

BILL ANALYSIS

S.B. 571
By: Bettencourt
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not include contractors or subcontractors as employees for whom employment eligibility is determined through the interagency reportable conduct search engine or the Do Not Hire registry established by the Texas Education Agency. S.B. 571 seeks to remedy this situation by providing for the placement on the registry of educational entity service providers, including contractors or subcontractors, who engage in certain misconduct and by prohibiting an educational entity from allowing a person listed on the registry to act as a service provider for the entity. Further, the bill expands the circumstances under which placement of a person on the registry is required and creates a mechanism for temporary placements while investigations take place.

S.B. 571 also seeks to strengthen mandatory misconduct reporting requirements by providing for notification to the state at the onset of knowledge of allegation of direct harm to a student so that the state can investigate from the beginning, rather than solely deferring to local investigation, and establishes requirements for the referral of allegations of misconduct to an appropriate law enforcement agency that is not a school district police department.

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 State Board for Educator Certification in SECTIONS 1.07, 1.23, and 1.27 of this bill and to the commissioner of education in SECTIONS 1.17, 1.18, and 1.27 of this bill.

ANALYSIS

S.B. 571 revises statutory provisions relating to the reporting and investigation of certain misconduct and child abuse and neglect.

Employee and Service Provider Misconduct Reporting Under Education Code

S.B. 571 amends the Education Code to consolidate and revise provisions in that code relating to misconduct reporting. In the provisions applicable to public school 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 the Texas Education Agency's (TEA) 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 or contracts with a person to provide educational services to a child participating in the education savings account program, including the following:
 - a certified educational assistance organization, as defined under applicable provisions relating to the program; and
 - an education service provider or vendor of educational products participating in the program;
- "education savings account program" as the education savings account program established by S.B. 2, 89th Legislature, Regular Session, 2025; and
- "service provider" as a person who provides services to an educational entity, including the following:
 - a contractor or subcontractor;
 - a provider of tutoring services;
 - an entity that has entered into a contract to operate a district campus;
 - a staffing provider; and
 - a person employed by or under the control of any of these listed providers.

Confidentiality

S.B. 571 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 State Board for Educator Certification (SBEC) or TEA relating to the review or investigation of an allegation of misconduct involving an employee of or contractor for 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 such information for purposes of an administrative or other legal proceeding brought under the Administrative Procedure Act or the disclosure of the following types of information:

- a report required under provisions establishing requirements to report misconduct by the following persons:
 - educators employed by educational entities;
 - employees or service providers of educational entities;
 - employees of private schools; or
 - persons who are employed by or contract with an educational provider to provide services to children participating in the education savings account program; or
- information required to be included in the quarterly report by TEA regarding reported educator, employee, contractor, and service provider misconduct, as provided under the bill's provisions.

Required Misconduct Reporting: Educational Entities

Requirement to Report Educator Misconduct

S.B. 571 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;

- expands the requirement to report an educator's involvement in a romantic relationship with a student or minor to also require reporting of an educator's solicitation of a romantic relationship with a student or minor; and
- includes the following as reportable misconduct:
 - engaging in inappropriate communications with a student or minor, as defined by SBEC rule; or
 - failing to maintain appropriate boundaries with a student or minor, as defined by SBEC rule.

S.B. 571 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 or solicited 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, as defined by SBEC rule; or
- failed to maintain appropriate boundaries with a student or minor, as defined by SBEC rule.

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

S.B. 571 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 reportable misconduct with a student or minor relating to abuse or an unlawful act, a romantic relationship, or sexual contact, 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.

S.B. 571 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 repeals the provision that requires the SBEC to develop and maintain such a portal.

S.B. 571 also repeals a statutory provision establishing that a superintendent or director is not required to notify or file a report with the SBEC if the superintendent or director completes an investigation into an 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 or resignation and determines the educator did not engage in the alleged incident.

S.B. 571 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 and the new reportable conduct of soliciting a romantic relationship with a student or minor. The bill does not subject the newly required reports of inappropriate communications and failure to maintain boundaries to this offense.

S.B. 571 establishes that its changes regarding the requirement to report educator misconduct 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 Employee or Service Provider Misconduct

S.B. 571 makes statutory provisions establishing requirements to report certain misconduct with a student or minor 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.

S.B. 571 revises the requirement for the superintendent or director of an educational entity to notify the commissioner of education regarding misconduct of an applicable person by doing the following:

- replacing the condition triggering the requirement that an applicable person was terminated or resigned and there is evidence of reportable misconduct with the condition that the superintendent or director becomes aware of evidence that an applicable person engaged in reportable misconduct or obtains criminal history record information relating to such misconduct for the person;
- expanding the type of misconduct that must be reported to include engaging in inappropriate communications with a student or minor or failing to maintain appropriate boundaries with a student or minor, as described under provisions regarding educator misconduct reporting for educational entities; and
- replacing the existing descriptions of misconduct with a student or minor relating to abuse, an unlawful act, a romantic relationship, or sexual contact with references to the description of such misconduct under provisions relating to educator misconduct reporting for educational entities, thereby making the bill's changes in those provisions regarding the conduct constituting abuse or an unlawful act and the inclusion of solicitation of a romantic relationship with a student or minor also applicable to misconduct reporting for employees and service providers.

