

1-1 By: Bettencourt S.B. No. 1256
 1-2 (In the Senate - Filed February 27, 2019; March 7, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 April 16, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 16, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell	X			
1-17 Watson	X			
1-18 West			X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1256 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to employing, terminating, and reporting the misconduct of
 1-24 public school personnel and related entity personnel, including
 1-25 creating a registry of persons ineligible for hire; creating
 1-26 criminal offenses.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 7.028(a), Education Code, is amended to
 1-29 read as follows:

1-30 (a) Except as provided by Section 21.006(k), 22.093(1),
 1-31 22.096, 29.001(5), 29.010(a), or 39.057, the agency may monitor
 1-32 compliance with requirements applicable to a process or program
 1-33 provided by a school district, campus, program, or school granted
 1-34 charters under Chapter 12, including the process described by
 1-35 Subchapter F, Chapter 11, or a program described by Subchapter B, C,
 1-36 D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section
 1-37 38.003, and the use of funds provided for such a program under
 1-38 Subchapter C, Chapter 42, only as necessary to ensure:

- 1-39 (1) compliance with federal law and regulations;
- 1-40 (2) financial accountability, including compliance
 1-41 with grant requirements; and
- 1-42 (3) data integrity for purposes of:

- 1-43 (A) the Public Education Information Management
 1-44 System (PEIMS); and
- 1-45 (B) accountability under Chapters 39 and 39A.

1-46 SECTION 2. Section 12.027(a), Education Code, is amended to
 1-47 read as follows:

1-48 (a) The State Board of Education may place on probation or
 1-49 revoke a home-rule school district charter of a school district if
 1-50 the board determines that the district:

- 1-51 (1) committed a material violation of the charter,
 1-52 including by failure to comply with the duty to discharge or refuse
 1-53 to hire certain employees or applicants for employment, as provided
 1-54 by Section 12.0271;

1-55 (2) failed to satisfy generally accepted accounting
 1-56 standards of fiscal management; or

1-57 (3) failed to comply with this subchapter or other
 1-58 applicable federal or state law or rule.

1-59 SECTION 3. Subchapter B, Chapter 12, Education Code, is
 1-60 amended by adding Section 12.0271 to read as follows:

2-1 Sec. 12.0271. FAILURE TO DISCHARGE OR REFUSE TO HIRE
2-2 CERTAIN EMPLOYEES OR APPLICANTS. A home-rule school district
2-3 commits a material violation of the school district's charter if
2-4 the school district fails to comply with the duty to discharge or
2-5 refuse to hire certain employees or applicants for employment under
2-6 Section 22.085 or 22.092.

2-7 SECTION 4. Section 12.056(b), Education Code, is amended to
2-8 read as follows:

2-9 (b) A campus or program for which a charter is granted under
2-10 this subchapter is subject to:

2-11 (1) a provision of this title establishing a criminal
2-12 offense; and

2-13 (2) a prohibition, restriction, or requirement, as
2-14 applicable, imposed by this title or a rule adopted under this
2-15 title, relating to:

2-16 (A) the Public Education Information Management
2-17 System (PEIMS) to the extent necessary to monitor compliance with
2-18 this subchapter as determined by the commissioner;

2-19 (B) criminal history records under Subchapter C,
2-20 Chapter 22;

2-21 (C) high school graduation under Section 28.025;

2-22 (D) special education programs under Subchapter
2-23 A, Chapter 29;

2-24 (E) bilingual education under Subchapter B,
2-25 Chapter 29;

2-26 (F) prekindergarten programs under Subchapter E,
2-27 Chapter 29;

2-28 (G) extracurricular activities under Section
2-29 33.081;

2-30 (H) health and safety under Chapter 38; ~~and~~

2-31 (I) public school accountability under
2-32 Subchapters B, C, D, F, and J, Chapter 39, and Chapter 39A; and

2-33 (J) the duty to discharge or refuse to hire
2-34 certain employees or applicants for employment under Section
2-35 12.1059.

