

## **BILL ANALYSIS**

Senate Research Center  
89R25946 MEW-D

C.S.S.B. 571  
By: Bettencourt et al.  
Education K-16  
4/29/2025  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Differences between the Committee Substitute and S.B. 571 as Filed:

Expands offenses that result in Do Not Hire (DNH) registry placement:

DNH placement will now include:

- Had inappropriate communications with a student
- Failed to maintain appropriate boundaries with a student
- Physically mistreated or threatened violence to a student

Expands mandatory employment termination and loss of certification (with subsequent DNH placement) to include conviction or deferred adjudication for:

- felony offenses against a person now including victims over 18 (Penal Code Title 5)
- felony offenses of public indecency (Penal Code Chapter 43)
- improper relationship between educator and student (Penal Code 21.12)
- For certified individuals, automatic placement on DNH registry if their license is denied or revoked for any reason (e.g., could include egregious failure to report involving attempted cover-up)
- For certified individuals, automatic placement on DNH registry for suspensions (excluding contract abandonment) for the duration of the suspension (e.g., could include egregious failure to report)

Strengthens mandatory reporting requirements to include notification to state at onset of knowledge of allegation of direct harm to student so that state can investigate from the beginning, rather than solely deferring to local investigation:

- Requires reporting within 48 hours from the principal to the superintendent when student harm is suspected
- Requires reporting within 48 hours from superintendent to State Board for Educator Certification/Texas Education Agency (SBEC/TEA) when student harm is suspected
- Requires reporting within 48 hours from private school director to SBEC when student harm is suspected
- Requires reporting of an allegation of student harm even if employment separation does not occur, making reporting begin at the onset of any district investigation

Given requirement to report at the beginning of investigation, repeals prior exemption so there is now a requirement for superintendents to report an allegation of student harm even if an internal investigation is completed that disproves the allegation

Requires reporting from superintendents when there are individuals suspected of misconduct involving student harm who are under the control of a service provider working for school system

Requires mandatory disclosure from individuals applying for any job in a school system whether they have ever been investigated or convicted of a crime involving student harm

DNH prohibitions expanded to subcontractors/volunteers:

- Expands access to DNH registry to service providers working for school systems, including in-district charter operators
- Creates requirement for service providers not to hire/use DNH individuals at school events/locations

Suspensions: Creates mechanism for suspension (as opposed to permanent) DNH registry placement for specific kinds of misconduct (including failure to report

Agency will follow same rules as SBEC for temporary versus permanent DNH

Strengthened oversight DNH compliance and state investigations:

- Requires TEA to ensure local investigations follow appropriate investigative procedure, and TEA can conduct investigations on behalf of local districts
- Requires TEA to report misconduct to law enforcement agencies
- Requires districts to certify that they check the DNH registry
- Expands TEA investigation authority to include failure to timely report to the agency
- While certified individuals are under investigation, ensure that an under investigation notice also appears on DNH registry
- Prevent SBEC from accepting a voluntary certification surrender when the individual has an allegation of misconduct involving student harm
- Require TEA to report quarterly statistics on misconduct complaints and investigations

Aligns due process provisions for accused with other changes in the bill, and expands due process to any other agency investigations of individuals

Certain statutory cleanups:

- Makes consistent the definition of educational entities required to report misconduct
- Prohibits SBEC or a school district from granting a certification to a person who is convicted of a crime that would automatically revoke a certification

Certain efficiency improvements:

- Eliminates requirement to report for DNH placement related to individuals who have died
- Requires reports, subpoenas, etc. to be filed using the agency portal (applies to both public and private)
- Extends explicit confidentiality to investigations, given that current law requires seeking AG opinion each time

C.S.S.B. 571 amends current law relating to the reporting and investigation of certain misconduct and child abuse and neglect, and creates a criminal offense.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Education Agency is transferred to the commissioner of education in SECTION 1.17 (Section 22A.151, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1.17 (Section 22A.151, Education Code), SECTION 1.18 (Sections 22A.152 and 22A.153, Education Code), and SECTION 1.27 (Section 22A.302, Education Code) of this bill.

Rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 1.23 (Sections 22A.202 and 22A.203, Education Code) and SECTION 1.27 (Section 22A.302, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### **ARTICLE 1. REPORTING OF MISCONDUCT**

SECTION 1.01. Amends Article 42.018(a), Code of Criminal Procedure, as follows:

(a) Provides that Article 42.018 (Notice Provided by Clerk of Court) applies only to:

(1) conviction or deferred adjudication community supervision granted on the basis of:

(A) creates this paragraph from existing text and makes no further changes;

(B) an offense under Section 21.12 (Improper Relationship Between Educator and Student) or 43.24 (Sale, Distribution, or Display of Harmful Material to Minor), Penal Code;

(C) a felony offense under Chapter 43 (Public Indecency), Penal Code;

(D) a felony offense involving school property; or

(E) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A), (B), (C), or (D); or

(2) conviction of:

(A) a felony offense under Title 5 (Offenses Against the Person), Penal Code, rather than an offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or

(B) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A).

Deletes text of existing Subdivision (3) providing that this article applies only to conviction or deferred adjudication community supervision granted on the basis of an offense under Section 43.24.

SECTION 1.02. Amends Subtitle D, Title 2, Education Code, by adding Chapter 22A, and adding a heading to that chapter, to read as follows:

#### CHAPTER 22A. EMPLOYEE AND SERVICE PROVIDER MISCONDUCT

SECTION 1.03. Amends Chapter 22A, Education Code, as added by this Act, by adding Subchapter A, and adding a heading to that subchapter, to read as follows:

#### SUBCHAPTER A. GENERAL PROVISIONS

SECTION 1.04. Transfers Section 21.006(a), Education Code, to Subchapter A, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.001, and amends it, as follows:

Sec. 22A.001. DEFINITIONS. Redefines "abuse" and defines "board," "educational entity," "educational provider," "education savings account program," "registry," and "service provider."

SECTION 1.05. Amends Subchapter A, Chapter 22A, Education Code, as added by this Act, by adding Section 22A.002, as follows:

Sec. 22A.002. CONFIDENTIALITY. (a) Provides that, unless disclosure is required by other law and except as provided by Subsection (b), 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 the Texas Education Agency (TEA) relating to the review or investigation of an allegation of misconduct under this chapter involving an employee 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 Chapter 552 (Public Information), Government Code.

(b) Provides that Subsection (a) does not prohibit the disclosure of:

- (1) a report required under Section 22A.051, 22A.052, 22A.301, or 22A.302;
- (2) information described by Subsection (a) for purposes of an administrative or other legal proceeding brought under Chapter 2001 (Administrative Procedure), Government Code; or
- (3) information required to be included in the report under Section 22A.251.

SECTION 1.06. Amends Chapter 22A, Education Code, as added by this Act, by adding Subchapter B and adding a heading to that subchapter, to read as follows:

#### SUBCHAPTER B. REQUIRED MISCONDUCT REPORTING

SECTION 1.07. Transfers Sections 21.006(b), (b-1), (b-2), (c), (c-1), (d), (e), (f), (g), (h), (i), (j), and (k), Education Code, to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignates them as Section 22A.051, Education Code, and amends them, as follows:

Sec. 22A.051. REQUIREMENT TO REPORT EDUCATOR MISCONDUCT TO BOARD. (a) Redesignates existing Subsection (b) as Subsection (a). Requires the superintendent or director of an educational entity, rather than a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement, in addition to the reporting requirement under Section 261.101 (Persons Required to Report; Time to Report), Family Code to notify SBEC if:

- (1) an educator employed by or seeking employment by the entity, rather than the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement, has a criminal record and the entity, rather than the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement, obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established under Section 411.0845 (Criminal History Clearinghouse), Education Code;
- (2) an educator's employment at the entity, rather than the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement, was terminated and there is evidence that the educator:
  - (A) 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 Chapter 9 (Justification Excluding Criminal Responsibility), Penal Code, regardless of whether the conduct resulted in bodily injury;
  - (B) redesignates existing Paragraph (A-1) as Paragraph (B) and makes no further changes;

(C) engaged in inappropriate communications with a student or minor, as defined by SBEC rule;

(D) failed to maintain appropriate boundaries with a student or minor, as defined by SBEC rule;

