

BILL ANALYSIS

C.S.H.B. 7
By: Leach
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The U.S. Supreme Court has made multiple rulings upholding the principle of a parent's fundamental right to direct the education and upbringing of their children under the 14th Amendment, while maintaining that specific details regarding instruction, curriculum, and administration be left in the hands of the state or local government. C.S.H.B. 7 seeks to continue the Texas tradition of supporting and expanding the rights and roles of parents in their children's education. The bill makes statutory changes throughout the Education Code for the purpose of strengthening the rights of parents concerning their child's education, in addition to protecting Texas students by closing loopholes regarding educator misconduct and the "Do Not Hire" registry, among other provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 1.03, 1.15, 1.16, 2.22, 2.23, and 2.31 of this bill and to the State Board for Educator Certification in SECTION 2.28 of this bill.

ANALYSIS

C.S.H.B. 7 establishes the office of inspector general at the Texas Education Agency (TEA) and revises statutory provisions relating to parental rights in public education, the reporting of certain misconduct in public and private schools, and the reporting of child abuse and neglect.

ARTICLE 1: Parental Rights

Compliance With Mandatory Policy

C.S.H.B. 7 amends the Education Code to require a public school district, the district's board of trustees, and the district's employees to implement and comply with each policy the district is required to adopt under the Education Code or other law.

Board of Trustee Information

C.S.H.B. 7 changes the time at which a district is required to update the information about board of trustee members that must be posted on the district's website or submitted to TEA for posting on the TEA website, as applicable, from each time there is a change in the membership of the board to not later than the 30th day after a new person is sworn in as a member of the board.

The bill requires a district to annually submit to TEA the required information for each board member and requires the submitted information to identify the member designated as chair and be updated as required for the website posting. The bill authorizes the commissioner of education to adopt rules as necessary to implement these provisions relating to trustee information.

Parental Rights Information

C.S.H.B. 7 requires TEA to create and maintain a document that informs a parent of the parent's rights regarding the education of the parent's child under applicable state law and requires the document to satisfy the following criteria:

- include information regarding accessing the contents of Education Code provisions governing parental rights and responsibilities;
- be made publicly available in a prominent place on the website of TEA and each district;
- be provided to parents at the beginning of each school year in an electronic or hard copy format; and
- inform parents that they are not required to file a grievance or an appeal at the district level before pursuing another remedy under law, including by filing a complaint with appropriate authorities to request an investigation.

Right to Select Public or Private School

C.S.H.B. 7 codifies a parent's right to choose a public school or private school, including a home school, for the parent's child.

Access to Library Records

C.S.H.B. 7 specifies that the written district records concerning a child to which the child's parents are entitled access include records relating to library materials checked out by the child from a school library.

Access to Teaching Materials

C.S.H.B. 7 requires each district and open-enrollment charter school to post on the home page of the district's or charter school's website a notice stating that a parent of an enrolled student is entitled to review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's child, including while the child is participating in virtual or remote learning, and may request that the district or charter school make the materials available for review as provided by state law.

Required Disclosure Regarding Instructional Plan

C.S.H.B. 7 requires each district to adopt a policy to make available on the district's website at the beginning of each semester an instructional plan or course syllabus for each class offered in the district for that semester. The policy must do the following:

- require each teacher to provide, before the beginning of each semester, a copy of the teacher's instructional plan or course syllabus for each class for which the teacher provides instruction to district administration and to the parent of each student enrolled in the class; and
- provide for additional copies of an instructional plan or course syllabus to be made available to a parent of a student enrolled in the class on the parent's request.

Parental Notification Regarding Teacher Certification

C.S.H.B. 7 transfers provisions requiring districts to provide parental notification if an inappropriately certified or uncertified teacher is assigned to the same classroom for more than

30 consecutive instructional days during the same school year to the Education Code chapter regarding parental rights.

Consent Required for Certain Activities

C.S.H.B. 7 revises the requirement for a district employee to obtain parental consent before conducting a psychological examination, test, or treatment, making a videotape of a child or recording a child's voice, or authorizing such a videotape or recording, with certain exceptions, by doing the following:

- making the requirement also applicable to a contractor of the district; and
- including psychiatric examination, test, or treatment among the activities for which consent is required.

For purposes of the requirement, the bill defines the following terms:

- "psychological or psychiatric examination or test" as a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson; and
- "psychological or psychiatric treatment" as the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

C.S.H.B. 7 requires written consent for a parent's child to participate in a district activity subject to that requirement to be obtained for each separate activity in which the child participates and requires each written consent to be signed by the parent and returned to the district. The bill prohibits a child from participating in the activity unless the district receives that signed written consent.

C.S.H.B. 7 requires a district to retain the written informed consent of a child's parent for participation in an activity as part of the child's education records. The bill establishes that nothing in the provisions relating to parental consent for certain activities may be construed to do the following:

- require an employee or contractor of a district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being;
- affect a child's consent to counseling for suicide prevention, chemical addiction or dependency, or sexual, physical, or emotional abuse as provided by certain other law; or
- affect the duty to report child abuse or neglect or an investigation of such a report under state law.

Grievances

Grievance Procedure

C.S.H.B. 7 revises the requirement for each district's board of trustees to adopt a grievance procedure under which the board must address each complaint the board received concerning violation of a right guaranteed by state law relating to parental rights and responsibilities by doing the following:

- replacing the specification that the board addresses complaints under the procedure with the specification that the board addresses grievances under it;
- specifying that the adopted procedure must comply with the bill's provisions establishing requirements for a grievance policy; and
- including grievances concerning violation of a board of trustees policy or a provision of state law relating to public education among the grievances to be addressed.

The bill subjects a charter school to this requirement and the bill's grievance policy provisions.

Grievance Policy

C.S.H.B. 7 requires a district's board of trustees to adopt a grievance policy to address grievances received by the district that provides for the following levels of review:

- review by the principal of the district campus at which the grievance is filed or the principal's designee or, for a grievance that arises from subject matter unrelated to a campus, by an administrator at the district's central office;
- if established by the policy, an appeal to an administrator at the district's central office;
- an appeal to the superintendent of the district or the superintendent's designee; and
- an appeal to the district's board of trustees.

The bill requires a review or appeal on a grievance to be conducted by a person with the authority to address the grievance unless a preliminary hearing is necessary to develop a record or a recommendation for the district's board of trustees. A district's board of trustees may delegate the authority to hear and decide a grievance to a committee of at least three members, composed only of members of the board. For purposes of an appeal to the office of inspector general under the bill's provisions, a decision by the committee is a decision of the board of trustees.

C.S.H.B. 7 requires the grievance policy to do the following:

- prohibit the board of trustees or a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the policy;
- require a person involved in reviewing a grievance under the policy to recuse himself or herself from doing so if the person is the subject of the grievance;
- provide for a higher level of review if the person who would otherwise review the grievance is required to recuse himself or herself;
- provide for the creation and retention of a record of each hearing on the grievance, including:
 - documents submitted by the person who filed the grievance or determined relevant by district personnel; and
 - a written record of the decision, including an explanation of the basis for the decision and an indication of each document that supports the decision;
- allow the person who filed the grievance to supplement the record with additional documents or add additional claims;
- allow for a member of the board of trustees to file a grievance with the district, but prohibit the member from voting on matters related to that grievance;
- allow for a remand to a lower level of review to develop a record at any time, including at the board of trustees level of review;
- require the district to direct a grievance that is filed with the incorrect administrator to the appropriate administrator and consider the grievance filed on the date on which the grievance was initially filed;
- require the district to issue a decision on the merits of the concern raised in the grievance, notwithstanding procedural errors or the type of relief requested; and
- for a grievance before the board of trustees, require that:
 - the person who filed the grievance be provided at least five business days before the date on which the meeting to discuss the grievance will be held a description of any information the board intends to rely on that is not contained in the record; and
 - the meeting at which the grievance is discussed be recorded by video or audio recording or by transcript created by a certified court reporter.

C.S.H.B. 7 authorizes the office of inspector general, if a grievance is appealed to the office as provided by the bill, to take the following actions:

- investigate an alleged violation of state or federal law regarding the confidentiality of student information, including the federal Family Educational Rights and Privacy Act of 1974, relating to the grievance;

- collaborate with relevant federal agencies in such an investigation; and
- take any action necessary to compel the district, the district's board of trustees, or a district employee to comply with the applicable state or federal law.

C.S.H.B. 7 requires each district to annually submit to TEA a report on grievances filed in the district during the preceding year that includes, for each grievance, the resolution of the grievance and any corrective action taken. The bill requires TEA, not later than December 1 of each year, to post on TEA's website a report on grievances filed in districts during the preceding year that must aggregate the data statewide and state the following information:

- the number of grievances filed;
- the number of grievances resolved and the resolution of those grievances; and
- any corrective actions taken.

C.S.H.B. 7 authorizes the commissioner, if the commissioner determines that a member of a district's board of trustees or a district employee has retaliated against a student or parent of or person standing in parental relation to a student in violation of the grievance policy, to do the following:

- if the commissioner determines that a district educator has retaliated against a student or parent of or person standing in parental relation to a student, report the educator to the State Board for Educator Certification (SBEC) for investigation; and
- if the commissioner determines that a member of the board of trustees, the superintendent, a principal, or another administrator of the district has retaliated against a student or parent of or person standing in parental relation to a student, withhold approval for the guarantee of the district's bonds by the permanent school fund under state law.