2-36 SECTION 5. Section 12.063(a), Education Code, is amended to
2-37 read as follows:

2-38 (a) A board of trustees may place on probation or revoke a
2-39 charter it grants if the board determines that the campus or
2-40 program:

2-41 (1) committed a material violation of the charter,
2-42 including by failure to comply with the duty to discharge or refuse
2-43 to hire certain employees or applicants for employment, as provided
2-44 by Section 12.0631;

2-45 (2) failed to satisfy generally accepted accounting
2-46 standards of fiscal management; or

2-47 (3) failed to comply with this subchapter, another
2-48 law, or a state agency rule.

2-49 SECTION 6. Subchapter C, Chapter 12, Education Code, is
2-50 amended by adding Section 12.0631 to read as follows:

2-51 Sec. 12.0631. FAILURE TO DISCHARGE OR REFUSE TO HIRE
2-52 CERTAIN EMPLOYEES OR APPLICANTS. A campus or campus program
2-53 granted a charter under this subchapter commits a material
2-54 violation of its charter if the campus or program fails to comply
2-55 with the duty to discharge or refuse to hire certain employees or
2-56 applicants for employment under Section 12.1059, 22.085, or 22.092.

2-57 SECTION 7. Section 12.1059, Education Code, is amended to
2-58 read as follows:

2-59 Sec. 12.1059. REQUIREMENTS ~~[AGENCY APPROVAL REQUIRED]~~ FOR
2-60 EMPLOYMENT OF CERTAIN EMPLOYEES. A person may not be employed by or
2-61 serve as a teacher, librarian, educational aide, administrator, or
2-62 school counselor for an open-enrollment charter school unless:

2-63 (1) the person has been approved by the agency
2-64 following a review of the person's national criminal history record
2-65 information as provided by Section 22.0832; and

2-66 (2) the school has confirmed that the person is not
2-67 included in the registry under Section 22.092.

2-68 SECTION 8. Section 12.115(a), Education Code, is amended to
2-69 read as follows:

3-1 (a) Except as provided by Subsection (c), the commissioner
 3-2 shall revoke the charter of an open-enrollment charter school or
 3-3 reconstitute the governing body of the charter holder if the
 3-4 commissioner determines that the charter holder:

3-5 (1) committed a material violation of the charter,
 3-6 including by a failure to:

3-7 (A) satisfy accountability provisions prescribed
 3-8 by the charter; or

3-9 (B) comply with the duty to discharge or refuse
 3-10 to hire certain employees or applicants for employment, as provided
 3-11 by Section 12.1151;

3-12 (2) failed to satisfy generally accepted accounting
 3-13 standards of fiscal management;

3-14 (3) failed to protect the health, safety, or welfare
 3-15 of the students enrolled at the school;

3-16 (4) failed to comply with this subchapter or another
 3-17 applicable law or rule;

3-18 (5) failed to satisfy the performance framework
 3-19 standards adopted under Section 12.1181; or

3-20 (6) is imminently insolvent as determined by the
 3-21 commissioner in accordance with commissioner rule.

3-22 SECTION 9. Subchapter D, Chapter 12, Education Code, is
 3-23 amended by adding Section 12.1151 to read as follows:

3-24 Sec. 12.1151. FAILURE TO DISCHARGE OR REFUSE TO HIRE
 3-25 CERTAIN EMPLOYEES OR APPLICANTS. An open-enrollment charter school
 3-26 commits a material violation of the school's charter if the school
 3-27 fails to comply with the duty to discharge or refuse to hire certain
 3-28 employees or applicants for employment under Section 12.1059,
 3-29 22.085, or 22.092.

3-30 SECTION 10. Section 12A.008, Education Code, is amended by
 3-31 adding Subsection (b-1) to read as follows:

3-32 (b-1) The commissioner may terminate a district's
 3-33 designation as a district of innovation if the district fails to
 3-34 comply with the duty to discharge or refuse to hire certain
 3-35 employees or applicants for employment under Section 12.1059,
 3-36 applicable to the district under Section 12A.004(a)(1), or Section
 3-37 22.085 or 22.092.