(E) redesignates existing Paragraph (B) as Paragraph (E) and makes no further changes;

(F) redesignates existing Paragraph (C) as Paragraph (F) and makes conforming changes;

(G) redesignates existing Paragraph (D) as Paragraph (G) and makes no further changes; or

(H) redesignates existing Paragraph (E) as Paragraph (H) and makes no further changes;

(3) makes no changes to this subdivision;

(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by Subdivision (2)(A), (B) (relating to providing that there is evidence that the educator was involved in a romantic relationship or sexual contact with a student or minor), (C), or (D); or

(5) redesignates existing Subdivision (4) as Subdivision (5) and makes no further changes.

Deletes existing text creating an exception under Subsection (c-2) (relating to providing that an educational entity is not required to notify SBEC or file a report in certain circumstances).

(b) Redesignates existing Subsection (b-1) as Subsection (b). Requires 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 misconduct described Subsection (a)(2)(A), (B), (C), or (D), rather than (b)(2)(A) or (A-1), despite the educator's resignation from employment before completion of the investigation. Makes a conforming change.

(c) Redesignates existing Subsection (b-2) as Subsection (c). Requires the principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus to notify the superintendent or director of the district, school, or entity, rather than school district, district of innovation, charter school, or other charter entity:

(1) except as provided by Subdivision (2), not later than the seventh business day after the date:

(A) of an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (a), rather than (b); or

(2) the principal knew about an educator's criminal record under Subsection (a)(1); or

(2) not later than 48 hours after the principal becomes aware of evidence of misconduct described by Subsection (a)(2)(A), (B), (C), or (D), rather than (b)(1).

Makes nonsubstantive changes to this subsection.

(d) Redesignates existing Subsection (c) as Subsection (d). Requires the superintendent or director to notify SBEC by filing a report with SBEC:

(1) except as provided by Subdivision (2), not later than the seventh business day after the date the superintendent or director:

(A) receives notice from a principal under Subsection (c), rather than a report from a principal under Subsection (b-2);

(B) knew about an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (a) or an educator's, rather than Subsection (b) or an employee's, criminal record under Subsection (a)(1); or

(2) not later than 48 hours after the superintendent or director receives notice from a principal under Subsection (c) or became aware of evidence of misconduct described by Subsection (a)(2)(A), (B), (C), or (D), rather than (b)(1).

Deletes existing text creating an exception under Subsection (c-2).

(e) Redesignates existing Subsection (c-1) as Subsection (e). Requires that the report under Subsection (d), rather than (c), be in writing, in a form prescribed by SBEC, and filed through the Internet portal developed and maintained by TEA under Section 22A.155, rather than authorizes the report to be filed through the Internet portal developed and maintained by SBEC under Subsection (g-1). Makes nonsubstantive changes.

(f) Redesignates existing Subsection (d) as Subsection (f). Requires the superintendent or director to notify the board of trustees or governing body of the education entity and the educator of the filing of the report required by Subsection (d), rather than Subsection (c).

(g)-(i) Redesignates existing Subsections (e)-(g) as Subsections (g)-(i) and makes conforming changes.

(j) Redesignates existing Subsection (h) as Subsection (j) and makes no further changes.

(k) Redesignates existing Subsection (i) as Subsection (k) and makes conforming changes.

(l) Redesignates existing Subsection (j) as Subsection (l). Provides that a superintendent or director required to file a report under Subsection (d) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct described by certain provisions of Subsection (a). Makes conforming changes.

(m) Redesignates existing Subsections (k) as Subsections (m) and makes a conforming change.

SECTION 1.08. Transfers Section 22.093, Education Code, to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.052, Education Code, and amends it, as follows:

Sec. 22A.052. New heading: REQUIREMENT TO REPORT EMPLOYEE OR SERVICE PROVIDER MISCONDUCT TO AGENCY. (a) Redesignates existing

Subsection (b) as Subsection (a). Provides that this section applies to a person who is employed by an educational entity, rather than a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service, or shared services arrangement, and who does not hold a certification or permit issued under Subchapter B, Chapter 21, or a service provider for an educational entity who has or will have direct contact with students.