Timelines for Filing and Appeal

C.S.H.B. 7 requires a grievance policy to do the following:

- for a grievance filed by a parent of or person standing in parental relation to a student enrolled in the district, provide at least:
 - 60 days to file a grievance from the date on which the parent or person knew or had reason to know of the facts giving rise to the grievance; or
 - if the parent or person engaged in informal attempts to resolve the grievance, the later of 90 days to file a grievance from the date on which the parent or person knew or had reason to know of the facts giving rise to the grievance or 30 days to file a grievance from the date on which the district provided information to the parent or person regarding how to file the grievance;
- provide at least 20 days to file an appeal after the date on which a decision on the grievance was made;
- for a hearing that is not before the board of trustees, require the following:
 - the district to hold a hearing not later than the 10th day after the date on which the grievance or appeal was filed; and
 - a written decision to be made not later than the 20th day after the date on which the hearing was held that includes any relief or redress to be provided and information regarding filing an appeal, including the timeline to appeal under relevant bill provisions, if applicable; and
- for a hearing before the board of trustees, require the board to hold a meeting to discuss the grievance not later than the 60th day after the date on which the previous decision on the grievance was made and to make a decision on the grievance not later than the 30th day after the date on which the meeting is held.

Posting of Procedures and Forms

C.S.H.B. 7 requires a district's board of trustees to develop, make publicly available in a prominent location on the district's website, and include in the district's student handbook the following information:

- procedures for resolving grievances;
- standardized forms for filing a grievance, a notice of appeal, or a request for a hearing under the bill's provisions providing for a required grievance policy; and
- the method by which a grievance may be filed electronically.

The bill requires a district to ensure that a grievance may be submitted electronically at the location on the district's website at which the aforementioned information is available and requires the district to submit and make accessible to TEA that location on the district's website.

Local Innovation Plans

C.S.H.B. 7 prohibits a local innovation plan from providing for the exemption of a district designated as a district of innovation from the bill's grievance policy provisions. This prohibition applies to a local innovation plan adopted or renewed before, on, or after the bill's effective date.

Office of Inspector General

C.S.H.B. 7 establishes the office of inspector general as a division within TEA and requires the governor, as soon as practicable after the bill's effective date, to appoint an inspector general to serve as director of the office. The inspector general serves until removed by the governor. The bill requires TEA to provide staff and administrative resources and support services as necessary to ensure investigations by the office, as authorized under the bill, are conducted expeditiously.

Power and Duties

C.S.H.B. 7 makes the office responsible for the investigation of complaints received from parents of children enrolled in public school regarding issues involving TEA, the State Board of Education (SBOE), or a district or charter school. The bill authorizes the office to do the following:

- receive and investigate complaints from parents of children enrolled in public school regarding unethical conduct or a violation of state or federal law relating to public education or TEA procedure or policy by TEA, the SBOE, a district, or a charter school or an employee of any of those entities;
- conduct special investigations authorized by the commissioner; and
- make findings of fact that TEA, the SBOE, a district, or a charter school or an employee of the entity engaged in unethical conduct or a violation of state or federal law and take appropriate action as determined by the commissioner, regardless of any time requirement relating to the action under applicable state law relating to charters or public school accountability interventions and sanctions.

The bill requires the office to perform all other duties and exercise all other powers granted to the office by the bill or other law.

C.S.H.B. 7 grants the office all the powers necessary or appropriate to carry out its responsibilities and functions under the bill and other law. The bill authorizes the office, in conducting an investigation of a district's board of trustees or a charter school's governing body, to take the following actions:

- attend any meeting or proceeding of the district or charter school, including a meeting or proceeding that is closed to the public, except for a private consultation of the entity with its attorney permitted under state open meetings law; and
- inspect the records, documents, and files of the district or charter school, including any record, document, or file that is not subject to public disclosure under state public information law or other law.

However, the office's authority to take those actions applies only to a meeting, a proceeding, or information that is relevant to the discovery of relevant information regarding an allegation of unethical conduct or a violation of state or federal law. The bill prohibits the office from inspecting a record, document, or file that is a privileged communication between an individual and the individual's attorney. The bill establishes that the inspection or disclosure of a record, document, or file for purposes of an investigation by the office is not a voluntary disclosure under state public information law and that a record, document, or file made available to the office for purposes of an investigation is not subject to public disclosure by the office.

Investigation; Subpoenas

C.S.H.B. 7 requires the inspector general, if during the investigation of a complaint the inspector general discovers unreported unethical conduct or violations of state or federal law relating to public education or TEA procedure or policy, to open a new investigation for each unreported occurrence of unethical conduct or violation. The bill authorizes the inspector general to issue a subpoena, which may be served personally or by certified mail, to compel the following:

- the attendance of a relevant witness at a hearing or deposition under the bill's provisions relating to the office; or
- the production, for inspection or copying, of books, papers, records, documents, or other relevant materials, including electronic data, in connection with an investigation, review, hearing, or deposition conducted under the bill's provisions relating to the office.

The bill authorizes the inspector general, acting through the attorney general, to file suit to enforce a subpoena with which a person fails to comply in a district court in Texas. On finding that good cause exists for issuing the subpoena, the court must order the person to comply with the subpoena. The court may hold in contempt a person who fails to obey the court order.

Cooperation With Other Entities

C.S.H.B. 7 authorizes the office to refer matters for further civil and administrative action to appropriate administrative agencies, including the attorney general.

Confidentiality

C.S.H.B. 7 establishes that the information received by the office regarding a complaint is confidential and not subject to disclosure under state public information law and requires the office to maintain that information in a manner that preserves the information's confidentiality. The disclosure of confidential information to the office does not constitute a waiver of confidentiality, and any information disclosed to the office remains confidential and privileged following disclosure. These bill provisions expressly do not prohibit the office from communicating with TEA, the SBOE, or a district or charter school regarding confidential information disclosed to the office by that entity.

Retaliation Prohibited

C.S.H.B. 7 prohibits TEA, a district, or a charter school from retaliating against the following persons:

- a parent of a child enrolled in a district or charter school who in good faith makes a complaint to the office;
- a child enrolled in a district or charter school whose parent in good faith makes a complaint to the office; or
- any person, including an employee of TEA, the SBOE, the district, or the charter school, who in good faith cooperates with the office in an investigation.

The bill requires the office to collaborate with TEA to establish consequences for a retaliatory action taken in violation of the prohibition.

Access to Information; Reports

C.S.H.B. 7 requires TEA to provide the office access to TEA's records relating to a complaint filed with the office. The bill requires the inspector general to issue and file with TEA a report that contains the inspector general's final determinations regarding a complaint and any recommended corrective actions to be taken as a result of the complaint. The bill authorizes the inspector general to make a report relating to an investigation of a complaint public after the complaint is resolved but prohibits such a report that is made public from including information that identifies any person involved in the complaint, including the complainant, a child, a child's parent, or an employee of TEA, the SBOE, a district, or a charter school.

C.S.H.B. 7 requires the inspector general, not later than December 1 of each year, to prepare and submit to TEA and the SBOE a report on the inspector general's work during the preceding year that includes the following information:

- a description of the inspector general's work;
- any change made by TEA in response to a substantiated complaint;
- a description of any trends in the nature of complaints received by the inspector general, any recommendations related to addressing those trends, and an evaluation of the feasibility of the inspector general's recommendations;
- a glossary of terms used in the report; and
- any public feedback received by the inspector general relating to the inspector general's previous annual reports.

The bill requires TEA, on receipt of the inspector general's annual report, to make the report publicly available on TEA's website.

Appeals

C.S.H.B. 7 transfers statutory provisions relating to the manner in which a person may appeal to the commissioner if the person is aggrieved by Texas school laws or by actions or decisions of any district board of trustees that violate Texas school laws or violate a provision of a written employment contract between the district and a district employee, if such a contract violation causes or would cause monetary harm to the employee, to the bill's provisions governing the office of inspector general. Additionally, the bill revises those provisions as follows:

- changes the entity that receives and addresses such appeals from the commissioner to the office of inspector general;
- expands the grounds on which a person may appeal to include being aggrieved by actions or decisions of any open-enrollment charter school's governing body that violate Texas school laws; and
- with respect to the requirement for the office to issue a decision in an appeal against a district based on a review of the record developed at the district level under a substantial evidence standard of review by a specified deadline unless the parties agree to an extension in writing:
 - extends that requirement to appeals against a charter school; and
 - changes the deadline from not later than the 240th day after the date the appeal is filed to not later than the 230th day after that date.

The bill requires the office to provide a copy of the record to the person who filed the appeal not later than the seventh day after the date on which the office issues a decision.

C.S.H.B. 7 authorizes the office to take the following actions in an appeal against a district or charter school:

- if the record is insufficient for the office to resolve the appeal, remand the case to the district or charter school and order an investigation and development of the record; or
- if the office determines that an action or decision of the district's board of trustees or charter school's governing body violated an applicable law or contract provision:
 - reverse the case or remand the case to the board or governing body for additional proceedings; and

- order the board or governing body to take corrective action the office determines appropriate to remedy the violation.

C.S.H.B. 7 authorizes a person aggrieved by an action or decision of the office to appeal to a district court in Travis County. Such an appeal must be made by serving the office with citation issued and served in the manner provided by law for civil suits. The bill requires the petition to state the action or decision from which the appeal is taken and requires the court, at trial, to determine all issues of law and fact.

C.S.H.B. 7 excludes the following from the application of the provisions relating to appeals to the office:

- cases involving certain decisions concerning teacher employment that may be appealed to the commissioner;
- a case involving extracurricular activities; or
- a student disciplinary action under applicable state law, subject to the same exception for board of trustee decisions regarding a student's placement in a disciplinary alternative education program that applies under current law for appeals to the commissioner.

