
9 designation as a district of innovation if the district fails to
10 comply with the duty to discharge or refuse to hire certain
11 employees or applicants for employment under Section 12.1059,
12 applicable to the district under Section 12A.004(a)(1), or Section
13 22.085 or 22.092.

14 SECTION 11. Section 21.006, Education Code, is amended by
15 amending Subsections (a), (b), (b-1), (b-2), (c-1), (d), and (e)
16 and adding Subsections (g-1) and (k) to read as follows:

17 (a) In this section:

18 (1) "Abuse" [~~,"abuse"~~] has the meaning assigned by
19 Section 261.001, Family Code, and includes any sexual conduct
20 involving an educator and a student or minor.

21 (2) "Other charter entity" means:

22 (A) a school district operating under a home-rule
23 school district charter adopted under Subchapter B, Chapter 12;

24 (B) a campus or campus program operating under a
25 charter granted under Subchapter C, Chapter 12; and

26 (C) an entity that contracts to partner with a
27 school district under Section 11.174(a)(2) to operate a district

1 campus under a charter granted to the entity by the district under
2 Subchapter C, Chapter 12.

3 (b) In addition to the reporting requirement under Section
4 261.101, Family Code, the superintendent or director of a school
5 district, district of innovation, open-enrollment charter school,
6 other charter entity, regional education service center, or shared
7 services arrangement shall notify the State Board for Educator
8 Certification if:

9 (1) an educator employed by or seeking employment by
10 the school district, district of innovation, charter school, other
11 charter entity, service center, or shared services arrangement has
12 a criminal record and the school district, district of innovation,
13 charter school, other charter entity, service center, or shared
14 services arrangement obtained information about the educator's
15 criminal record by a means other than the criminal history
16 clearinghouse established under Section 411.0845, Government Code;

17 (2) an educator's employment at the school district,
18 district of innovation, charter school, other charter entity,
19 service center, or shared services arrangement was terminated and
20 there is evidence that the educator:

21 (A) abused or otherwise committed an unlawful act
22 with a student or minor;

23 (A-1) was involved in a romantic relationship
24 with or solicited or engaged in sexual contact with a student or
25 minor;

26 (B) possessed, transferred, sold, or distributed
27 a controlled substance, as defined by Chapter 481, Health and

1 Safety Code, or by 21 U.S.C. Section 801 et seq.;

2 (C) illegally transferred, appropriated, or
3 expended funds or other property of the school district, district
4 of innovation, charter school, other charter entity, service
5 center, or shared services arrangement;

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

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

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

13 (4) the educator engaged in conduct that violated the
14 assessment instrument security procedures established under
15 Section 39.0301.

16 (b-1) A superintendent or director of a school district,
17 district of innovation, open-enrollment charter school, other
18 charter entity, regional education service center, or shared
19 services arrangement shall complete an investigation of an educator
20 that involves evidence that the educator may have engaged in
21 misconduct described by Subsection (b)(2)(A) or (A-1), despite the
22 educator's resignation from employment before completion of the
23 investigation.

24 (b-2) The principal of a school district, district of
25 innovation, [~~or~~] open-enrollment charter school, or other charter
26 entity campus must notify the superintendent or director of the
27 school district, district of innovation, [~~or~~] charter school, or

1 other charter entity not later than the seventh business day after
2 the date:

3 (1) of an educator's termination of employment or
4 resignation following an alleged incident of misconduct described
5 by Subsection (b); or

6 (2) the principal knew about an educator's criminal
7 record under Subsection (b)(1).

8 (c-1) The report under Subsection (c):

9 (1) must be:

10 (A) [~~(1)~~] in writing; and

11 (B) [~~(2)~~] in a form prescribed by the board; and

12 (2) may be filed through the Internet portal developed
13 and maintained by the State Board for Educator Certification under
14 Subsection (g-1).

15 (d) The superintendent or director shall notify the board of
16 trustees or governing body of the school district, open-enrollment
17 charter school, other charter entity, regional education service
18 center, or shared services arrangement and the educator of the
19 filing of the report required by Subsection (c).

20 (e) A superintendent, director, or principal of a school
21 district, district of innovation, open-enrollment charter school,
22 other charter entity, regional education service center, or shared
23 services arrangement who in good faith and while acting in an
24 official capacity files a report with the State Board for Educator
25 Certification under this section or communicates with another
26 superintendent, director, or principal concerning an educator's
27 criminal record or alleged incident of misconduct is immune from

1 civil or criminal liability that might otherwise be incurred or
2 imposed.