3-38 SECTION 11. Section 21.006, Education Code, is amended by
 3-39 amending Subsections (a), (b), (b-1), (b-2), (c-1), (d), and (e)
 3-40 and adding Subsections (g-1) and (k) to read as follows:

3-41 (a) In this section:

3-42 (1) "Abuse" [~~,"abuse"~~] has the meaning assigned by
 3-43 Section 261.001, Family Code, and includes any sexual conduct
 3-44 involving an educator and a student or minor.

3-45 (2) "Other charter entity" means:

3-46 (A) a school district operating under a home-rule
 3-47 school district charter adopted under Subchapter B, Chapter 12;

3-48 (B) a campus or campus program operating under a
 3-49 charter granted under Subchapter C, Chapter 12; and

3-50 (C) an entity that contracts to partner with a
 3-51 school district under Section 11.174(a)(2) to operate a district
 3-52 campus under a charter granted to the entity by the district under
 3-53 Subchapter C, Chapter 12.

3-54 (b) In addition to the reporting requirement under Section
 3-55 261.101, Family Code, the superintendent or director of a school
 3-56 district, district of innovation, open-enrollment charter school,
 3-57 other charter entity, regional education service center, or shared
 3-58 services arrangement shall notify the State Board for Educator
 3-59 Certification if:

3-60 (1) an educator employed by or seeking employment by
 3-61 the school district, district of innovation, charter school, other
 3-62 charter entity, service center, or shared services arrangement has
 3-63 a criminal record and the school district, district of innovation,
 3-64 charter school, other charter entity, service center, or shared
 3-65 services arrangement obtained information about the educator's
 3-66 criminal record by a means other than the criminal history
 3-67 clearinghouse established under Section 411.0845, Government Code;

3-68 (2) an educator's employment at the school district,
 3-69 district of innovation, charter school, other charter entity,

4-1 service center, or shared services arrangement was terminated and
4-2 there is evidence that the educator:

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

4-5 (A-1) was involved in a romantic relationship
4-6 with or solicited or engaged in sexual contact with a student or
4-7 minor;

4-8 (B) possessed, transferred, sold, or distributed
4-9 a controlled substance, as defined by Chapter 481, Health and
4-10 Safety Code, or by 21 U.S.C. Section 801 et seq.;

4-11 (C) illegally transferred, appropriated, or
4-12 expended funds or other property of the school district, district
4-13 of innovation, charter school, other charter entity, service
4-14 center, or shared services arrangement;

4-15 (D) attempted by fraudulent or unauthorized
4-16 means to obtain or alter a professional certificate or license for
4-17 the purpose of promotion or additional compensation; or

4-18 (E) committed a criminal offense or any part of a
4-19 criminal offense on school property or at a school-sponsored event;

4-20 (3) the educator resigned and there is evidence that
4-21 the educator engaged in misconduct described by Subdivision (2); or

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

4-25 (b-1) A superintendent or director of a school district,
4-26 district of innovation, open-enrollment charter school, other
4-27 charter entity, regional education service center, or shared
4-28 services arrangement shall complete an investigation of an educator
4-29 that involves evidence that the educator may have engaged in
4-30 misconduct described by Subsection (b)(2)(A) or (A-1), despite the
4-31 educator's resignation from employment before completion of the
4-32 investigation.

4-33 (b-2) The principal of a school district, district of
4-34 innovation, [~~or~~] open-enrollment charter school, or other charter
4-35 entity campus must notify the superintendent or director of the
4-36 school district, district of innovation, [~~or~~] charter school, or
4-37 other charter entity not later than the seventh business day after
4-38 the date:

4-39 (1) of an educator's termination of employment or
4-40 resignation following an alleged incident of misconduct described
4-41 by Subsection (b); or

4-42 (2) the principal knew about an educator's criminal
4-43 record under Subsection (b)(1).