C.S.H.B. 7 authorizes the commissioner, in consultation with the office, to adopt rules as necessary to implement the provisions relating to appeals to the office.

Remand of Cases Appealed to Office

C.S.H.B. 7 authorizes the office, in an appeal against a district or charter school, to remand the case to the district or charter school for rehearing under the required grievance policy if the office determines that the appeal would have likely succeeded on the merits if not for:

- a fatal procedural error at the district or school level;
- failure to allege the correct statutory violation; or
- failure to develop necessary evidence at the district or charter school level.

In remanding such a case, the office may identify specific issues or law for the district or charter school to address and may alter the timelines provided under the grievance policy. The bill establishes that a remanded case may be appealed again to the office, and the timelines established for an appeal to the office apply to the new appeal unless the office provides for a shorter timeline. The bill authorizes the commissioner, in consultation with the office, to adopt rules as necessary to implement these provisions relating to the remand of cases appealed to the office.

Dispute Resolution Facilitation

C.S.H.B. 7 requires the office to develop a program for the training and review of dispute resolution facilitators and to establish requirements for a person to qualify as a dispute resolution facilitator. The bill authorizes the office, in an appeal against a district or charter school, to refer to dispute resolution facilitation a case involving a grievance by a parent of or person standing in parental relation to a student enrolled in the district or charter school arising from their status as a parent of or person standing in parental relation to the student if the following conditions are met:

- the grievance does not allege:
 - conduct that an aggrieved person may appeal to the office;
 - certain decisions regarding teacher employment that may be appealed to the commissioner;
 - conduct involving extracurricular activities or a student disciplinary action; or
 - conduct for which Title 1 or 2 of the Education Code, except for provisions relating to the exclusive power and duty of trustees to govern and oversee the management of the public schools of the district, makes a specific decision of the district's board of trustees or charter school's governing body final and unappealable or not subject to review; and

- the office determines that the district's or charter school's conduct should be reviewed for substantial error that is apparent from the record.

C.S.H.B. 7 requires the office to appoint a dispute resolution facilitator to an appeal referred to dispute resolution facilitation. The bill requires the facilitator to do the following:

- propose factual findings related to the grievance;
- consider information provided by the person who filed the grievance and the district or charter school;
- facilitate a resolution between the person who filed the grievance and the district or charter school; and
- if no resolution is possible, render a decision that includes findings of fact and conclusions of law.

The bill authorizes the facilitator to recommend a remand of a grievance or grant relief or redress to the person who filed the grievance in the same manner that the office is authorized to take such action for an appeal to the office. The bill authorizes the office to adopt or reject the final determination of a dispute resolution facilitator. If adopted, the determination is binding on the parties and, if rejected, no decision on the matter is issued. The bill establishes that the office's determination is final and may not be appealed, including under the bill's provisions authorizing an aggrieved person to appeal an action or decision of the office to a district court in Travis County.

C.S.H.B. 7 requires the district or charter school against which the grievance was filed to pay the cost of the dispute resolution facilitator, the hearing room, the certified court reporter at the hearing, and the production of any original hearing transcript. The provision establishing that a person is not required to appeal to the office before pursuing a remedy under a law outside of Title 1 or 2 of the Education Code to which those titles make reference or with which those titles require compliance applies to conduct that may be referred to dispute resolution facilitation under the bill's provisions.

C.S.H.B. 7 authorizes the commissioner, in consultation with the office, to adopt rules as necessary to implement the bill's provisions relating to dispute resolution facilitation.

Injunctive Relief for Violations of Education Code

C.S.H.B. 7 authorizes a parent of a child enrolled in a district or charter school, if an action or decision of the district or charter school violates Title 1 or 2 of the Education Code, to file a claim in district court for injunctive relief to compel the district or charter school to comply with those titles. The bill authorizes a parent to seek such injunctive relief if the district's board of trustees or the charter school's governing body took one of the following actions:

- issued a written decision on the parent's grievance within the requisite time period that did not grant the parent's requested relief; or
- failed to provide a written decision on the parent's grievance within that period.

Consent for Human Sexuality Instruction

C.S.H.B. 7 requires a district to obtain the written consent of a student's parent before the student may be provided with human sexuality instruction. A request for such consent must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. The bill prohibits the inclusion of the request with any other notification or request for written consent provided to the parent, other than the required notice regarding whether the district will provide human sexuality instruction.

Special Investigations

C.S.H.B. 7 makes the commissioner's authority to authorize a special investigation when a district for any reason fails to produce, at the request of TEA, evidence or an investigation report

relating to an educator who is under investigation by the SBEC applicable with respect to any person under investigation by the SBEC or TEA. Additionally, the bill includes failure of a district to timely submit a required report regarding a person who must be reported to the SBEC or TEA, as applicable, for certain misconduct as grounds for a special investigation and authorizes the commissioner to authorize special investigations by the office of inspector general for the purpose of investigating complaints by parents of children enrolled in public school.

Applicability

C.S.H.B. 7 establishes that its ARTICLE 1 provisions apply beginning with the 2025-2026 school year. Those provisions apply only to an appeal filed on or after September 1, 2025. An appeal filed before that date is governed by the law in effect on the date the appeal was filed, and the former law is continued in effect for that purpose.

ARTICLE 2: Reporting of Misconduct and Child Abuse and Neglect

Notice of Certain Law Enforcement Activities Against School Employee

Provision of Notice by Law Enforcement Agencies

C.S.H.B. 7 amends the Code of Criminal Procedure to require a law enforcement agency to promptly notify a public or private school both verbally and in writing that the agency has opened an investigation into a person the agency knows is an employee of the school for alleged conduct constituting a felony offense or, if the victim of the alleged conduct was under 18 years of age or a student enrolled at the school at the time the conduct was alleged to have occurred, an offense against the person or a public indecency offense. The bill defines "private school" and "public school" for this purpose as follows:

- "private school" has the meaning assigned to that term under Title 2, Education Code, and includes only a school operating in Texas; and
- "public school" means a school district in Texas or an open-enrollment charter school, as that term is defined under Title 2, Education Code.

C.S.H.B. 7 requires the law enforcement agency to comply with the following procedures with respect to the required notice of law enforcement activities against a school employee:

- provide the notice to the chief of police of the school's police department, if the school has a police department, or the superintendent or other chief executive officer of the school or the superintendent's or officer's designee;
- provide the notice verbally not later than the earlier of 24 hours after the investigation is opened or the beginning of the first school day immediately following the date on which the investigation is opened;
- provide the notice in writing not later than the seventh day after providing verbal notice; and
- mark the written notice as "personal and confidential" and include:
 - the name of the person under investigation;
 - a description of the nature of the investigation and an analysis of any safety concerns to the students or staff of the school;
 - the date and time verbal notice was provided; and
 - any other facts not prohibited in subsequent bill provisions that may assist the school in maintaining the safety of students and staff.

C.S.H.B. 7 requires the law enforcement agency, in addition to providing the required notice, to periodically update the school to which notice was provided of the progress of the investigation and to notify the school both verbally and in writing, in accordance with the previously described procedures for providing the initial notice, that the following has occurred:

- the person who is the subject of the investigation has been arrested for or charged with an applicable offense; or

- the agency has closed the investigation, released the person who is the subject of the investigation from custody after an arrest for an applicable offense, or become aware that no charges will be brought against the person or that the charge brought against the person for an applicable offense has been dismissed.

C.S.H.B. 7 prohibits a notice regarding law enforcement activities against a school employee from including any information that is confidential under state public information law, or any other state or federal law, or any information that may compromise the investigation, including descriptions of specific pieces of evidence, the identity of any witness, or a summary of investigative strategies. Except as provided by the bill's provisions relating to the confidentiality of and action on such a notice, the bill establishes that the contents of the notice are confidential and are not subject to disclosure under state public information law.

C.S.H.B. 7 requires each law enforcement agency to annually submit a report to TEA on the notices provided during the preceding year regarding activities against school employees. The report must include the following information:

- the total number of notices provided;
- the date on which each notice was provided and whether the notice was provided within the requisite period;
- for each notice provided, if and when investigative updates were also provided as required by the bill; and
- whether the agency failed to comply with the requirements for such notices, and, if so, the corrective actions taken to prevent future noncompliance.

Confidentiality of and Action on Notice

C.S.H.B. 7 amends the Education Code to require a district, charter school, or private school that receives notice regarding law enforcement activities against a school employee to keep the information in the notice confidential except as provided by subsequent bill provisions. The bill authorizes the chief of police of a district police department or the superintendent of a district, charter school, or private school who receives such a notice of an investigation into a district or school employee to disclose the contents of the notice only to the following individuals:

- a peace officer employed by a law enforcement agency involved in the investigation;
- a school administrator with direct responsibility for the employee;
- an attorney who represents the district or school; or
- staff of the district or school, if necessary to maintain the safety of district or school students and staff.

C.S.H.B. 7 requires a district, charter school, or private school that receives a notice of a law enforcement investigation into a district or school employee to take the following actions:

- notify any district or school staff with responsibility for the employee necessary to maintain the safety of district or school students and staff;
- promptly collaborate with the law enforcement agency that sent the notice to develop a plan to maximize student and staff safety without jeopardizing the success of the investigation; and
- destroy the notice if at least one year has elapsed since the last notice received for the investigation and the employee has not been charged with an offense as a result of the investigation.

The bill requires an employee of a district, charter school, or private school who receives information regarding the contents of such a notice to keep the information confidential and prohibits the employee from disclosing the information to any other individual except as authorized by applicable bill provisions.