3 (g-1) The State Board for Educator Certification shall
4 develop and maintain an Internet portal through which a report
5 required under Subsection (c) may be confidentially and securely
6 filed.

7 (k) The commissioner may review the records of a school
8 district, district of innovation, open-enrollment charter school,
9 other charter entity, regional education service center, or shared
10 services arrangement to ensure compliance with the requirement to
11 report misconduct under this section.

12 SECTION 12. Section 21.0061, Education Code, is amended by
13 amending Subsection (a) and adding Subsection (c) to read as
14 follows:

15 (a) The board of trustees or governing body of a school
16 district, district of innovation, open-enrollment charter school,
17 other charter entity, regional education service center, or shared
18 services arrangement shall adopt a policy under which notice is
19 provided to the parent or guardian of a student with whom an
20 educator is alleged to have engaged in misconduct described by
21 Section 21.006(b)(2)(A) or (A-1) informing the parent or guardian:

22 (1) that the alleged misconduct occurred;

23 (2) whether the educator was terminated following an
24 investigation of the alleged misconduct or resigned before
25 completion of the investigation; and

26 (3) whether a report was submitted to the State Board
27 for Educator Certification concerning the alleged misconduct.

1 (c) In this section, "other charter entity" has the meaning
2 assigned by Section 21.006.

3 SECTION 13. Subchapter B, Chapter 21, Education Code, is
4 amended by adding Section 21.0585 to read as follows:

5 Sec. 21.0585. NOTICE TO AGENCY REGARDING REVOCATION OF
6 CERTIFICATE OR PERMIT FOR CERTAIN MISCONDUCT. The board shall
7 promptly notify the agency for purposes of Section 22.092 if the
8 board revokes a certificate or permit of a person on a finding that
9 the person engaged in misconduct described by Section
10 21.006(b)(2)(A) or (A-1).

11 SECTION 14. Subchapter C, Chapter 22, Education Code, is
12 amended by adding Sections 22.0815 and 22.0825 to read as follows:

13 Sec. 22.0815. APPLICABILITY OF SUBCHAPTER TO DISTRICTS OF
14 INNOVATION AND OTHER CHARTER ENTITIES. (a) In this section,
15 "other charter entity" has the meaning assigned by Section 21.006.

16 (b) A prohibition, restriction, or requirement imposed by
17 this subchapter on an open-enrollment charter school applies to the
18 same extent to a district of innovation or other charter entity.

19 (c) The failure of a district of innovation to provide
20 information required under Section 22.0832 may result in
21 termination of the district's designation as a district of
22 innovation.

23 Sec. 22.0825. ACCESS TO CRIMINAL HISTORY RECORDS BY TEXAS
24 EDUCATION AGENCY. (a) In this section, "other charter entity" has
25 the meaning assigned by Section 21.006.

26 (b) The agency shall subscribe to the criminal history
27 clearinghouse as provided by Section 411.0845, Government Code, and

1 may obtain from any law enforcement or criminal justice agency all
2 criminal history record information and all records contained in
3 any closed criminal investigation file that relate to a specific
4 applicant for employment or current or former employee of a school
5 district, district of innovation, open-enrollment charter school,
6 other charter entity, regional education service center, or shared
7 services arrangement.

8 SECTION 15. The heading to Section 22.085, Education Code,
9 is amended to read as follows:

10 Sec. 22.085. EMPLOYEES AND APPLICANTS CONVICTED OF OR
11 PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN
12 OFFENSES.

13 SECTION 16. Sections 22.085(a) and (e), Education Code, are
14 amended to read as follows:

15 (a) A school district, open-enrollment charter school, or
16 shared services arrangement shall discharge or refuse to hire an
17 employee or applicant for employment if the district, school, or
18 shared services arrangement obtains information through a criminal
19 history record information review that~~+~~

20 [~~1~~] the employee or applicant has been:

21 (1) convicted of or placed on deferred adjudication
22 community supervision for~~+~~

23 [~~A~~] ~~a felony offense under Title 5, Penal Code,~~

24 [~~B~~] an offense for [~~on conviction of~~] which a
25 defendant is required to register as a sex offender under Chapter
26 62, Code of Criminal Procedure; or