4-44 (c-1) The report under Subsection (c):

4-45 (1) must be:

4-46 (A) [~~(1)~~] in writing; and

4-47 (B) [~~(2)~~] in a form prescribed by the board; and

4-48 (2) may be filed through the Internet portal developed
4-49 and maintained by the State Board for Educator Certification under
4-50 Subsection (g-1).

4-51 (d) The superintendent or director shall notify the board of
4-52 trustees or governing body of the school district, open-enrollment
4-53 charter school, other charter entity, regional education service
4-54 center, or shared services arrangement and the educator of the
4-55 filing of the report required by Subsection (c).

4-56 (e) A superintendent, director, or principal of a school
4-57 district, district of innovation, open-enrollment charter school,
4-58 other charter entity, regional education service center, or shared
4-59 services arrangement who in good faith and while acting in an
4-60 official capacity files a report with the State Board for Educator
4-61 Certification under this section or communicates with another
4-62 superintendent, director, or principal concerning an educator's
4-63 criminal record or alleged incident of misconduct is immune from
4-64 civil or criminal liability that might otherwise be incurred or
4-65 imposed.

4-66 (g-1) The State Board for Educator Certification shall
4-67 develop and maintain an Internet portal through which a report
4-68 required under Subsection (c) may be confidentially and securely
4-69 filed.

5-1 (k) The commissioner may review the records of a school
5-2 district, district of innovation, open-enrollment charter school,
5-3 other charter entity, regional education service center, or shared
5-4 services arrangement to ensure compliance with the requirement to
5-5 report misconduct under this section.

5-6 SECTION 12. Section 21.0061, Education Code, is amended by
5-7 amending Subsection (a) and adding Subsection (c) to read as
5-8 follows:

5-9 (a) The board of trustees or governing body of a school
5-10 district, district of innovation, open-enrollment charter school,
5-11 other charter entity, regional education service center, or shared
5-12 services arrangement shall adopt a policy under which notice is
5-13 provided to the parent or guardian of a student with whom an
5-14 educator is alleged to have engaged in misconduct described by
5-15 Section 21.006(b)(2)(A) or (A-1) informing the parent or guardian:

5-16 (1) that the alleged misconduct occurred;
5-17 (2) whether the educator was terminated following an
5-18 investigation of the alleged misconduct or resigned before
5-19 completion of the investigation; and

5-20 (3) whether a report was submitted to the State Board
5-21 for Educator Certification concerning the alleged misconduct.

5-22 (c) In this section, "other charter entity" has the meaning
5-23 assigned by Section 21.006.

5-24 SECTION 13. Subchapter B, Chapter 21, Education Code, is
5-25 amended by adding Section 21.0585 to read as follows:

5-26 Sec. 21.0585. NOTICE TO AGENCY REGARDING REVOCATION OF
5-27 CERTIFICATE OR PERMIT FOR CERTAIN MISCONDUCT. The board shall
5-28 promptly notify the agency for purposes of Section 22.092 if the
5-29 board revokes a certificate or permit of a person on a finding that
5-30 the person engaged in misconduct described by Section
5-31 21.006(b)(2)(A) or (A-1).

5-32 SECTION 14. Subchapter C, Chapter 22, Education Code, is
5-33 amended by adding Sections 22.0815 and 22.0825 to read as follows:

5-34 Sec. 22.0815. APPLICABILITY OF SUBCHAPTER TO DISTRICTS OF
5-35 INNOVATION AND OTHER CHARTER ENTITIES. (a) In this section,
5-36 "other charter entity" has the meaning assigned by Section 21.006.

5-37 (b) A prohibition, restriction, or requirement imposed by
5-38 this subchapter on an open-enrollment charter school applies to the
5-39 same extent to a district of innovation or other charter entity.

5-40 (c) The failure of a district of innovation to provide
5-41 information required under Section 22.0832 may result in
5-42 termination of the district's designation as a district of
5-43 innovation.

5-44 Sec. 22.0825. ACCESS TO CRIMINAL HISTORY RECORDS BY TEXAS
5-45 EDUCATION AGENCY. (a) In this section, "other charter entity" has
5-46 the meaning assigned by Section 21.006.