(b) Redesignates existing Subsection (c) as Subsection (b). Requires the superintendent or director of an educational entity, in addition to the reporting requirements under Section 261.101 (Persons Required to Report; Time to Report), Family Code, to notify the commissioner of education (commissioner) if the superintendent or director:

(1) becomes aware of evidence that a person described by Subsection (a) engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D); or

(2) obtained criminal history record information relating to misconduct described by Subdivision (1) for a person described by Subsection (a).

Deletes existing text requiring the superintendent or director of an educational entity to notify the commissioner if an employee's employment at the school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement was terminated and there is evidence that the employee 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 conduct with a student or minor, or the employee resigned and there is evidence that the employee engaged in misconduct described by Subdivision (1). Makes conforming and nonsubstantive changes.

(c) Redesignates existing Subsection (d) as Subsection (c). Requires a superintendent or director of an educational entity to complete an investigation of a person described by Subsection (a) that involves evidence that the person may have engaged in misconduct described by Subsection (b)(1), rather than an investigation of an employee that involves evidence that the employee may have engaged in misconduct described by Subsection (c)(1)(A) or (B), despite the person's termination of or resignation from employment, rather than the employee's resignation from employment, or cessation of services for the entity, before the completion of the investigation. Makes conforming changes.

(d) Redesignates existing Subsection (e) as Subsection (d). Requires the principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus to notify the superintendent or director of the district, school, or entity not later than 48 hours after the principal becomes aware, rather than not later than the seventh business day after the date of an employee's termination of employment or resignation following, an alleged incident of misconduct described by Subsection (b)(1). Makes conforming changes.

(e) Redesignates existing Subsection (f) as Subsection (e). Requires the superintendent or director of an educational entity to notify the commissioner by filing a report with the commissioner not later than 48 hours after the superintendent or director receives notice from a principal under Subsection (d), knew about the termination of or resignation from employment or cessation of services of a person described by Subsection (a) for the entity following an alleged incident of misconduct described by Subsection (b)(1), or became aware of evidence of misconduct described by Subsection (b)(1).

Deletes existing text requiring the superintendent or director to notify the commissioner by filing a report with the commissioner not later than the seventh business day after the date the superintendent or director receives a report from a

principal under Subsection (e) or knew about an employee's termination or employment or resignation following an alleged incident of misconduct described by Subsection (c)(1)(A) or (B). Makes nonsubstantive changes.

(f) Requires that the report under Subsection (e) be in writing, in a form prescribed by the commissioner, and filed through the Internet portal developed and maintained by TEA under Section 22A.155.

(g) Requires the superintendent or director to notify the board of trustees or governing body of the educational entity and the person who is the subject of the report required under Subsection (e) of the filing of the report required by that subsection, rather than the employee of the filing of the report required by Subsection (f).

(h)-(i) Makes conforming and nonsubstantive changes to these subsections.

(j) Requires that the name of a student or minor who is the victim of abuse or unlawful conduct, rather than victim of abuse or unlawful conduct by an employee, be included in a report filed under this section, but the name of the student or minor is not public information under Chapter 552, Government Code.

(k)-(l) Makes conforming changes to these subsections.

(m) Makes no changes to this subsection.

Deletes text of existing Subsection (a) defining "abuse."

SECTION 1.09. Transfers Section 21.0061, Education Code, to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.053, Education Code, and amends it, as follows:

Sec. 22A.053. New heading: NOTICE TO PARENT OR GUARDIAN ABOUT MISCONDUCT. (a) Requires 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 a person employed by or acting as a service provider for the entity, rather than an educator, is alleged to have engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D) informing the parent or guardian that the alleged misconduct occurred, whether the person, rather than educator, was terminated, following an investigation of the alleged misconduct or resigned before completion of the investigation, and whether a report was submitted to TEA or SBEC concerning the alleged misconduct. Makes conforming and nonsubstantive changes.

(b) Requires that the policy required by this section require that information specified by Subsection (a)(1) (relating to requiring that a notice be provided to parents include information on whether the person who was being investigated was terminated or resigned) be provided as soon as feasible after the educational, rather than employing, entity becomes aware that alleged misconduct may have occurred.