The bill revises 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 reportable misconduct, despite the person's resignation from employment before completion of the investigation, to account for the new reportable conduct and to clarify that the investigation requirement also applies despite the person's termination from employment or cessation of services for the entity.

S.B. 571 makes the following changes with respect to reporting deadlines:

- replaces the requirement for 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 the seventh business day after the date of an employee's termination of employment or resignation following an alleged incident of reportable misconduct with a requirement for such a principal to provide notification not later than 48 hours after the principal becomes aware of evidence of an alleged incident of reportable misconduct; and
- changes the deadline by which a superintendent or director must file a report with the commissioner from not later than the seventh business day after the date the superintendent or director receives a report from a principal or knew about an employee's termination or resignation following an alleged incident of reportable misconduct to not later than 48 hours after the superintendent or director:
 - receives notice from a principal;
 - knew about the termination or resignation from employment or cessation of services of an applicable person following an alleged incident of reportable misconduct; or
 - becomes aware of evidence of reportable misconduct.

The bill 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.

S.B. 571 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 and the new reportable conduct of soliciting a romantic relationship with a student or minor. The bill does not subject the newly required reports of inappropriate communications and failure to maintain boundaries to this offense.

S.B. 571 establishes that its changes regarding the requirement to report misconduct by an 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

S.B. 571 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

S.B. 571 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 of persons not eligible to be employed by or act as a service provider for an educational entity. 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

S.B. 571 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 communications, 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 of persons not eligible to be employed by or act as a service provider for an educational entity;
- employed or is currently employed by or has acted or is currently acting as a service provider for a public or private school; or
- 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.

S.B. 571 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 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 misconduct with a student or minor relating to abuse, an unlawful act, a romantic relationship, or sexual contact or is identified as having engaged in such misconduct using the interagency reportable conduct search engine. S.B. 571 revises the applicability of those procedures as follows:

- makes the procedures applicable to service providers for an educational entity who have or will have direct contact with students, in addition to employees of such an entity, and revises the conditions that trigger the application of the procedures to these employees and service providers as follows:
 - includes the new reportable conduct involving inappropriate communications or failure to maintain appropriate boundaries with a student or minor as applicable types of misconduct;
 - includes the person being the subject of a complaint filed with TEA alleging an applicable type of misconduct; and
 - includes the person being the subject of a Department of Family and Protective Services (DFPS) report received by TEA under Family Code provisions relating to investigations of child abuse or neglect in schools; and
- makes the 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 provisions relating to required misconduct reporting for private schools.

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 misconduct

with a student or minor relating to abuse or an unlawful act, engaging in inappropriate communications, or failing to maintain appropriate boundaries.

Preliminary Determination

S.B. 571 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 of misconduct filed with that entity by a superintendent or director of an educational entity, the chief administrative officer of a private school, or the comptroller of public accounts not later than the 30th day after 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 regarding whether the person should be placed on TEA's registry of persons not eligible to be employed by or act as a service provider for an educational entity with an indication that the person is under investigation for alleged misconduct.

Issuance of Subpoenas

S.B. 571 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

S.B. 571 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 communications, or failure to maintain appropriate boundaries, unless the person agrees to be included in TEA's registry of persons not eligible to be employed by or act as a service provider for an educational entity.

Persons Not Eligible for Employment or Provision of Services

Registry

S.B. 571 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.

S.B. 571 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 communications or failure to maintain appropriate boundaries; and
- a person temporarily included in the registry based on continuing and imminent threat to 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.

S.B. 571 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.

S.B. 571 includes the following among the entities to whom TEA must provide equivalent access to the registry:

- all educational entities, rather than only 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.

S.B. 571 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. The bill 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.

S.B. 571 expands the requirement for the SBEC to promptly notify TEA, for purposes of the registry, if the SBEC revokes an educator certificate or permit of a person 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 to also apply to revocations on a finding that a person engaged in reportable conduct with a student or minor relating to inappropriate communications or failure to maintain appropriate boundaries.

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

S.B. 571 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 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

S.B. 571 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 person 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

S.B. 571 requires TEA to take the following actions:

- refer to an appropriate law enforcement agency any allegation of misconduct that results in the inclusion of a person in TEA's registry that has not already been referred to a law enforcement agency;
- refer any allegation of misconduct to an appropriate law enforcement agency if TEA believes the allegation includes evidence of criminal conduct; and
- maintain a record of each allegation of misconduct referred to a law enforcement agency under these provisions.