5-47 (b) The agency shall subscribe to the criminal history
5-48 clearinghouse as provided by Section 411.0845, Government Code, and
5-49 may obtain from any law enforcement or criminal justice agency all
5-50 criminal history record information and all records contained in
5-51 any closed criminal investigation file that relate to a specific
5-52 applicant for employment or current or former employee of a school
5-53 district, district of innovation, open-enrollment charter school,
5-54 other charter entity, regional education service center, or shared
5-55 services arrangement.

5-56 SECTION 15. The heading to Section 22.085, Education Code,
5-57 is amended to read as follows:

5-58 Sec. 22.085. EMPLOYEES AND APPLICANTS CONVICTED OF OR
5-59 PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN
5-60 OFFENSES.

5-61 SECTION 16. Sections 22.085(a) and (e), Education Code, are
5-62 amended to read as follows:

5-63 (a) A school district, open-enrollment charter school, or
5-64 shared services arrangement shall discharge or refuse to hire an
5-65 employee or applicant for employment if the district, school, or
5-66 shared services arrangement obtains information through a criminal
5-67 history record information review that [+
5-68 [~~1~~] the employee or applicant has been:

5-69 (1) convicted of or placed on deferred adjudication

6-1 community supervision for ~~[+~~
6-2 ~~[(A) a felony offense under Title 5, Penal Code,~~
6-3 ~~[(B)] an offense for [on conviction of]~~ which a
6-4 defendant is required to register as a sex offender under Chapter
6-5 62, Code of Criminal Procedure; or
6-6 (2) convicted of:
6-7 (A) a felony offense under Title 5, Penal Code,
6-8 if the victim of the offense was under 18 years of age at the time
6-9 the offense was committed; or
6-10 (B) ~~[(C)]~~ an offense under the laws of another
6-11 state or federal law that is equivalent to an offense under
6-12 Subdivision (1) or Paragraph (A) ~~[or (B), and~~
6-13 ~~[(2) at the time the offense occurred, the victim of~~
6-14 ~~the offense described by Subdivision (1) was under 18 years of age~~
6-15 ~~or was enrolled in a public school].~~

6-16 (e) The State Board for Educator Certification may impose a
6-17 sanction on an educator who does not discharge an employee or refuse
6-18 to hire an applicant for employment if the educator knows or should
6-19 have known, through a criminal history record information review,
6-20 that the employee or applicant has been:

6-21 (1) convicted of or placed on deferred adjudication
6-22 community supervision for an offense described by Subsection
6-23 (a)(1); or
6-24 (2) convicted of an offense described by Subsection
6-25 (a)(2) ~~[(a)].~~

6-26 SECTION 17. Chapter 22, Education Code, is amended by
6-27 adding Subchapter C-1 to read as follows:

6-28 SUBCHAPTER C-1. PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC
6-29 SCHOOLS

6-30 Sec. 22.091. DEFINITION. In this subchapter, "other
6-31 charter entity" has the meaning assigned by Section 21.006.

6-32 Sec. 22.092. REGISTRY OF PERSONS NOT ELIGIBLE FOR
6-33 EMPLOYMENT IN PUBLIC SCHOOLS. (a) The agency shall maintain and
6-34 make available through the Internet portal developed and maintained
6-35 by the agency under Section 22.095 a registry of persons who are not
6-36 eligible to be employed by a school district, district of
6-37 innovation, open-enrollment charter school, other charter entity,
6-38 regional education service center, or shared services arrangement.

6-39 (b) A school district, district of innovation,
6-40 open-enrollment charter school, other charter entity, regional
6-41 education service center, or shared services arrangement shall
6-42 discharge or refuse to hire a person listed on the registry
6-43 maintained under this section.