Deletes text of existing Subsection (c) defining "other charter entity."

SECTION 1.10. Transfers Sections 21.007 and 21.009, Education Code, to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignates them as Sections 22A.054 and 22A.055, Education Code, and amends them, as follows:

Sec. 22A.054. New heading: NOTICE ON CERTIFICATION RECORD OF ALLEGED MISCONDUCT; INCLUSION IN REGISTRY. (a) Redesignates existing Subsection (b) as Subsection (a) and makes no further changes.



(b) Redesignates existing Subsection (c) as Subsection (b). Requires SBEC to notify certain persons, including TEA for purposes of placing the educator on the registry in accordance with Subsection (c). Makes nonsubstantive changes.

(c) Requires TEA, on receiving a notification under Subsection (b), to immediately place the educator on the registry and include information indicating the educator is under investigation for alleged misconduct.

(d) Makes no changes to this subsection.

(e) Requires SBEC, if it is determined that the educator has not engaged in the alleged incident of misconduct, to immediately take certain actions, including notify TEA to remove the educator from the registry. Makes nonsubstantive changes.

(f) Makes no changes to this subsection.

Deletes text of existing Subsection (a) defining "board."

Sec. 22A.055. New heading: PRE-EMPLOYMENT OR PRE-SERVICE AFFIDAVIT.

(a) Requires a person applying for employment with or who will act as a service provider for an educational entity to 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, conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D); investigated by a licensing authority or had a license, certificate, or permit denied, suspended, revoked, or subject to another sanction in this state or another state for conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D); included in the registry; 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.

Deletes existing text requiring an applicant to submit 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. Makes conforming and nonsubstantive changes.

(b) Requires a person who answers affirmatively concerning an action listed under Subsection (a) to disclose in the affidavit all relevant facts known to the person pertaining to the matter, including, if applicable to the action, whether the allegation, rather than pertaining to the charge, adjudication, or conviction, including, for a charge, whether the allegation, rather than charge, was determined to be true or false. Makes conforming and nonsubstantive changes.

(c) Provides that a person or service provider, rather than an applicant, is not precluded from being employed by or providing services to an educational entity based on a disclosed allegation if the entity determines based on the information disclosed in the affidavit that the allegation was false. Makes conforming changes.

(d) Provides that a determination that an employee or person providing services failed to disclose information required to be disclosed by a person under this section is grounds for termination of employment or service. Makes a conforming change.

(e) 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 under Subsection (d).

(f) Authorizes SBEC to revoke the certificate of an administrator if SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under Subsection (a), rather than the administrator employed an applicant for a position described by Section 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor. Makes a nonsubstantive change.

(g) Provides that a person commits an offense if the person fails to disclose information required to be disclosed under Subsection (a). Provides that an offense under this subsection is a Class B misdemeanor.

SECTION 1.11. Amends Chapter 22A, Education Code, as added by this Act, by adding Subchapter C, and adding a heading to that subchapter, to read as follows:

SUBCHAPTER C. INVESTIGATION OF MISCONDUCT

SECTION 1.12. Transfers Section 22.094, Education Code, to Subchapter C, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.101, Education Code, and amends it, as follows:

Sec. 22A.101. NOTICE OF ALLEGED MISCONDUCT; INVESTIGATION; HEARING. (a) Provides that this section applies to:

(1) a person described by Section 22A.052(a) who is:

(A) the subject of a report that alleges misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

(B) identified as having engaged in misconduct described by Paragraph (A) using the interagency reportable conduct search engine established under Chapter 810 (Interagency Reportable Conduct Search Engine), Health and Safety Code;

(C) the subject of a complaint alleging misconduct described by Paragraph (A) filed with TEA; or

(D) the subject of a Department of Family and Protective Services report received by TEA under Section 261.406 (Investigation in Schools), Family Code; or

(2) a person employed by or seeking employment in a private school who does not hold a certification or permit issued under Subchapter B (Certification of Educators), Chapter 21 (Educators), and who is the subject of a report that alleges misconduct described by Section 22A.301.

Makes conforming and nonsubstantive changes to this subsection.