The bill specifies that, for purposes of these provisions, "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.

Internet Portal

S.B. 571 updates the requirement for TEA to develop and maintain an Internet portal through which reports of misconduct by employees other than educators are filed to reflect the bill requiring submission through that portal of reports relating to misconduct by educators employed by educational entities, by an employee or service provider of an educational entity, by private school employees, or by a person who is employed by or contracts with an educational provider to provide educational services to a child participating in the education savings account program. The bill requires the portal to comply with any requirements adopted by the SBEC for filing reports of misconduct by educators and private school employees.

TEA Investigation and Compliance Monitoring

S.B. 571 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.

S.B. 571 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 communications, 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

S.B. 571 revises the applicability of statutory provisions relating to the denial or revocation of an educator certification based on a conviction of or placement on deferred adjudication community supervision for certain offenses, as follows:

- includes a conviction or 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 in accordance with SBEC rules 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.

S.B. 571 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

S.B. 571 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 requirement:

- 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 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

S.B. 571 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

S.B. 571 requires TEA, in cooperation with the SBEC and on a quarterly basis, to post on the TEA website a report on reported educator, employee, contractor, 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 and Educational Providers

Private Schools

S.B. 571 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, an unlawful act, a romantic relationship, sexual contact, inappropriate communications, 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.

Educational Providers

S.B. 571 provides for the reporting of certain misconduct by a person who is employed by or contracts with an educational provider to provide educational services to a child participating in the education savings account program. The bill requires the comptroller, in addition to the child abuse and neglect reporting requirements under the Family Code, to notify the SBEC and the commissioner if the comptroller:

- becomes aware of evidence that an applicable person engaged in reportable misconduct with a student or minor relating to abuse or an unlawful act, a romantic relationship, sexual contact, inappropriate communications, or failure to maintain appropriate boundaries, as described under provisions regarding educator misconduct reporting for educational entities; or
- obtains criminal history record information relating to such misconduct for an applicable person.

The bill requires the comptroller to notify the SBEC and the commissioner by filing a report with the SBEC and the commissioner not later than 48 hours after the comptroller knew about the termination or resignation from employment or cessation of service of an applicable person by the person's educational provider following an alleged incident of reportable misconduct or after the comptroller becomes aware of evidence of such misconduct. The bill requires the report to be in writing, in a form prescribed by the commissioner, and filed through the Internet portal developed and maintained by TEA for misconduct reports.

S.B. 571 requires the comptroller to notify the person who is the subject of the report and the person's educational provider of the filing of the report. The bill requires the name of a student

or minor who is the victim of abuse or unlawful conduct to be included in the report to the SBEC and the commissioner but establishes that the name is not public information under state public information law. The bill requires the comptroller to require an educational provider, as a condition of participating in the education savings account program, to provide information, in the manner and form prescribed by the comptroller, necessary for the comptroller to comply with the bill's provisions relating to educational provider misconduct reporting. The bill requires the SBEC to propose rules and the commissioner to adopt rules as necessary to implement those bill provisions and establishes that those bill provisions apply beginning with the 2026-2027 school year.

Special Investigations

S.B. 571 makes the commissioner's authority to authorize a special investigation to be conducted 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 TEA. Additionally, the bill includes as grounds for a special investigation the failure of a district to timely submit a required report regarding a person who is required to be reported to the SBEC or TEA, as applicable, for certain misconduct.

Notice by Court Clerk Under Code of Criminal Procedure

S.B. 571 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 Under Family Code

S.B. 571 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 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.

S.B. 571 shortens the deadline by which a professional must make a report of child abuse or neglect if the professional 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 the professional has reasonable cause to believe that the child has been abused, from not later than the 48th hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of that offense to not later than the 24th hour after the hour the professional first has such reasonable cause.

S.B. 571 expands the circumstances under 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 a required report of child abuse or neglect; or
- compliance monitoring regarding TEA's registry, conducting an investigation of allegations of certain educator misconduct, or conducting a review of an investigation conducted by an educational entity involving allegations of such misconduct.

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 under the circumstances specified in statute. The bill revises 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 by establishing an exception to the requirement if TEA or the SBEC requests the identity of the persons who made the report for the aforementioned purposes.

S.B. 571 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.

S.B. 571 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.

Repealed Provisions

S.B. 571 repeals the following provisions of the Education Code:

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

Conforming Changes

S.B. 571 makes conforming changes to the Education Code and the Health and Safety Code.

Procedural Provisions

S.B. 571, except as otherwise provided, applies beginning with the 2025-2026 school year.

S.B. 571 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.

EFFECTIVE DATE

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