6-44 (c) The registry maintained under this section must list the
6-45 following persons as not eligible to be employed by public schools:

6-46 (1) a person determined by the agency under Section
6-47 22.0832 as a person who would not be eligible for educator
6-48 certification under Subchapter B, Chapter 21;

6-49 (2) a person determined by the agency to be not
6-50 eligible for employment based on the person's criminal history
6-51 record information review, as provided by Section 22.0833;

6-52 (3) a person who is not eligible for employment based
6-53 on criminal history record information received by the agency under
6-54 Section 21.058(b);

6-55 (4) a person whose certification or permit issued
6-56 under Subchapter B, Chapter 21, is revoked by the State Board for
6-57 Educator Certification on a finding that the person engaged in
6-58 misconduct described by Section 21.006(b)(2)(A) or (A-1); and

6-59 (5) a person who is determined by the commissioner
6-60 under Section 22.094 to have engaged in misconduct described by
6-61 Section 22.093(c)(1)(A) or (B).

6-62 (d) The agency shall provide private schools and public
6-63 schools equivalent access to the registry maintained under this
6-64 section.

6-65 (e) The agency shall adopt rules as necessary to implement
6-66 this section.

6-67 Sec. 22.093. REQUIREMENT TO REPORT EMPLOYEE MISCONDUCT.

6-68 (a) In this section, "abuse" has the meaning assigned by Section
6-69 261.001, Family Code, and includes any sexual conduct involving a

7-1 student or minor.

7-2 (b) This section applies to a person who is employed by a
 7-3 school district, district of innovation, open-enrollment charter
 7-4 school, other charter entity, regional education service center, or
 7-5 shared services arrangement and who does not hold a certification
 7-6 or permit issued under Subchapter B, Chapter 21.

7-7 (c) In addition to the reporting requirement under Section
 7-8 261.101, Family Code, the superintendent or director of a school
 7-9 district, district of innovation, open-enrollment charter school,
 7-10 other charter entity, regional education service center, or shared
 7-11 services arrangement shall notify the commissioner if:

7-12 (1) an employee's employment at the school district,
 7-13 district of innovation, charter school, other charter entity,
 7-14 service center, or shared services arrangement was terminated and
 7-15 there is evidence that the employee:

7-16 (A) abused or otherwise committed an unlawful act
 7-17 with a student or minor; or

7-18 (B) was involved in a romantic relationship with
 7-19 or solicited or engaged in sexual contact with a student or minor;
 7-20 or

7-21 (2) the employee resigned and there is evidence that
 7-22 the employee engaged in misconduct described by Subdivision (1).

7-23 (d) A superintendent or director of a school district,
 7-24 district of innovation, open-enrollment charter school, other
 7-25 charter entity, regional education service center, or shared
 7-26 services arrangement shall complete an investigation of an employee
 7-27 that involves evidence that the employee may have engaged in
 7-28 misconduct described by Subsection (c)(1)(A) or (B), despite the
 7-29 employee's resignation from employment before completion of the
 7-30 investigation.

7-31 (e) The principal of a school district, district of
 7-32 innovation, open-enrollment charter school, or other charter
 7-33 entity campus must notify the superintendent or director of the
 7-34 school district, district of innovation, charter school, or other
 7-35 charter entity not later than the seventh business day after the
 7-36 date of an employee's termination of employment or resignation
 7-37 following an alleged incident of misconduct described by Subsection
 7-38 (c)(1)(A) or (B).

7-39 (f) The superintendent or director must notify the
 7-40 commissioner by filing a report with the commissioner not later
 7-41 than the seventh business day after the date the superintendent or
 7-42 director receives a report from a principal under Subsection (e) or
 7-43 knew about an employee's termination of employment or resignation
 7-44 following an alleged incident of misconduct described by Subsection
 7-45 (c)(1)(A) or (B). The report must be:

7-46 (1) in writing; and

7-47 (2) in a form prescribed by the commissioner.

7-48 (g) The superintendent or director shall notify the board of
 7-49 trustees or governing body of the school district, district of
 7-50 innovation, open-enrollment charter school, other charter entity,
 7-51 regional education service center, or shared services arrangement
 7-52 and the employee of the filing of the report required by Subsection
 7-53 (f).