(b) Creates this subsection from existing text. Provides that a person to whom this section applies is entitled to a hearing on the merits of the allegations of misconduct under procedures provided by Chapter 2001, Government Code, to contest the allegation on the report, search engine, or complaint. Makes nonsubstantive changes.

(c) Redesignates existing Subsection (b) as Subsection (c). Requires the commissioner, on receiving a report or complaint, rather than a report filed under Section 22.093(f) or making an identification described by Subsection (a), to promptly send to the person who is the subject of the report or identification a notice that includes:

(1) a statement informing the person that the person is required to request a hearing on the merits of the allegations of misconduct within the period provided by Subsection (d) (relating to requiring a person entitled to a hearing to request a hearing and submit a written response), rather than (c);

(2) a request that the person submit a written response within the period provided by Subsection (d), rather than (c), to show cause why the commissioner should not pursue an investigation; and

(3) a statement informing the person that if the person does not timely submit a written response to show cause as provided by Subdivision (2), requires TEA to provide information indicating the person is under investigation in the manner provided by Subsection (e), rather than (d).

(d) Redesignates existing Subsection (c) as Subsection (d) and makes conforming changes.

(e) Redesignates existing Subsection (d) as Subsection (e). Requires the commissioner, if a person who receives notice provided under Subsection (c) does not timely submit a written response to show cause why the commissioner should not pursue an investigation, to instruct TEA to make available through the Internet portal developed and maintained by TEA under Section 22A.155, rather than 22.095, information indicating that the person is under investigation for alleged misconduct. Makes a conforming change.

(f) Redesignates existing Subsection (e) as Subsection (f). Requires the commissioner, if a person entitled to a hearing under Subsection (b), rather than Subsection (a), does not request a hearing as provided by Subsection (d) to:

(1) based on the report filed under Section 22A.052(e), the complaint alleging misconduct, or the identification described by Subsection (a), make a determination whether the person engaged in misconduct; and

(2) if the commissioner determines that the person engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), instruct TEA to add the person's name to the registry.

Makes conforming changes to this subsection.

(g) Redesignates existing Subsection (f) as Subsection (g) and makes conforming changes.

(h) Redesignates existing Subsection (g) as Subsection (h) and makes conforming changes.

(i) Requires the commissioner, in adopting rules, to follow any guidelines adopted by SBEC regarding sanctions for misconduct described by Section 22A.051(a)(2)(A), (C), or (D). Makes a nonsubstantive change.

SECTION 1.13. Amends Subchapter C, Chapter 22A, Education Code, as added by this Act, by adding Section 22A.102, as follows:

Sec. 22A.102. PRELIMINARY DETERMINATION. Requires SBEC or TEA, to the extent feasible, not later than the 30th day after receipt of a report under certain provisions of Chapter 22A, as applicable, based on a preliminary review of the report, to make a determination regarding whether:

- (1) if the person who is the subject of the report is an educator, a notice of alleged misconduct should be placed on the educator's public certification records under Section 22A.054; and
- (2) the person should be placed on the registry under Section 22A.151 with an indication that the person is under investigation for alleged misconduct.

SECTION 1.14. Transfers Section 21.062, Education Code, to Subchapter C, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.103, Education Code, and amends it, as follows:

Sec. 22A.103. ISSUANCE OF SUBPOENAS. (a) Authorizes the commissioner, during an investigation by the commissioner of an educator or person who is employed by or providing services to an educational entity for an alleged incident of misconduct, to issue a subpoena to compel:

- (1) the attendance of a relevant witness; or
  - (2) the production, rather than the production, for inspection or copying, of relevant evidence that is located in this state.
- (a-1) Requires that the response to a subpoena described by Subsection (a)(2) be submitted through the Internet portal developed and maintained by TEA under Section 22A.155 unless the commissioner authorizes a different method of submission.
- (b) Authorizes a subpoena to be served personally, electronically, or by certified mail.
- (c)-(d) Makes no changes to these subsections.
- (e) Makes a conforming change to this subsection.