Compliance Oversight Relating to Notice

C.S.H.B. 7 requires TEA to oversee compliance by:

- law enforcement agencies with the bill's requirements relating to the provision of notice of law enforcement activities against a school employee; and
- districts, charter schools, and private schools operating in Texas with the bill's requirements relating to the confidentiality of and action on notice of such activities.

The bill requires TEA, in order to assist law enforcement agencies and districts, charter schools, and private schools operating in Texas in complying with the applicable requirements, to establish a structured communication protocol between law enforcement agencies and districts and schools that ensures transparency and accountability.

Revocation for Violating Confidentiality of Notice

C.S.H.B. 7 authorizes the SBEC to suspend or revoke a person's educator certificate, impose other sanctions against the person, or refuse to issue an educator certificate to the person if the person reveals confidential information in violation of the bill's provisions relating to the confidentiality of and action on a notice of certain law enforcement activities against a school employee.

Notice to TEA Regarding Revocation of Certificate or Permit for Certain Misconduct

C.S.H.B. 7 revises the statutory requirement for the SBEC to promptly notify TEA, for purposes of the applicable TEA registry, if the SBEC revokes an educator certificate or permit of a person on a finding that the person engaged in certain misconduct with a student or minor by doing the following:

- setting a deadline by which the SBEC must provide that notification of not later than 24 hours after the revocation; and
- expanding the misconduct for which a finding triggers that requirement to include engaging in inappropriate communications with a student or minor or failing to maintain appropriate boundaries with a student or minor, which are new types of misconduct for which the bill requires reporting.

Waiver of Criminal History Background Check Prohibited

C.S.H.B. 7 prohibits a district, district of innovation, charter school, other charter entity, regional education service center, or shared services arrangement from allowing a person to begin employment at the entity before the entity obtains criminal history record information as required under applicable state law.

Employee and Service Provider Misconduct

C.S.H.B. 7 consolidates and revises provisions in the Education Code relating to misconduct reporting. In the provisions applicable to districts, districts of innovation, open-enrollment charter schools, other charter entities, regional education service centers, and shared services arrangements, the bill replaces references to that list of entities with the term "educational entity," which is defined to mean all the same entities. The bill also defines the following terms for purposes of the misconduct reporting provisions:

- "registry" as TEA's registry of persons who are not eligible to be employed by or act as a service provider for an educational entity, as amended by the bill;
- "educational provider" as an entity that employs a person who provides educational services to a child who is participating in a program established by the comptroller of public accounts; and
- "service provider" as a person who provides services to an educational entity, including the following persons:
 - a contractor or subcontractor for an educational entity;

- a provider of tutoring services for an educational entity;
- an entity that has entered into a contract to operate a district campus under certain state law;
- a staffing provider for an educational entity; and
- a person employed by or under the control of any of the aforementioned persons.

Confidentiality

C.S.H.B. 7 establishes that, unless disclosure is required by other law, a complaint from a member of the public, statement, recording, note, file, record, memorandum, or report that is received, obtained, or created by the SBEC or TEA relating to the review or investigation of an allegation of misconduct involving an employee of an educational provider or an educator or employee employed by or a service provider for an educational entity is confidential and not subject to disclosure under state public information law. However, the bill expressly does not prohibit the disclosure of the following:

- a report required under statutory provisions relating to educator certification;
- a report required under statutory provisions relating to persons not eligible for employment in public schools;
- a report required under provisions relating to employee and service provider misconduct, as consolidated and amended by the bill;
- information prohibited from disclosure under the bill's provisions for purposes of an administrative or other legal proceeding brought under the Administrative Procedure Act; or
- information required to be included in TEA's report relating to reported educator, employee, and service provider misconduct, as provided under the bill's provisions.

Requirement to Report Educator Misconduct: Educational Entities

C.S.H.B. 7, makes the following changes with respect to the requirement for the superintendent or director of an educational entity to notify the SBEC if an educator's employment at the entity was terminated, or an educator resigned, and there is evidence that the educator engaged in specified misconduct:

- for purposes of the requirement to report evidence of such an educator abusing or otherwise committing an unlawful act with a student or minor, clarifies that such misconduct includes engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under the Penal Code regardless of whether the conduct resulted in bodily injury; and
- includes the following as reportable misconduct:
 - engaging in inappropriate communications with a student or minor; or
 - failing to maintain appropriate boundaries with a student or minor.

C.S.H.B. 7 additionally requires a superintendent or director of an educational entity to notify the SBEC if the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in the following types of misconduct:

- abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under the Penal Code regardless of whether the conduct resulted in bodily injury;
- was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;
- engaged in inappropriate communications with a student or minor; or
- failed to maintain appropriate boundaries with a student or minor.

The bill requires the principal of a district, district of innovation, charter school, or other charter entity campus to notify the applicable superintendent or director not later than 48 hours after the principal becomes aware of evidence of such misconduct and requires a superintendent or

director of an educational entity to notify the SBEC of such misconduct not later than 48 hours after receiving that notice from a principal or after becoming aware of evidence of such misconduct.

C.S.H.B. 7 repeals a statutory provision establishing that a superintendent or director of an educational entity is not required to notify the SBEC or file a report relating to misconduct with the SBEC if the superintendent or director completes an investigation into an educator's alleged incident of misconduct with a student or minor relating to abuse, an unlawful act, a romantic relationship, or sexual contact before the educator's termination of employment or resignation and determines the educator did not engage in the alleged incident of misconduct.

C.S.H.B. 7 revises the requirement for a superintendent or director of an educational entity to complete an investigation of an educator that involves evidence that the educator may have engaged in certain misconduct with a student or minor, despite the educator's resignation from employment before completion of the investigation, to make it applicable to the new reportable conduct regarding inappropriate communications or failure to maintain appropriate boundaries.

C.S.H.B. 7 replaces the authorization for a report of educator misconduct by a superintendent or director to be filed through the Internet portal developed and maintained by the SBEC with a requirement for the report to be filed through the Internet portal that TEA currently maintains for reports of misconduct by employees who are not educators. Accordingly, the bill removes the requirement for the SBEC to develop and maintain such a portal.

C.S.H.B. 7 limits the application of the state jail felony offense for a superintendent or director of an educational entity who fails to file a report regarding an alleged incident of misconduct by an educator, or a principal who fails to notify the superintendent or director about such an incident, by the required deadline with the intent to conceal the alleged incident to the types of misconduct to which the offense applies under current law.

C.S.H.B. 7 establishes that its changes regarding the required reporting of misconduct by an educator employed by an educational entity apply only to an offense committed on or after September 1, 2025. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before September 1, 2025, if any element of the offense occurred before that date.

Requirement to Report Educational Entity Employee, Educational Provider Employee, or Service Provider Misconduct

C.S.H.B. 7 makes statutory provisions establishing requirements to report certain misconduct by an employee of an educational entity who is not an educator also applicable to a service provider for an educational entity who has or will have direct contact with students and a person employed by an educational provider who provides educational services to a child participating in a program established by the comptroller. The bill accordingly adds references to educational providers in those statutory provisions.

C.S.H.B. 7 revises the circumstances under which a superintendent or director is required to notify the commissioner regarding misconduct of those employees and service providers by doing the following:

- removing the requirement for a superintendent or director to notify the commissioner if an applicable person was terminated or resigned and there is evidence that the person abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; and
- requiring instead that a superintendent or director notify the commissioner if the superintendent or director becomes aware of evidence that an applicable person engaged

in any type of misconduct that must be reported for educators employed by an educational entity or the superintendent or director obtained criminal history record information relating to such misconduct for the person.

The bill expands the applicability of the requirement for a superintendent or director to complete an investigation of an applicable person that involves evidence that the person may have engaged in certain misconduct with a student or minor, despite the person's resignation from employment before completion of the investigation, to also apply to misconduct relating to inappropriate communication or failure to maintain appropriate boundaries. The bill also clarifies that the investigation requirement also applies despite the person's termination of employment or cessation of services for the entity or provider.

C.S.H.B. 7 makes the following revisions with respect to deadlines for principals and superintendents or directors to report misconduct by applicable employees and service providers:

- with respect to an alleged incident of reportable misconduct with a student or a minor relating to abuse, an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries:
 - requires a principal to notify the applicable superintendent or director not later than 48 hours after the principal becomes aware of evidence of such misconduct; and
 - requires a superintendent or director to notify the commissioner not later than 48 hours after receiving that notice from a principal or becoming aware of evidence of an alleged incident of such misconduct;
- retains the existing deadlines for providing notification of a termination or resignation from employment that follows an alleged incident of misconduct and makes them also applicable to cessation of services for the entity following such an incident; and
- with respect to criminal history record information relating to applicable misconduct:
 - requires a principal to notify the applicable superintendent or director not later than the seventh business day after the date the principal knew about such information; and
 - requires a superintendent or director to notify the commissioner not later than the seventh business day after the date of receiving notice from a principal or knowing about such information.

C.S.H.B. 7 requires a report by a superintendent or director to the commissioner to be filed through the Internet portal developed and maintained by TEA for misconduct reports.

C.S.H.B. 7 limits the application of the state jail felony offense for a superintendent or director who fails to file a report regarding an alleged incident of misconduct, or a principal who fails to notify the superintendent or director about such an incident, by the required date with the intent to conceal the alleged incident to the types of misconduct to which the offense applies under current law.

C.S.H.B. 7 establishes that its changes regarding required reporting of misconduct by an educational entity employee, educational provider employee, or service provider apply only to an offense committed on or after September 1, 2025. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before September 1, 2025, if any element of the offense occurred before that date.