7-54 (h) A superintendent or director who in good faith and while
 7-55 acting in an official capacity files a report with the commissioner
 7-56 under Subsection (f) or a principal who in good faith and while
 7-57 acting in an official capacity notifies a superintendent or
 7-58 director under Subsection (e) is immune from civil or criminal
 7-59 liability that might otherwise be incurred or imposed.

7-60 (i) The commissioner shall refer an educator who fails to
 7-61 file a report in violation of Subsection (f) to the State Board for
 7-62 Educator Certification, and the board shall determine whether to
 7-63 impose sanctions against the educator.

7-64 (j) The name of a student or minor who is the victim of abuse
 7-65 or unlawful conduct by an employee must be included in a report
 7-66 filed under this section, but the name of the student or minor is
 7-67 not public information under Chapter 552, Government Code.

7-68 (k) A superintendent or director required to file a report
 7-69 under Subsection (f) commits an offense if the superintendent or

8-1 director fails to file the report by the date required by that
8-2 subsection with intent to conceal an employee's criminal record or
8-3 alleged incident of misconduct. A principal required to notify a
8-4 superintendent or director about an employee's alleged incident of
8-5 misconduct under Subsection (e) commits an offense if the principal
8-6 fails to provide the notice by the date required by that subsection
8-7 with intent to conceal an employee's alleged incident of
8-8 misconduct. An offense under this subsection is a state jail
8-9 felony.

8-10 (1) The commissioner may review the records of a school
8-11 district, district of innovation, open-enrollment charter school,
8-12 other charter entity, regional education service center, or shared
8-13 services arrangement to ensure compliance with the requirement to
8-14 report misconduct under this section.

8-15 (m) The commissioner shall adopt rules as necessary to
8-16 implement this section.

8-17 Sec. 22.094. NOTICE OF ALLEGED MISCONDUCT; INVESTIGATION;
8-18 HEARING. (a) A person described by Section 22.093(b) and who is
8-19 the subject of a report that alleges misconduct described by
8-20 Section 22.093(c)(1)(A) or (B) is entitled to a hearing on the
8-21 merits of the allegations of misconduct under the procedures
8-22 provided by Chapter 2001, Government Code, to contest the
8-23 allegation in the report.

8-24 (b) On receiving a report filed under Section 22.093(f), the
8-25 commissioner shall promptly send to the person who is the subject of
8-26 the report a notice that includes:

8-27 (1) a statement informing the person that the person
8-28 must request a hearing on the merits of the allegations of
8-29 misconduct within the period provided by Subsection (c);

8-30 (2) a request that the person submit a written
8-31 response within the period provided by Subsection (c) to show cause
8-32 why the commissioner should not pursue an investigation; and

8-33 (3) a statement informing the person that if the
8-34 person does not timely submit a written response to show cause as
8-35 provided by Subdivision (2), the agency shall provide information
8-36 indicating the person is under investigation in the manner provided
8-37 by Subsection (d).

8-38 (c) A person entitled to a hearing under Subsection (a) must
8-39 request a hearing and submit a written response to show cause not
8-40 later than the 10th day after the date the person receives the
8-41 notice from the commissioner provided under Subsection (b).

8-42 (d) If a person who receives notice provided under
8-43 Subsection (b) does not timely submit a written response to show
8-44 cause why the commissioner should not pursue an investigation, the
8-45 commissioner shall instruct the agency to make available through
8-46 the Internet portal developed and maintained by the agency under
8-47 Section 22.095 information indicating that the person is under
8-48 investigation for alleged misconduct.

8-49 (e) If a person entitled to a hearing under Subsection (a)
8-50 does not request a hearing as provided by Subsection (c), the
8-51 commissioner shall:

8-52 (1) based on the report filed under Section 22.093(f),
8-53 make a determination whether the person engaged in misconduct; and

8-54 (2) if the commissioner determines that the person
8-55 engaged in misconduct described by Section 22.093(c)(1)(A) or (B),
8-56 instruct the agency to add the person's name to the registry
8-57 maintained under Section 22.092.