SECTION 1.15. Amends Subchapter C, Chapter 22A, Education Code, as added by this Act, by adding Section 22A.104, as follows:

Sec. 22A.104. RESTRICTION ON SURRENDER OF CERTIFICATE OR PERMIT PENDING INVESTIGATION. Prohibits SBEC, if a person issued a certificate or permit under Subchapter B, Chapter 21, attempts to surrender the certificate or permit while SBEC is investigating an allegation that the person engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), from accepting the surrender unless the person agrees to be included in the registry.

SECTION 1.16. Amends Chapter 22A, Education Code, as added by this Act, by adding Subchapter D, and adding a heading to that subchapter, to read as follows:

SUBCHAPTER D. PERSONS NOT ELIGIBLE FOR EMPLOYMENT OR PROVISION OF SERVICES

SECTION 1.17. Transfers Section 22.092, Education Code, to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.151, Education Code, and amends it, as follows:

- Sec. 22A.151. New heading: REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN OR PROVISION OF SERVICES TO EDUCATIONAL ENTITIES.
- (a) Makes conforming changes to this subsection.
  - (b) Requires an educational entity to discharge or refuse to hire, or terminate or refuse to accept services from, a person listed on the registry, rather than a person listed on the registry maintained under this section. Makes a conforming change.

(c) Prohibits an educational entity from allowing a person who is listed on the registry to act as a service provider for the entity.

(d) Creates this subsection from existing text. Requires that the registry list the following persons as not eligible to be employed by or act as a service provider for an educational entity, rather than be employed by public schools:

(1)-(2) makes no changes to these subdivisions;

(3) a person who is not eligible for employment based on criminal history record information received by TEA under Section 22A.201(b), rather than Section 21.058(b);

(4) a person whose certification or permit, or application for a certification or permit, issued under Subchapter B, Chapter 21, is denied or revoked by SBEC and who has not been issued a certificate or permit under that subchapter subsequent to that denial or revocation, rather than a person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Section 21.006(b)(2)(A) or (A-1);

(5) a person whose certification or permit issued under Subchapter B, Chapter 21, is suspended by SBEC for a reason other than under Section 21.105(c), 21.160(c), or 21.210(c), for the period of the suspension;

(6) a person who is determined by the commissioner under Section 22A.101, rather than 22.094, to have engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), rather than Section 22.093(c)(1)(A) or (B); and

(7) a person temporarily included in the registry under Section 22A.152 or 22A.153 for the term of the placement.

(e) Requires that the registry include information indicating whether a person's listing in the registry expires. Provides 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 certification or permit under Subchapter B, Chapter 21, has been reinstated.

(f) Redesignates existing Subsection (d) as Subsection (f). Requires TEA to provide equivalent access to the registry to certain entities, including entities that have entered into a contract to operate a school district campus under Section 11.174 (Contracts Regarding Operation of District Campus) and service providers for an educational entity that are authorized by the entity to access the registry. Makes conforming changes.

(g) Requires the superintendent or director of an educational entity, each school year, to certify to the commissioner that the entity has complied with this section. Requires the commissioner by rule, if feasible, to consolidate the requirement under this subsection with other reporting requirements applicable to the entity.

(h) Redesignates existing Subsection (e) as Subsection (g). Requires the commissioner, rather than TEA, to adopt rules as necessary to implement this section.

SECTION 1.18. Amends Subchapter D, Chapter 22A, Education Code, as added by this Act, by adding Sections 22A.152, 22A.153, and 22A.154, as follows:

Sec. 22A.152. TEMPORARY INCLUSION IN REGISTRY BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE. (a) Requires the commissioner to temporarily include a person in the registry if the commissioner, based on evidence or information presented to the commissioner regarding a complaint alleging misconduct by the person, determines 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.

(b) Authorizes a person to be temporarily included in the registry without notice or 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 this chapter and Chapter 2001, Government Code.

(c) Requires SOAH to hold a preliminary 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. Requires that the probable cause hearing be conducted as a de novo hearing.

(d) Requires SOAH to hold a final hearing on the matter not later than the 61st day after the date of the temporary inclusion.

(e) Requires the commissioner by rule to adopt procedures for the temporary inclusion of a person in the registry under this section.

Sec. 22A.153. TEMPORARY INCLUSION IN REGISTRY FOR CERTAIN ARRESTS.

(a) Authorizes 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 listed under Section 22A.201(a).