Notice to Parent or Guardian About Misconduct

C.S.H.B. 7 revises the requirement for the board of trustees or governing body of an educational entity to 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 reportable misconduct with a student or minor relating to abuse or an unlawful act, a romantic relationship, or sexual contact, as follows:

- makes that policy applicable with respect to any person employed by or acting as a service provider for the entity; and
- includes the new reportable conduct of engaging in inappropriate communications or failing to maintain appropriate boundaries as a type of misconduct to which this notice requirement applies.

Notice on Certification Record; Inclusion in TEA's Registry

C.S.H.B. 7 requires the SBEC to notify TEA regarding an educator that has a notice of alleged misconduct placed on their public certification records for purposes of placing that educator on TEA's registry. The bill requires TEA, on receiving such a notification, to immediately place the educator on the registry and include information indicating that the educator is under investigation for alleged misconduct. However, the bill requires the SBEC, if it is determined that the educator has not engaged in the alleged incident of misconduct, to immediately notify TEA to remove the educator from the registry.

Pre-Employment or Pre-Service Affidavit

C.S.H.B. 7 removes the requirement for an applicant for certain positions with an educational entity for which certification is required to submit, using a form adopted by TEA, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. The bill requires instead that a person applying for employment with or who will act as a service provider for an educational entity submit, using a form adopted by TEA, consent for release of the person's employment records and a pre-employment or pre-service affidavit disclosing whether the person has ever been:

- investigated by a law enforcement or child protective services agency for, or charged with, adjudicated for, or convicted of an offense involving, reportable misconduct with a student or minor relating to abuse or an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries;
- investigated by a licensing authority or had a license, certificate, or permit denied, suspended, revoked, or subject to another sanction in Texas or another state for such misconduct with a student or minor;
- included in TEA's registry;
- employed or is currently employed by or has acted or is currently acting as a service provider for a public or private school; and
- terminated or discharged or has resigned, in lieu of being terminated or discharged, from a public or private school.

The bill accordingly updates existing statutory provisions relating to the pre-employment affidavit to reflect the expanded scope of that affidavit and the new pre-service affidavit requirement.

C.S.H.B. 7 does the following with respect to a person's failure to disclose information required to be disclosed in a pre-employment or pre-service affidavit:

- requires an educational entity to discharge or refuse to hire or allow to act as a service provider for the entity a person against whom a determination has been made that the person failed to disclose the required information;
- replaces the authorization for the SBEC to revoke an administrator's certificate based on reasonable belief that the administrator employed an applicant for a position requiring certification despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor with an authorization for the SBEC to revoke an administrator's certificate based on reasonable belief that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose the required information; and
- creates a Class B misdemeanor offense for a person who fails to disclose the required information.

Investigation of Misconduct

Notice of Alleged Misconduct; Investigation; Hearing

Current law sets out certain procedures for notification, investigation, and hearing that apply with respect to an employee of an educational entity who is not an educator and who is the subject of a report filed by a superintendent or director alleging certain misconduct with a student or minor, or is identified as having engaged in such misconduct using the interagency reportable conduct search engine. C.S.H.B. 7 revises the applicability of those procedures as follows:

- makes the procedures also applicable with respect to a service provider for an educational entity who has or will have direct contact with students or a person employed by an educational provider who provides educational services to a child participating in a program established by the comptroller;
- revises the applicable misconduct to include any type of misconduct that is reportable for these entities, as expanded by the bill; and
- includes the following among the circumstances that trigger the application of the procedures to a person:
 - the person is the subject of a complaint filed with TEA alleging an applicable type of misconduct; or
 - the person is the subject of a Department of Family and Protective Services (DFPS) report received by TEA regarding child abuse or neglect in a public or private school.

Additionally, the bill makes those procedures applicable to a person employed by or seeking employment in a private school who does not hold an educator certification or permit and who is the subject of a report that alleges misconduct under applicable provisions. The bill requires the commissioner, in adopting the rules necessary to implement those procedures, to follow any guidelines adopted by the SBEC regarding sanctions for reportable misconduct by educators.

Preliminary Determination

C.S.H.B. 7 requires the SBEC or TEA, as applicable and to the extent feasible, to make the following determinations based on a preliminary review of a report filed by a superintendent, director, or chief administrative officer relating to an educator's, employee's, or service provider's misconduct not later than the 30th day after the receipt of the report:

- if the person who is the subject of the report is an educator, a determination regarding whether a notice of alleged misconduct should be placed on the educator's public certification records; and
- a determination whether the person should be placed on TEA's registry with an indication that the person is under investigation for alleged misconduct.

Issuance of Subpoenas

C.S.H.B. 7 revises statutory provisions relating to the commissioner's authority to issue subpoenas during an investigation of an educator for an alleged incident of misconduct, as follows:

- extends that subpoena authority to investigations of a person who is employed by or providing services to an educational entity;
- authorizes a subpoena to be served electronically;
- with respect to the authorization for the commissioner to issue a subpoena to compel the production of relevant evidence that is located in Texas, removes the specification that such production is for the purpose of inspection or copying; and
- requires a response to a subpoena to compel the production of relevant evidence to be submitted through the Internet portal developed and maintained by TEA for misconduct reports unless the commissioner authorizes a different method of submission.

Restriction on Surrender of Certificate or Permit Pending Investigation

C.S.H.B. 7 prohibits the SBEC from accepting a person's surrender of their educator's certificate or permit while the SBEC is investigating an allegation that the person engaged in reportable misconduct with a student or minor relating to abuse or an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries, unless the person agrees to be included in TEA's registry.

Persons Not Eligible for Employment or Provision of Services

Registry

C.S.H.B. 7 expands the scope of the registry maintained by TEA that lists certain persons as not eligible to be employed by an educational entity by doing the following:

- providing for the registry to also list the applicable persons as not eligible to act as a service provider for an educational entity;
- requiring an educational entity to terminate or refuse to accept services from a person listed on the registry; and
- prohibiting an educational entity from allowing a person listed on the registry to act as a service provider for the entity or be present at an event sponsored by the entity.

C.S.H.B. 7 includes the following persons among those that the registry must list as not eligible to be employed by or act as a service provider for an educational entity:

- a person whose educator certification or permit is suspended by the SBEC for a reason other than resignation under a probationary, continuing, or term contract without complying with applicable resignation procedures, for the period of the suspension;
- a person who is determined by the commissioner to have engaged in reportable misconduct with a student or minor involving inappropriate communication or failure to maintain appropriate boundaries; and
- a person temporarily included in the registry based on a continuing and imminent threat to the public welfare or for certain arrests as provided by the bill, for the term of the placement.

The bill replaces the provision requiring inclusion in the registry of a person whose educator certification or permit was revoked by the SBEC on a finding that the person engaged in reportable misconduct with a student or minor relating to abuse, an unlawful act, a romantic relationship, or sexual contact with a provision requiring inclusion of any person whose educator certification or permit, or application for such a credential, is denied or revoked by the SBEC and who has not been issued an educator certification or permit subsequent to that denial or revocation.

C.S.H.B. 7 requires the registry to include information indicating whether a person's listing in the registry expires. The bill establishes that a prohibition applicable to a person included in the registry no longer applies to a person whose listing in the registry has expired and, if applicable, whose educator certification or permit has been reinstated.

C.S.H.B. 7 includes the following among the entities to whom TEA must provide equivalent access to the registry:

- all educational entities, rather than public schools as provided under current law;
- entities that have entered into a contract to operate a district campus under certain state law; and
- service providers for an educational entity that are authorized by the entity to access the registry.

C.S.H.B. 7 requires the superintendent or director of an educational entity to certify to the commissioner each school year that the entity has complied with provisions relating to the

registry. The bill requires the commissioner by rule, if feasible, to consolidate this certification requirement with other reporting requirements applicable to the educational entity.

C.S.H.B. 7 replaces the requirement for TEA to adopt rules as necessary to implement provisions relating to the registry with a requirement for the commissioner to do so.

Temporary Inclusion in Registry Based on Continuing and Imminent Threat to Public Welfare

C.S.H.B. 7 requires the commissioner to temporarily include a person in the registry if the commissioner determines, based on evidence or information presented to the commissioner regarding a complaint alleging misconduct by the person, that the person's continued employment at or provision of services to an educational entity constitutes a continuing and imminent threat to the public welfare. The bill does the following:

- authorizes such a person to be temporarily included in the registry without notice or a hearing on the complaint alleging the person's misconduct if proceedings for a hearing before the State Office of Administrative Hearings (SOAH) are initiated simultaneously with the temporary inclusion and a hearing is held as soon as possible under provisions relating to employee and service provider misconduct, as consolidated and amended by the bill, and the Administrative Procedure Act;
- requires SOAH to hold a preliminary hearing, to be conducted as a de novo hearing, not later than the 17th day after the date of the temporary inclusion to determine whether probable cause exists that the person's employment at or provision of services to an educational entity constitutes a continuing and imminent threat to the public welfare; and
- requires SOAH to hold a final hearing on the matter not later than the 61st day after the date of the temporary inclusion.

The bill requires the commissioner by rule to adopt procedures for the temporary inclusion of a person in the registry on such grounds.

Temporary Inclusion in Registry for Certain Arrests

C.S.H.B. 7 requires the commissioner to temporarily include a person who is employed by or acting as a service provider for an educational entity in the registry if the educator is arrested for an offense for which conviction or placement on deferred adjudication community supervision triggers revocation of an educator certificate. Before temporarily including such a person in the registry, the commissioner must verify that the person arrested for the offense is the same person who is employed by or acting as a service provider for an educational entity. The bill establishes that the inclusion in the registry remains in effect until the final disposition of the case. The bill subjects such a temporary inclusion to the bill's provisions for a temporary inclusion based on a continuing and imminent threat to the public welfare that relate to the following:

- the authorization to temporarily include a person without notice and hearing under certain conditions;
- the probable cause hearing; and
- the deadline for holding a final hearing.