8-58 (f) If a person entitled to a hearing under Subsection (a)
8-59 requests a hearing as provided by Subsection (c) and the final
8-60 decision in that hearing determines that the person engaged in
8-61 misconduct described by Section 22.093(c)(1)(A) or (B), the
8-62 commissioner shall instruct the agency to add the person's name to
8-63 the registry maintained under Section 22.092.

8-64 (g) If a person entitled to a hearing under Subsection (a)
8-65 requests a hearing as provided by Subsection (c) and the final
8-66 decision in that hearing determines that the person did not engage
8-67 in misconduct described by Section 22.093(c)(1)(A) or (B), the
8-68 commissioner shall instruct the agency to immediately remove from
8-69 the Internet portal developed and maintained by the agency under

9-1 Section 22.095 the information indicating that the person is under
9-2 investigation for alleged misconduct.

9-3 (h) The commissioner shall adopt rules as necessary to
9-4 implement this section.

9-5 Sec. 22.095. INTERNET PORTAL. The agency shall develop and
9-6 maintain an Internet portal through which:

9-7 (1) a report required under Section 22.093(f) may be
9-8 confidentially and securely filed; and

9-9 (2) the agency makes available:

9-10 (A) the registry of persons who are not eligible
9-11 to be employed in public schools as described by Section 22.092; and

9-12 (B) information indicating that a person is under
9-13 investigation for alleged misconduct in accordance with Section
9-14 22.094(d), provided that the agency must provide the information
9-15 through a procedure other than the registry described under
9-16 Paragraph (A).

9-17 Sec. 22.096. COMPLIANCE MONITORING. The agency shall
9-18 periodically conduct site visits and review the records of school
9-19 districts, districts of innovation, open-enrollment charter
9-20 schools, other charter entities, regional education service
9-21 centers, and shared services arrangements to ensure compliance with
9-22 Section 22.092(b).

9-23 SECTION 18. Section 39.0302(a), Education Code, is amended
9-24 to read as follows:

9-25 (a) During an agency investigation or audit of a school
9-26 district under Section 39.0301(e) or (f), an accreditation
9-27 investigation under Section 39.057(a)(8) or (14), a compliance
9-28 review under Section 21.006(k), 22.093(l), or 22.096, or an
9-29 investigation by the State Board for Educator Certification of an
9-30 educator for an alleged violation of an assessment instrument
9-31 security procedure established under Section 39.0301(a), the
9-32 commissioner may issue a subpoena to compel the attendance of a
9-33 relevant witness or the production, for inspection or copying, of
9-34 relevant evidence that is located in this state.

9-35 SECTION 19. As soon as practicable after the effective date
9-36 of this Act:

9-37 (1) the State Board for Educator Certification shall
9-38 develop the Internet portal required by Section 21.006(g-1),
9-39 Education Code, as added by this Act; and

9-40 (2) the Texas Education Agency shall develop the
9-41 Internet portal required by Section 22.095, Education Code, as
9-42 added by this Act.

9-43 SECTION 20. The Texas Education Agency shall establish the
9-44 registry of persons who are not eligible to be employed by a school
9-45 district, district of innovation, open-enrollment charter school,
9-46 other charter entity, regional education service center, or shared
9-47 services arrangement, as required by Section 22.092, Education
9-48 Code, as added by this Act, as soon as practicable and not later
9-49 than January 1, 2020.

9-50 SECTION 21. The State Board for Educator Certification is
9-51 required to implement a provision of this Act only if the
9-52 legislature appropriates money specifically for that purpose. If
9-53 the legislature does not appropriate money specifically for that
9-54 purpose, the board may, but is not required to, implement a
9-55 provision of this Act using other appropriations available for that
9-56 purpose.

9-57 SECTION 22. The Texas Education Agency is required to
9-58 implement a provision of this Act only if the legislature
9-59 appropriates money specifically for that purpose. If the
9-60 legislature does not appropriate money specifically for that
9-61 purpose, the agency may, but is not required to, implement a
9-62 provision of this Act using other appropriations available for that
9-63 purpose.

9-64 SECTION 23. This Act takes effect September 1, 2019.

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