27 (2) convicted of:

1 (A) a felony offense under Title 5, Penal Code,
2 if the victim of the offense was under 18 years of age at the time
3 the offense was committed; or

4 (B) [~~(C)~~] an offense under the laws of another
5 state or federal law that is equivalent to an offense under
6 Subdivision (1) or Paragraph (A) [~~or (B)~~]; and

7 [~~(2) at the time the offense occurred, the victim of~~
8 ~~the offense described by Subdivision (1) was under 18 years of age~~
9 ~~or was enrolled in a public school].~~

10 (e) The State Board for Educator Certification may impose a
11 sanction on an educator who does not discharge an employee or refuse
12 to hire an applicant for employment if the educator knows or should
13 have known, through a criminal history record information review,
14 that the employee or applicant has been:

15 (1) convicted of or placed on deferred adjudication
16 community supervision for an offense described by Subsection
17 (a)(1); or

18 (2) convicted of an offense described by Subsection
19 (a)(2) [~~(a)~~].

20 SECTION 17. Chapter 22, Education Code, is amended by
21 adding Subchapter C-1 to read as follows:

22 SUBCHAPTER C-1. PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC
23 SCHOOLS

24 Sec. 22.091. DEFINITION. In this subchapter, "other
25 charter entity" has the meaning assigned by Section 21.006.

26 Sec. 22.092. REGISTRY OF PERSONS NOT ELIGIBLE FOR
27 EMPLOYMENT IN PUBLIC SCHOOLS. (a) The agency shall maintain and

1 make available through the Internet portal developed and maintained
2 by the agency under Section 22.095 a registry of persons who are not
3 eligible to be employed by a school district, district of
4 innovation, open-enrollment charter school, other charter entity,
5 regional education service center, or shared services arrangement.

6 (b) A school district, district of innovation,
7 open-enrollment charter school, other charter entity, regional
8 education service center, or shared services arrangement shall
9 discharge or refuse to hire a person listed on the registry
10 maintained under this section.

11 (c) The registry maintained under this section must list the
12 following persons as not eligible to be employed by public schools:

13 (1) a person determined by the agency under Section
14 22.0832 as a person who would not be eligible for educator
15 certification under Subchapter B, Chapter 21;

16 (2) a person determined by the agency to be not
17 eligible for employment based on the person's criminal history
18 record information review, as provided by Section 22.0833;

19 (3) a person who is not eligible for employment based
20 on criminal history record information received by the agency under
21 Section 21.058(b);

22 (4) a person whose certification or permit issued
23 under Subchapter B, Chapter 21, is revoked by the State Board for
24 Educator Certification on a finding that the person engaged in
25 misconduct described by Section 21.006(b)(2)(A) or (A-1); and

26 (5) a person who is determined by the commissioner
27 under Section 22.094 to have engaged in misconduct described by

1 Section 22.093(c)(1)(A) or (B).

2 (d) The agency shall provide private schools and public
3 schools equivalent access to the registry maintained under this
4 section.

5 (e) The agency shall adopt rules as necessary to implement
6 this section.

7 Sec. 22.093. REQUIREMENT TO REPORT EMPLOYEE MISCONDUCT.

8 (a) In this section, "abuse" has the meaning assigned by Section
9 261.001, Family Code, and includes any sexual conduct involving a
10 student or minor.

11 (b) This section applies to a person who is employed by a
12 school district, district of innovation, open-enrollment charter
13 school, other charter entity, regional education service center, or
14 shared services arrangement and who does not hold a certification
15 or permit issued under Subchapter B, Chapter 21.

16 (c) In addition to the reporting requirement under Section
17 261.101, Family Code, the superintendent or director of a school
18 district, district of innovation, open-enrollment charter school,
19 other charter entity, regional education service center, or shared
20 services arrangement shall notify the commissioner if:

21 (1) an employee's employment at the school district,
22 district of innovation, charter school, other charter entity,
23 service center, or shared services arrangement was terminated and
24 there is evidence that the employee:

25 (A) abused or otherwise committed an unlawful act
26 with a student or minor; or

27 (B) was involved in a romantic relationship with

1 or solicited or engaged in sexual contact with a student or minor;
2 or

3 (2) the employee resigned and there is evidence that
4 the employee engaged in misconduct described by Subdivision (1).