The bill requires the commissioner to adopt rules to implement the bill's provisions relating to temporary inclusion in the registry for certain arrests, including rules regarding evidence that serves as proof of final disposition of a case.

Reporting to Law Enforcement

C.S.H.B. 7 requires TEA to refer to an appropriate local law enforcement agency any allegation of misconduct that results in the inclusion of a person in the registry that has not already been referred to a local law enforcement agency. The bill authorizes TEA to refer any allegation of misconduct to an appropriate local law enforcement agency if TEA believes the allegation includes evidence of criminal conduct. The bill requires TEA to maintain a record of each allegation of misconduct referred to a local law enforcement agency under these provisions.

Internet Portal

C.S.H.B. 7 updates the requirement for TEA to develop and maintain an Internet portal through which reports of misconduct by educational entity employees other than educators are filed to reflect the bill requiring submission through that portal of misconduct reports for both educators and other applicable employees or service providers who are not educators. The bill requires the portal to comply with any requirements adopted by the SBEC for filing reports of misconduct by educators employed by educational entities and by private school employees.

TEA Investigation and Compliance Monitoring

C.S.H.B. 7 removes the requirement for TEA to periodically conduct site visits of educational entities to ensure compliance with the requirement to discharge or refuse to hire, or terminate or refuse to accept services from, a person listed on TEA's registry.

C.S.H.B. 7 requires TEA to review the investigations conducted by educational entities involving allegations of reportable misconduct with a student or minor relating to abuse or an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries to ensure that the investigations are conducted using appropriate investigative protocols, including when cooperating with a law enforcement agency or DFPS in accordance with TEA's policy governing the reports of child abuse or neglect. If TEA determines that an educational entity failed to follow appropriate investigative protocols, the commissioner may authorize a special investigation. The bill authorizes TEA to directly investigate those allegations of misconduct, regardless of whether a report or complaint was filed with TEA.

Denial or Revocation of Educator Certification for Misconduct

Conviction of or Placement on Deferred Adjudication Community Supervision for Certain Offenses

C.S.H.B. 7 revises the applicability of statutory provisions relating to the revocation of an educator certification based on a conviction of or placement on deferred adjudication community supervision for certain offenses and the action to be taken in the event of such a revocation, as follows:

- includes a conviction of or placement on deferred adjudication community supervision for:
 - an offense of improper relationship between educator and student;
 - a felony public indecency offense;
 - a felony offense involving school property; or
 - an offense under the laws of another state or federal law that is equivalent to the aforementioned offenses, the offense of sale, distribution, or display of harmful material to a minor, or an offense for which a defendant is required to register as a sex offender;
- for a conviction of a felony offense against a person, removes the condition that the victim of the offense was under 18 years of age at the time the offense was committed; and
- includes a conviction of an offense under the laws of another state or federal law that is equivalent to a felony offense against a person.

The bill removes the authorization for a person whose educator certificate is revoked because of a conviction or placement on deferred adjudication community supervision to reapply for a certificate and prohibits the SBEC or a district from issuing an educator certificate or permit to a person who has been convicted of or placed on deferred adjudication community supervision for an applicable offense.

C.S.H.B. 7 makes corresponding changes to the requirement for a district, charter school, or shared services arrangement to discharge or refuse to hire an employee or applicant for employment if the entity obtains information through a criminal history record information review that the employee or applicant has been convicted of or placed on deferred adjudication for an offense triggering revocation of their educator certificate. Additionally, the bill makes that requirement and certain related provisions applicable to any educational entity.

Temporary Suspension of Certification or Permit Based on Continuing and Imminent Threat to Public Welfare

C.S.H.B. 7 requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC, based on evidence or information presented to the SBEC regarding a complaint alleging misconduct by the educator, determines, by a majority vote of the SBEC or of a five-person committee of SBEC members designated by the SBEC, that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare. The bill does the following with respect to that authority:

- authorizes the SBEC or the committee to hold a meeting by telephone conference call if it determines that immediate action is required and convening the SBEC or committee at one location would be inconvenient for any member of the SBEC or committee;
- authorizes an educator's certification or permit to be temporarily suspended without notice or hearing on the complaint alleging the educator's misconduct if proceedings for a hearing before SOAH are initiated simultaneously with the temporary suspension and a hearing is held as soon as possible under provisions relating to employee and service provider misconduct, as consolidated and amended by the bill, and the Administrative Procedure Act;
- requires SOAH to hold a preliminary hearing, to be conducted as a de novo hearing, not later than the 17th day after the date of the temporary suspension to determine whether probable cause exists that the educator's certification or permit issuance constitutes a continuing and imminent threat to the public welfare; and
- requires SOAH to hold a final hearing on the matter not later than the 61st day after the date of the temporary suspension.

The bill requires the SBEC to propose rules adopting procedures for the temporary suspension of an educator's certification or permit on such grounds.

Temporary Suspension of Certification or Permit for Certain Arrests

C.S.H.B. 7 requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for an offense for which conviction or placement on deferred adjudication community supervision triggers revocation of an educator certificate. Before suspending an educator's certification or permit on such grounds, the SBEC or a five-person committee of SBEC members designated by the SBEC must verify that the person arrested for the offense is the same person who holds an educator certification or permit. The suspension remains in effect until the final disposition of the case. The bill subjects such a temporary suspension to the bill's provisions regarding temporary suspension based on a continuing and imminent threat to the public welfare that relate to the following:

- the authorization to temporarily suspend a certification or permit without notice or hearing under certain conditions;
- the probable cause hearing; and
- the deadline for holding a final hearing.

The bill requires the SBEC to propose rules to implement these provisions relating to the temporary suspension of a certification or permit for certain arrests, including rules regarding evidence that serves as proof of final disposition of a case.

Quarterly TEA Report

C.S.H.B. 7 requires TEA, in cooperation with the SBEC and on a quarterly basis, to post on the TEA website a report on reported educator, employee, and service provider misconduct. The report must be disaggregated by type of misconduct and include the following information:

- the number of reports of alleged misconduct, categorized by the source of the report and whether the person who is the subject of the report holds an educator certification or permit;
- the number of preliminary reviews that resulted in a formal investigation;
- the number of preliminary reviews that did not result in a formal investigation, categorized by reason for disposition;
- the number of formal investigations, categorized by disposition;
- the number of individuals sanctioned by the SBEC or placed on TEA's registry following a formal investigation; and
- any other information as determined by the SBEC or commissioner.

Requirement to Report Misconduct: Private Schools

C.S.H.B. 7 makes statutory provisions relating to the reporting of misconduct by private school educators applicable to misconduct by any person employed by or seeking employment in a private school and revises the reporting requirement as follows:

- removes the requirement for the chief administrative officer of a private school to notify the SBEC if a private school educator:
 - has a criminal record and the private school obtained information about the educator's criminal record; or
 - was terminated and there is evidence that the educator abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; and
- requires the chief administrative officer of a private school instead to notify the SBEC if the officer becomes aware of evidence that a person employed by or seeking employment in a private school engaged in reportable misconduct with a student or minor relating to abuse or an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries, as described under provisions relating to misconduct reporting for educators employed by an educational entity.

The bill changes the deadline by which a chief administrative officer must file a report of misconduct with the SBEC from not later than the seventh business day after the date the chief administrative officer knew that a private school educator has a criminal record or was terminated following an alleged incident of reportable misconduct to not later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of reportable misconduct. The bill requires the report to be filed through the Internet portal developed and maintained by TEA for misconduct reports.

In addition to the requirement under current law for the SBEC to propose rules as necessary to implement provisions relating to misconduct reporting for private schools, C.S.H.B. 7 requires the commissioner to adopt rules as necessary for such purposes.

Notice by Court Clerk

C.S.H.B. 7 amends the Code of Criminal Procedure to update the applicability of requirements for the clerk of the court in which a conviction or deferred adjudication is entered for a person who holds an educator certificate or is employed by a private school to notify the SBEC or the private school's chief administrative officer to account for the bill's changes to the list of convictions or deferred adjudications triggering revocation of an educator certificate.

Investigations of a Report of Child Abuse or Neglect

C.S.H.B. 7 amends the Family Code to revise statutory provisions governing the investigation of a report of child abuse or neglect to do the following:

- specify in the definition of "abuse" that sexual conduct harmful to a child's mental, emotional, or physical welfare includes conduct that constitutes the offense of improper relationship between educator and student; and
- specify that "law enforcement agency" means the Department of Public Safety (DPS), the police department of a municipality, the sheriff's office of a county, or a constable's office of a county.

The bill accordingly removes the specification in those provisions that a law enforcement agency is a local or state law enforcement agency.

C.S.H.B. 7 changes the deadline by which a professional who has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense of indecency with a child and has reasonable cause to believe that the child has been abused, must make a report from not later than the 48th hour after the hour the professional first has such reasonable cause to not later than the 24th hour after the hour the professional first has such reasonable cause.

C.S.H.B. 7 expands the list of entities to which the identity of an individual making a report of child abuse or neglect may be disclosed to authorize disclosure to TEA or the SBEC, on request by TEA or the SBEC, for the following purposes:

- conducting an investigation of the report;
- conducting an investigation of an allegation that a person failed to submit such a report as required under state law; or
- compliance monitoring or conducting an investigation or review of an investigation.

