

By: Smith

H.B. No. 4978

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to reports of certain misconduct committed by an employee  
3 of a public school, regional education service center, or shared  
4 services arrangement and a study by the Texas Education Agency  
5 regarding employee misconduct reporting mechanisms.

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

7 SECTION 1. Section 22.092, Education Code, is amended by  
8 adding Subsection (c-1) to read as follows:

9 (c-1) An employee described by Subsection (c) must be listed  
10 on the registry maintained under this section regardless of whether  
11 the employee resigned from the employee's position before the  
12 completion of an investigation into the alleged misconduct.

13 SECTION 2. Section 22.095, Education Code, is amended to  
14 read as follows:

15 Sec. 22.095. INTERNET PORTAL AND TOLL-FREE TELEPHONE  
16 NUMBER. (a) The agency shall develop and maintain an Internet  
17 portal through which:

18 (1) a report of school district or open-enrollment  
19 charter school employee misconduct, including a report required  
20 under Section 22.093(f), may be confidentially and securely filed;  
21 and

22 (2) the agency makes available:

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

1 (B) information indicating that a person is under  
2 investigation for alleged misconduct in accordance with Section  
3 22.094(d), provided that the agency must provide the information  
4 through a procedure other than the registry described under  
5 Paragraph (A).

6 (b) The agency shall provide a toll-free telephone number at  
7 which a person may submit a report described by Subsection (a)(1)  
8 confidentially and securely.

9 SECTION 3. Subchapter C-1, Chapter 22, Education Code, is  
10 amended by adding Sections 22.097, 22.098, and 22.099 to read as  
11 follows:

12 Sec. 22.097. CONCEALMENT OF MISCONDUCT. Notwithstanding  
13 any other law, if the board of trustees of a school district or the  
14 governing body of an open-enrollment charter school determines that  
15 a superintendent, principal, or other district or school employee  
16 has intentionally or knowingly concealed or delayed the reporting  
17 of the misconduct of another employee that involves a student, the  
18 board or governing body shall immediately terminate the employment  
19 of that superintendent, principal, or other employee.

20 Sec. 22.098. NOTICE TO PARENT. As soon as practicable after  
21 receiving a complaint alleging the misconduct of an employee  
22 involving a student but not later than the seventh day after the  
23 date on which the complaint was received, a school district,  
24 district of innovation, open-enrollment charter school, other  
25 charter entity, regional education service center, or shared  
26 services arrangement shall notify the parents of or persons  
27 standing in parental relation to each student who regularly

1 interacts with the employee of the existence and nature of the  
2 complaint.

3 Sec. 22.099. STUDY ON EMPLOYEE MISCONDUCT REPORTING  
4 SYSTEMS. (a) The agency shall conduct a study on the registry of  
5 persons not eligible for employment in public schools under Section  
6 22.092 and other provisions of this subchapter relating to the  
7 reporting of employee misconduct. In conducting the study, the  
8 agency shall:

9 (1) analyze reports of employee misconduct made in  
10 school districts, districts of innovation, open-enrollment charter  
11 schools, other charter entities, regional education service  
12 centers, and shared services arrangements throughout this state,  
13 and determine for each report:

14 (A) the person who originally reported the  
15 misconduct;

16 (B) to whom the misconduct was originally  
17 reported;

18 (C) the process by which the report was  
19 investigated;

20 (D) the results of the investigation;

21 (E) any employment repercussions initiated due  
22 to the reported misconduct;

23 (F) whether the employee was eligible for  
24 inclusion in the registry under Section 22.092 as a result of the  
25 reported misconduct; and

26 (G) whether the employee was included in the  
27 registry under Section 22.092;

1           (2) develop recommendations for improving reporting  
2 systems and investigative processes on the statewide level and for  
3 amending any required deadlines, definitions, penalties, or  
4 restrictions in employee misconduct reporting systems developed  
5 and maintained by specific school districts, districts of  
6 innovation, open-enrollment charter schools, other charter  
7 entities, regional education service centers, and shared services  
8 arrangements; and

9           (3) investigate the feasibility of developing and  
10 maintaining a public database through the Internet portal  
11 maintained under Section 22.095 of employees accused of misconduct,  
12 including the names and photographs of each employee accused, and,  
13 if feasible, implement such a database.

14           (b) Not later than December 1, 2024, the agency shall  
15 prepare and submit to the legislature a report on the results of the  
16 study and any recommendations for legislative or other action.

17           (c) This section expires September 1, 2025.

18           SECTION 4. This Act applies beginning with the 2023-2024  
19 school year.

20           SECTION 5. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2023.