5 (d) A superintendent or director of a school district,
6 district of innovation, open-enrollment charter school, other
7 charter entity, regional education service center, or shared
8 services arrangement shall complete an investigation of an employee
9 that involves evidence that the employee may have engaged in
10 misconduct described by Subsection (c)(1)(A) or (B), despite the
11 employee's resignation from employment before completion of the
12 investigation.

13 (e) The principal of a school district, district of
14 innovation, open-enrollment charter school, or other charter
15 entity campus must notify the superintendent or director of the
16 school district, district of innovation, charter school, or other
17 charter entity not later than the seventh business day after the
18 date of an employee's termination of employment or resignation
19 following an alleged incident of misconduct described by Subsection
20 (c)(1)(A) or (B).

21 (f) The superintendent or director must notify the
22 commissioner by filing a report with the commissioner not later
23 than the seventh business day after the date the superintendent or
24 director receives a report from a principal under Subsection (e) or
25 knew about an employee's termination of employment or resignation
26 following an alleged incident of misconduct described by Subsection
27 (c)(1)(A) or (B). The report must be:

1 (1) in writing; and

2 (2) in a form prescribed by the commissioner.

3 (g) The superintendent or director shall notify the board of
4 trustees or governing body of the school district, district of
5 innovation, open-enrollment charter school, other charter entity,
6 regional education service center, or shared services arrangement
7 and the employee of the filing of the report required by Subsection
8 (f).

9 (h) A superintendent or director who in good faith and while
10 acting in an official capacity files a report with the commissioner
11 under Subsection (f) or a principal who in good faith and while
12 acting in an official capacity notifies a superintendent or
13 director under Subsection (e) is immune from civil or criminal
14 liability that might otherwise be incurred or imposed.

15 (i) The commissioner shall refer an educator who fails to
16 file a report in violation of Subsection (f) to the State Board for
17 Educator Certification, and the board shall determine whether to
18 impose sanctions against the educator.

19 (j) The name of a student or minor who is the victim of abuse
20 or unlawful conduct by an employee must be included in a report
21 filed under this section, but the name of the student or minor is
22 not public information under Chapter 552, Government Code.

23 (k) A superintendent or director required to file a report
24 under Subsection (f) commits an offense if the superintendent or
25 director fails to file the report by the date required by that
26 subsection with intent to conceal an employee's criminal record or
27 alleged incident of misconduct. A principal required to notify a

1 superintendent or director about an employee's alleged incident of
2 misconduct under Subsection (e) commits an offense if the principal
3 fails to provide the notice by the date required by that subsection
4 with intent to conceal an employee's alleged incident of
5 misconduct. An offense under this subsection is a state jail
6 felony.

7 (1) The commissioner may review the records of a school
8 district, district of innovation, open-enrollment charter school,
9 other charter entity, regional education service center, or shared
10 services arrangement to ensure compliance with the requirement to
11 report misconduct under this section.

12 (m) The commissioner shall adopt rules as necessary to
13 implement this section.

14 Sec. 22.094. NOTICE OF ALLEGED MISCONDUCT; INVESTIGATION;
15 HEARING. (a) A person described by Section 22.093(b) and who is
16 the subject of a report that alleges misconduct described by
17 Section 22.093(c)(1)(A) or (B) is entitled to a hearing on the
18 merits of the allegations of misconduct under the procedures
19 provided by Chapter 2001, Government Code, to contest the
20 allegation in the report.

21 (b) On receiving a report filed under Section 22.093(f), the
22 commissioner shall promptly send to the person who is the subject of
23 the report a notice that includes:

24 (1) a statement informing the person that the person
25 must request a hearing on the merits of the allegations of
26 misconduct within the period provided by Subsection (c);

27 (2) a request that the person submit a written

1 response within the period provided by Subsection (c) to show cause
2 why the commissioner should not pursue an investigation; and

3 (3) a statement informing the person that if the
4 person does not timely submit a written response to show cause as
5 provided by Subdivision (2), the agency shall provide information
6 indicating the person is under investigation in the manner provided
7 by Subsection (d).

8 (c) A person entitled to a hearing under Subsection (a) must
9 request a hearing and submit a written response to show cause not
10 later than the 10th day after the date the person receives the
11 notice from the commissioner provided under Subsection (b).

12 (d) If a person who receives notice provided under
13 Subsection (b) does not timely submit a written response to show
14 cause why the commissioner should not pursue an investigation, the
15 commissioner shall instruct the agency to make available through
16 the Internet portal developed and maintained by the agency under
17 Section 22.095 information indicating that the person is under
18 investigation for alleged misconduct.