The bill makes related changes to the requirement for a DFPS representative receiving a report of child abuse or neglect through the toll-free hotline from an individual unwilling to provide their name and telephone number to notify the individual that their identity may be disclosed only to the entities specified in statute. The bill provides for an exception to the requirement for DFPS's report on an investigation of a report of abuse or neglect of a child in a public or private school to be edited to protect the identity of the persons who made the report of abuse or neglect if TEA or the SBEC requests the identity of the persons who made the report.

C.S.H.B. 7 revises the requirement for DFPS, if it determines in an investigation of a report of child abuse or neglect that the abuse or neglect involves an employee of a public or private elementary or secondary school, to notify the superintendent of the district, the director of the charter school, or the chief executive officer of the private school in which the employee is employed about the investigation, as follows:

- removes as a condition that must be met to trigger the notification requirement that the child involved in the report is a student at the school;
- changes the manner in which DFPS must notify the appropriate official from an oral notification to a notification in writing; and
- authorizes the written notice to be provided by email to the official email address of the appropriate official, if that email address is publicly available.

C.S.H.B. 7 requires DFPS, when releasing information regarding a person alleged to have committed abuse or neglect to TEA or the SBEC as required under state law, to do so by submitting the information through the Internet portal developed and maintained by TEA for misconduct reports.

Applicability

C.S.H.B. 7 establishes that its ARTICLE 2 provisions apply beginning with the 2025-2026 school year.

ARTICLE 3: Conforming Changes

C.S.H.B. 7 makes conforming changes to the Education Code and the Health and Safety Code.

Transition; Severability

C.S.H.B. 7 establishes that, to the extent of any conflict, its provisions prevail over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes. The bill further establishes the legislature's intent that every provision, section, subsection, sentence, clause, phrase, or word in the bill, and every application of the bill's provisions to each person or entity, is severable from each other. If any application of any provision in the bill to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances must be severed and may not be affected.

Repealed Provisions

C.S.H.B. 7 repeals the following provisions of the Education Code:

- the heading to Section 21.006;
- Section 21.006 (c-2);
- the heading to Subchapter C-1, Chapter 22; and
- Section 22.091.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 7 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Appeals

Whereas the introduced removed the option for a person who is aggrieved by Texas school laws to appeal to the commissioner of education but retained the authorization for a person to appeal to the commissioner if the person is aggrieved by certain actions or decisions of a district board of trustees, the substitute changes the entity that receives and addresses appeals filed by persons aggrieved by such actions or decisions or by Texas school laws from the commissioner to the office of inspector general. The substitute also makes the following changes to statutory provisions relating to such appeals, whereas the introduced did not:

- expands the grounds on which a person may appeal to include being aggrieved by actions or decisions of any open-enrollment charter school's governing body that violate Texas school laws;
- with respect to the requirement to issue a decision in an appeal against a district based on a review of the record developed at the district level under a substantial evidence standard of review by a specified deadline unless the parties agree to an extension in writing:
 - extends that requirement to appeals against a charter school;
 - changes the deadline from not later than the 240th day after the date the appeal is filed to not later than the 230th day after that date; and
 - adds a requirement for the office to provide a copy of the record to the person who filed the appeal not later than the seventh day after the date on which the office issues a decision; and

- adds provisions relating to the authority of a person aggrieved by an action or decision of the office to appeal to a district court in Travis County that are similar to existing statutory provisions relating to the authorization to make such an appeal with respect to an action of TEA or a decision of the commissioner.

The introduced revised the provision of current law that provides exceptions to the application of provisions relating to appeals to the commissioner and district court appeals of TEA actions or commissioner decisions by including cases involving extracurricular activities among the exceptions. The substitute does not amend that provision of current law, which is retained for purposes of those district court appeals, and instead sets out exceptions to the application of provisions relating to appeals to the office that are the same as the exceptions under the introduced version's provisions for appeals to the commissioner.

Both the introduced and the substitute authorize the commissioner to adopt rules as necessary to implement their respective appeals provisions, but the substitute specifies that the commissioner does so in consultation with the office, whereas the introduced did not.

Special Investigations

Whereas the introduced authorized the commissioner to authorize special investigations to be conducted in response to a certain alleged electioneering violation, the substitute does not do so.

The substitute includes an authorization that did not appear in the introduced for the commissioner to authorize special investigations to be conducted by the office of inspector general for the purpose of investigating complaints by parents of children enrolled in public school.

Remand; Dispute Resolution Facilitation

The substitute revises the introduced version's provisions relating to remanding an appealed case and dispute resolution facilitation by transferring the powers and duties with respect to those provisions from the commissioner to the office of inspector general and making the authorization to remand an appeal against a district also applicable to an appeal against a charter school. In the provision establishing that a remanded case may be appealed again and that the timelines established for appeals apply to the new appeal, the substitute establishes the option for the office to provide for a shorter timeline, whereas the introduced did not provide that option.

The substitute also revises provisions of the introduced authorizing the commissioner to adopt rules as necessary to implement the bill's provisions relating to remanding an appealed case and dispute resolution facilitation by specifying that the commissioner does so in consultation with the office.

Injunctive Relief for Violations of Education Code

The substitute includes provisions absent from the introduced relating to the authorization for a parent of a child enrolled in a district or charter school, if an action or decision of the district or charter school violates Title 1 or 2 of the Education Code, to file a claim in district court for injunctive relief to compel the district or charter school to comply with those titles.

Grievance Policy

Both the introduced and the substitute set out provisions requiring a district's board of trustees to adopt a grievance policy to address grievances received by the district that meets specified criteria. However, the substitute includes provisions that were not in the introduced doing the following:

- requiring the grievance policy to:
 - allow for a member of the board of trustees to file a grievance with the district, but prohibit the member from voting on matters related to that grievance; and
 - require the district to issue a decision on the merits of the concern raised in the grievance, notwithstanding procedural errors or the type of relief requested;
- authorizing the office to take the following actions if a grievance is appealed to the office:
 - investigate an alleged violation of state or federal law regarding the confidentiality of student information, including the federal Family Educational Rights and Privacy Act of 1974, relating to the grievance;
 - collaborate with relevant federal agencies in such an investigation; and
 - take any action necessary to compel the district, the board of trustees, or a district employee to comply with the applicable state or law;
- requiring each district to submit an annual report on grievances to TEA;
- requiring TEA to post an annual report regarding grievances on the TEA website; and
- authorizing the commissioner to take certain actions if the commissioner determines that a member of the board of trustees or a district employee has retaliated against a student or parent of or person standing in parental relation to a student in violation of the grievance policy.

Both versions of the bill revise the provision of current law requiring each district board of trustees to adopt a grievance procedure under which the board must address each complaint that the board receives concerning violation of a parental right guaranteed by state law. However, the introduced revised that provision only by specifying that the procedure must comply with the bill's grievance policy provisions, whereas the substitute makes that change but also makes the following changes:

- replaces the specification that the board addresses complaints under the procedure with the specification that the board addresses grievances under it; and
- includes grievances concerning violation of a board of trustees policy or a provision of state law relating to public education among the grievances to be addressed.

The substitute subjects a charter school to this grievance procedure requirement and the bill's grievance policy provisions, which the introduced did not do.

Parental Rights Information

The substitute includes a provision that was not in the introduced requiring the document created by TEA under the bill's provisions that informs a parent of the parent's rights regarding the education of the parent's child to inform parents that they are not required to file a grievance or an appeal at the district level before pursuing another remedy under law, including by filing a complaint with appropriate authorities to request an investigation.

Right to Select Public or Private School

Whereas the introduced provided for the right of a parent to choose the educational setting for the parent's child, including public school, private school, or home school, the substitute provides for the right of a parent to choose a public school or private school, including a home school, for the parent's child.

ARTICLE 2: Employee and Service Provider Misconduct

Notice of Certain Law Enforcement Activities Against School Employees

The substitute includes provisions that were not in the introduced relating to the following:

- provision of notice of certain law enforcement activities against a public or private school employee by law enforcement agencies;
- compliance oversight relating to those notices;

- authorized sanctions against a person violating the confidentiality of such a notice; and
- confidentiality of and action on such a notice.

Notice to TEA Regarding Revocation of Certificate or Permit for Certain Misconduct

The substitute revises the statutory requirement for the SBEC to promptly notify TEA, for purposes of the registry, if the SBEC revokes a certificate or permit of a person on a finding that the person engaged in certain misconduct by setting a specific deadline by which the notice must be provided of not later than 24 hours after the revocation, whereas the introduced did not provide such a deadline.

Waiver of Criminal History Background Check Prohibited

The substitute includes a provision absent from the introduced prohibiting a district, district of innovation, charter school, other charter entity, regional education service center, or shared services arrangement from allowing a person to begin employment at the entity before the entity obtains criminal history record information as required under applicable state law.

Required Misconduct Reporting

Confidentiality

With respect to the provision establishing that a complaint, statement, recording, note, file, record, memorandum, or report that is received, obtained, or created by the SBEC or TEA relating to the review or investigation of certain allegations of misconduct is confidential and not subject to disclosure under state public information law, the substitute differs from the introduced as follows:

- whereas the introduced referenced complaints generally, the substitute references complaints from a member of the public specifically; and
- whereas the introduced referenced an allegation of misconduct involving a person who is an applicant for or holder of an educator certification or permit or for which a person is required to be included in TEA's registry, the substitute references an allegation of misconduct involving an employee of an educational provider or an educator or employee employed by or a service provider for an educational entity.

