

Amend SB 2 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.0061(a), Education Code, is amended to read as follows:

(a) The board of trustees or governing body of a school district, district of innovation, private school, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct described by Section 21.006(b)(2)(A) or (A-1) or Section 21.0062(b)(2)(A) or (B), as applicable, informing the parent or guardian:

(1) that the alleged misconduct occurred;

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

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

SECTION _____. Section 21.0062(a)(2), Education Code, is amended to read as follows:

(2) "Private school educator" means a person employed by ~~[or seeking employment in]~~ a private school for a position in which the person would be required to hold a certificate issued under Subchapter B if the person were employed by a school district.

SECTION _____. Section 21.0062, Education Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsections (e-1), (e-2), (g-1), (g-2), (j), (k), and (l) to read as follows:

(b) In addition to the reporting requirement under Section 261.101, Family Code, and except as provided by Subsection (e-1), the chief administrative officer of a private school shall notify the State Board for Educator Certification if:

(1) a private school educator~~+~~

~~[(1)]~~ or a person seeking employment at the school for a position in which the person would be required to hold a certificate issued under Subchapter B if the person were employed

by a school district has a criminal record and the [~~private~~] school obtained information about the educator's criminal record; or

(2) a private school educator resigned or was terminated and there is evidence that the educator:

(A) abused or otherwise committed an unlawful act with a student or minor; [~~or~~]

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

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

(D) illegally transferred, appropriated, or expended funds or other property of the school;

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

(F) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event.

(c) If there is evidence that a private school educator may have engaged in misconduct described by Subsection (b)(2)(A) or (B), the chief administrative officer of the private school shall complete an investigation, regardless of whether [~~(b) and~~] the educator resigns from employment before completion of the investigation[~~, the chief administrative officer of the private school shall submit the evidence of misconduct collected to the State Board for Educator Certification~~].

(d) Except as provided by Subsection (e-1), the [~~The~~] chief administrative officer of the private school must notify the State Board for Educator Certification by filing a report with the board not later than the seventh business day after the date the chief administrative officer knew that a private school educator:

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

(2) was terminated following an alleged incident of misconduct described by Subsection (b)(2).

(e) The report filed under Subsection (d):

(1) must be:

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

(B) [~~(2)~~] in a form prescribed by the board; and
(2) may be filed through the Internet portal developed
and maintained by the State Board for Educator Certification under
Subsection (g-2).

(e-1) The chief administrative officer of a private school
is not required to notify the State Board for Educator
Certification or file a report with the board under Subsection (b)
or (d) if the officer:

(1) completes an investigation into a private school
educator's alleged incident of misconduct described by Subsection
(b)(2)(A) or (B) before the educator's termination of employment or
resignation; and

(2) determines the private school educator did not
engage in the alleged incident of misconduct described by
Subsection (b)(2)(A) or (B).

(e-2) The chief administrative officer shall notify the
governing body of the private school and the educator of the filing
of the report required by Subsection (d).

(g-1) The State Board for Educator Certification shall
determine whether to impose sanctions, including an administrative
penalty under Subsection (j), against a chief administrative
officer who fails to file a report in violation of Subsection (d).

(g-2) The State Board for Educator Certification shall
develop and maintain an Internet portal through which a report
required under Subsection (d) may be confidentially and securely
filed.

(j) If an educator serving as a chief administrative officer
is required to file a report under Subsection (d) and fails to file
the report by the date required by that subsection, the State Board
for Educator Certification may impose on the educator an
administrative penalty of not less than \$500 and not more than
\$10,000. The State Board for Educator Certification may not renew
the certification of an educator against whom an administrative
penalty is imposed under this subsection until the penalty is paid.

(k) A chief administrative officer required to file a report
under Subsection (d) commits an offense if the officer fails to file
the report by the date required by that subsection with intent to

conceal a private school educator's criminal record or alleged incident of misconduct. An offense under this subsection is a state jail felony.

(1) The commissioner may review the records of a private school to ensure compliance with the requirement to report misconduct under this section.

SECTION _____. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.0063 to read as follows:

Sec. 21.0063. ACCESS TO REPORTS OF ALLEGED MISCONDUCT. (a) In this section, "educator" includes a person defined as a private school educator under Section 21.0062(a).

(b) The State Board for Educator Certification shall provide private schools and public schools equivalent access to reports made under this subchapter concerning the criminal record or alleged misconduct of an educator.