19 (e) If a person entitled to a hearing under Subsection (a)
20 does not request a hearing as provided by Subsection (c), the
21 commissioner shall:

22 (1) based on the report filed under Section 22.093(f),
23 make a determination whether the person engaged in misconduct; and

24 (2) if the commissioner determines that the person
25 engaged in misconduct described by Section 22.093(c)(1)(A) or (B),
26 instruct the agency to add the person's name to the registry
27 maintained under Section 22.092.

1 (f) If a person entitled to a hearing under Subsection (a)
2 requests a hearing as provided by Subsection (c) and the final
3 decision in that hearing determines that the person engaged in
4 misconduct described by Section 22.093(c)(1)(A) or (B), the
5 commissioner shall instruct the agency to add the person's name to
6 the registry maintained under Section 22.092.

7 (g) If a person entitled to a hearing under Subsection (a)
8 requests a hearing as provided by Subsection (c) and the final
9 decision in that hearing determines that the person did not engage
10 in misconduct described by Section 22.093(c)(1)(A) or (B), the
11 commissioner shall instruct the agency to immediately remove from
12 the Internet portal developed and maintained by the agency under
13 Section 22.095 the information indicating that the person is under
14 investigation for alleged misconduct.

15 (h) The commissioner shall adopt rules as necessary to
16 implement this section.

17 Sec. 22.095. INTERNET PORTAL. The agency shall develop and
18 maintain an Internet portal through which:

19 (1) a report required under Section 22.093(f) may be
20 confidentially and securely filed; and

21 (2) the agency makes available:

22 (A) the registry of persons who are not eligible
23 to be employed in public schools as described by Section 22.092; and

24 (B) information indicating that a person is under
25 investigation for alleged misconduct in accordance with Section
26 22.094(d), provided that the agency must provide the information
27 through a procedure other than the registry described under

1 Paragraph (A).

2 Sec. 22.096. COMPLIANCE MONITORING. The agency shall
3 periodically conduct site visits and review the records of school
4 districts, districts of innovation, open-enrollment charter
5 schools, other charter entities, regional education service
6 centers, and shared services arrangements to ensure compliance with
7 Section 22.092(b).

8 SECTION 18. Section 39.0302(a), Education Code, is amended
9 to read as follows:

10 (a) During an agency investigation or audit of a school
11 district under Section 39.0301(e) or (f), an accreditation
12 investigation under Section 39.057(a)(8) or (14), a compliance
13 review under Section 21.006(k), 22.093(l), or 22.096, or an
14 investigation by the State Board for Educator Certification of an
15 educator for an alleged violation of an assessment instrument
16 security procedure established under Section 39.0301(a), the
17 commissioner may issue a subpoena to compel the attendance of a
18 relevant witness or the production, for inspection or copying, of
19 relevant evidence that is located in this state.

20 SECTION 19. As soon as practicable after the effective date
21 of this Act:

22 (1) the State Board for Educator Certification shall
23 develop the Internet portal required by Section 21.006(g-1),
24 Education Code, as added by this Act; and

25 (2) the Texas Education Agency shall develop the
26 Internet portal required by Section 22.095, Education Code, as
27 added by this Act.

1 SECTION 20. The Texas Education Agency shall establish the
2 registry of persons who are not eligible to be employed by a school
3 district, district of innovation, open-enrollment charter school,
4 other charter entity, regional education service center, or shared
5 services arrangement, as required by Section 22.092, Education
6 Code, as added by this Act, as soon as practicable and not later
7 than January 1, 2020.

8 SECTION 21. The State Board for Educator Certification is
9 required to implement a provision of this Act only if the
10 legislature appropriates money specifically for that purpose. If
11 the legislature does not appropriate money specifically for that
12 purpose, the board may, but is not required to, implement a
13 provision of this Act using other appropriations available for that
14 purpose.

15 SECTION 22. The Texas Education Agency is required to
16 implement a provision of this Act only if the legislature
17 appropriates money specifically for that purpose. If the
18 legislature does not appropriate money specifically for that
19 purpose, the agency may, but is not required to, implement a
20 provision of this Act using other appropriations available for that
21 purpose.

22 SECTION 23. This Act takes effect September 1, 2019.