The introduced established that this confidentiality provision does not prohibit the disclosure of such information for purposes of a report required under provisions relating to educator certification, persons not eligible for employment in public schools, or employee and service provider misconduct, whereas the substitute establishes that this confidentiality provision does not prohibit the disclosure of those reports. The substitute also establishes that this confidentiality provision does not prohibit the disclosure of information required to be included in TEA's report relating to reported educator, employee, and service provider misconduct, whereas the introduced did not.

Educator Misconduct

The substitute does not include a provision of the introduced establishing that a superintendent or director of an educational entity is not required to notify or file a report with the SBEC for any reportable misconduct by an educator if the superintendent or director has reasonable cause to believe the educator who is alleged to have engaged in the misconduct is deceased.

Educational Entity Employee, Educational Provider Employee, or Service Provider Misconduct

While both the introduced and the substitute make statutory provisions establishing requirements to report certain misconduct by an employee of an educational entity who is not an educator also applicable to a service provider for an educational entity who has or will have direct contact with students, the substitute also makes those provisions applicable to a person

employed by an educational provider who provides educational services to a child participating in a program established by the comptroller, whereas the introduced did not. Accordingly, the substitute includes a definition of "educational provider" that did not appear in the introduced.

Both versions of the bill revise the circumstances under which a superintendent or director is required to notify the commissioner regarding misconduct of applicable employees and service providers to require notification if the superintendent becomes aware of evidence that an applicable person engaged in specified misconduct or obtained criminal history record information relating to such misconduct for the person. However, the introduced made the requirement applicable only with respect to misconduct with a student or minor relating to abuse, an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries, as described under provisions relating to educator misconduct reporting, whereas the substitute makes the requirement applicable with respect to any type of reportable misconduct described by those educator misconduct reporting provisions.

With respect to deadlines for principals and superintendents or directors to report misconduct by applicable employees and service providers, the introduced and the substitute differ in the following ways:

- whereas the introduced removed the requirement in current law for a principal to notify the applicable superintendent or director not later than the seventh business day after the date of an employee's termination of employment or resignation following an alleged incident of reportable misconduct, the substitute retains that requirement and makes it also applicable to cessation of services following such an incident;
- both versions require a principal or a superintendent or director to report misconduct with a student or minor relating to abuse, an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries not later than 48 hours after becoming aware of evidence of such misconduct, but regarding other deadlines for reports by superintendents or directors the versions differ as follows:
 - the introduced required a report to be filed not later than 48 hours after the superintendent or director receives notice from a principal, whereas the substitute requires reporting by that deadline only if the notice is about misconduct with a student or minor relating to abuse, an unlawful act, a romantic relationship, sexual contact, inappropriate communication, or failure to maintain appropriate boundaries and otherwise requires the report to be filed not later than the seventh business day after notice from a principal is received; and
 - the introduced required a report to be filed not later than 48 hours after the superintendent or director knew about the termination or resignation from employment or cessation of services of an applicable person following an alleged incident of reportable misconduct, whereas the substitute requires a report to be filed not later than the seventh business day after the date such knowledge is obtained; and
- the substitute includes the following requirements absent from the introduced that set deadlines with respect to criminal history record information relating to applicable misconduct:
 - a requirement for a principal to notify the applicable superintendent or director not later than the seventh business day after the date the principal knew about such information; and
 - a requirement for a superintendent or director to notify the commissioner not later than the seventh business day after the date of receiving notice from a principal or knowing about such information.

The substitute omits a provision of the introduced establishing that a superintendent or director is not required to notify TEA or file a report with TEA with respect to an applicable employee or service provider if the superintendent or director has reasonable cause to believe that the person who is alleged to have engaged in misconduct is deceased.

Notice of Alleged Misconduct; Investigation; Hearing

Both the introduced and the substitute revise the applicability of the procedures for notification, investigation, and hearing that apply to an employee of an educational entity who is not an educator and who is the subject of a report filed by a superintendent or director alleging certain misconduct with a student or minor or is identified as having engaged in such misconduct using the interagency reportable conduct search engine, but the versions differ in the following ways:

- while both versions make those procedures also applicable with respect to a service provider for an educational entity who has or will have direct contact with students, the substitute also extends them to a person employed by an educational provider who provides educational services to a child participating in a program established by the comptroller by virtue of the inclusion of such persons in the reporting requirement provisions; and
- the substitute includes as a condition triggering application of the procedures to a person that the person is the subject of a DFPS report received by TEA regarding child abuse or neglect in a public or private school.

Additionally, the substitute makes those procedures applicable to a person employed by or seeking employment in a private school who does not hold an educator certification or permit and who is the subject of a report that alleges misconduct under applicable provisions, whereas the introduced did not.

Preliminary Determination

Both the introduced and the substitute require the SBEC or TEA, to the extent feasible, to make a certain determination based on a preliminary review of an applicable misconduct report filed with the agency not later than the 30th day after the receipt of the report. However, the versions differ in the following ways:

- the substitute includes misconduct reports filed by the chief administrative officer of a private school among the reports to which that requirement applies, whereas the introduced did not; and
- whereas the introduced required the agency to make a determination regarding whether the person who is the subject of the report engaged in the alleged misconduct by that deadline, the substitute requires the following determinations to be made by that deadline:
 - if the person who is the subject of the report is an educator, a determination regarding whether a notice of alleged misconduct should be placed on the educator's public certification records; and
 - a determination whether the person should be placed on TEA's registry with an indication that the person is under investigation for alleged misconduct.

Persons Not Eligible for Employment or Provision of Services

Registry

The substitute omits provisions of the introduced that did the following:

- included a person who is determined by the SBEC, the commissioner, or another governmental body to have engaged in electioneering under a specified provision among those that the registry must list as not eligible to be employed by or act as a service provider for an educational entity; and
- required TEA to remove a person included in the registry on the basis of a determination that the person engaged in such electioneering not later than the following dates:
 - the third anniversary of the date on which the person was included in the registry if the person was the superintendent or director of an educational entity at the time the person was included in the registry; or

- the first anniversary of the date on which the person was included in the registry if the person held a position other than superintendent or director at the time the person was included in the registry.

Temporary Inclusion in Registry for Certain Arrests

The introduced authorized the commissioner to temporarily include a person who is employed by or acting as a service provider for an educational entity in the registry if the educator is arrested for an offense for which conviction or placement on deferred adjudication community supervision triggers revocation of an educator certificate. The substitute changes that authorization to a requirement to take such action.

Temporary Suspension of Certification or Permit Based on Continuing and Imminent Threat to Public Welfare

The substitute makes the following changes to the introduced version's authorization for the SBEC to temporarily suspend an educator's certification or permit if the SBEC, based on evidence or information presented to the SBEC regarding a complaint alleging misconduct by the educator, determines that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare:

- changes the authorization to a requirement to take such action; and
- replaces the specification that the board may take that action by a majority vote of the SBEC or of a five-person committee of SBEC members with a specification that the determination of the threat is made by such a majority vote.

Temporary Suspension of Certification or Permit for Certain Arrests

While the introduced authorized the SBEC, by a majority vote of the SBEC or of a five-person committee of SBEC members designated by the SBEC, to temporarily suspend an educator's certification or permit if the educator is arrested for an offense for which conviction or placement on deferred adjudication community supervision triggers revocation of an educator certificate, the substitute requires the SBEC to take that action and omits the reference to a vote threshold.

Quarterly TEA Report

Both versions require TEA, in cooperation with the SBEC and on a quarterly basis, to post on the TEA website a report on reported employee and service provider misconduct and require the report to be disaggregated by type of misconduct. However, the substitute makes the following changes to the introduced version's provisions regarding this report:

- explicitly includes educator misconduct in the report; and
- requires the report to include specified data relating to reports of alleged misconduct, preliminary reviews, formal investigations, and individuals sanctioned by the SBEC or placed on TEA's registry following a formal investigation and to include any other information as determined by the SBEC or commissioner.

Requirement to Report Misconduct: Private Schools

Both the introduced and the substitute revise statutory provisions relating to the reporting of misconduct by private school educators. However the substitute makes the following changes to those statutory provisions that the introduced version did not make:

- expands the applicability of those statutory provisions to include any person employed by or seeking employment in a private school; and
- removes the statutory provisions that do the following:
 - require the chief administrative officer of a private school to notify the SBEC if a private school educator has a criminal record and the private school obtained information about the educator's criminal record; and

- set the deadline for this notification as not later than the seventh business day after the date the officer knew that the educator has a criminal record.

The substitute includes a provision absent from the introduced requiring the commissioner to adopt rules as necessary to implement provisions regarding misconduct reporting for private schools.

Investigations of a Report of Child Abuse or Neglect

The substitute includes provisions not in the introduced that do the following:

- change the deadline by which a professional who has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of the offense of indecency with a child and has reasonable cause to believe that the child has been abused, must make a report from not later than the 48th hour after the hour the professional first has such reasonable cause to not later than the 24th hour after the hour the professional first has such reasonable cause;
- authorize the identity of an individual making a report of child abuse or neglect to be disclosed to TEA or the SBEC, on request by TEA or the SBEC, for certain purposes;
- revises the requirement for a DFPS representative receiving a report of child abuse or neglect through the toll-free hotline from an individual unwilling to provide their name and telephone number to notify the individual that their identity may be disclosed only to the entities specified in statute in order to reflect the authorized disclosure to TEA or the SBEC for those specified purposes; and
- provides for an exception to the requirement for DFPS's report on an investigation of a report of abuse or neglect of a child in a public or private school to be edited to protect the identity of the persons who made the report of abuse or neglect if TEA or the SBEC requests the identity of the persons who made the report.