(b) Requires the commissioner, before temporarily including a person described by Subsection (a) in the registry, to verify that the person arrested for an offense described by that subsection is the same person who is employed by or acting as a service provider for an educational entity.

(c) Provides that an inclusion in the registry under this section remains in effect until the final disposition of the case.

(d) Provides that Sections 22A.152(b), (c), and (d) apply to a temporary inclusion in the registry under this section.

(e) Requires the commissioner to adopt rules to implement this section, including rules regarding evidence that serves as proof of final disposition of a case.

Sec. 22A.154. REPORTING TO LAW ENFORCEMENT. (a) Defines "law enforcement agency."

(b) Requires TEA to refer to an appropriate 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.

(c) Authorizes TEA to refer any allegation of misconduct to an appropriate law enforcement agency if TEA believes the allegation includes evidence of criminal conduct.

(d) Requires TEA to maintain a record of each allegation of misconduct referred to a law enforcement agency under this section.

SECTION 1.19. Transfers Sections 22.095 and 22.096, Education Code, to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignates them as Sections 22A.155 and 22A.156, Education Code, respectively, and amends them, as follows:

Sec. 22A.155. INTERNET PORTAL. (a) Creates this subsection from existing text. Requires TEA to develop and maintain an Internet portal through which:

(1) a report required under Section 22A.051(d), 22A.052(e), 22A.301(c), or 22A.302(c) rather than Section 22.093(f), is confidentially and securely filed; and

(2) TEA makes available:

(A) the registry of persons who are not eligible to be employed by or act as service provided for educational entities, rather than be employed in public schools, as described by Section 22A.151; and

(B) information indicating that a person is under investigation for alleged misconduct in accordance with Section 22A.101(e), rather than Section 22.094(d), provided that TEA is required to provide the information through a procedure other than the registry.

Makes conforming and nonsubstantive changes to this subsection.

(b) Requires that the Internet portal comply with any requirements adopted by SBEC for filing reports under Sections 22A.051 and 22A.301.

Sec. 22A.156. New heading: COMPLIANCE MONITORING; AGENCY INVESTIGATION AND REVIEW. (a) Creates this subsection from existing text. Requires TEA to periodically review, rather than conduct site visits and review, the records of educational entities to ensure compliance with Section 22A.151(b). Makes conforming changes.

(b) Requires TEA to review the investigations conducted by educational entities involving allegations of misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D) to ensure that the investigations are conducted using appropriate investigative protocols, including when cooperating with a law enforcement agency or the Department of Family and Protective Services (DFPS) in accordance with the policy adopted under Section 38.004 (Child Abuse Reporting and Programs). Authorizes the commissioner, if TEA determines that an education entity failed to follow appropriate investigative protocols, to authorize a special investigation under Section 39.003 (Special Investigations).

(c) Authorizes TEA to directly investigate allegations of misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), regardless of whether a report or complaint was filed with TEA.

SECTION 1.20. Transfers Section 22.085, Education Code, to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.157, Education Code, and amends it, as follows:

Sec. 22A.157. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES. (a) Requires an educational entity, rather than a school district, open-enrollment 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:

(1) convicted of or placed on deferred adjudication community supervision for an offense described by Section 22A.201(a)(1), rather than

for an offense for which a defendant is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure; or

(2) convicted of an offense described by Section 22A.201(a)(2), rather than an offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed or an offense under the laws of another state or federal law that is equivalent to an offense Subdivision (1) or Paragraph (A) (relating to requiring an educational entity to discharge or refuse to hire a person convicted of a felony offense under Title 5, Penal Code).

Makes conforming and nonsubstantive changes to this subsection.

(b) Makes no changes to this subsection.

(c) Makes conforming changes to this subsection.

(d) Makes conforming and nonsubstantive changes to this subsection.

(e) Makes a nonsubstantive change to this subsection.

(f) Makes no changes to this subsection.

SECTION 1.21. Amends Chapter 22A, Education Code, as added by this Act, by adding Subchapter E, and adding a heading to that subchapter, to read as follows:

#### SUBCHAPTER E. DENIAL OR REVOCATION OF EDUCATOR CERTIFICATION FOR MISCONDUCT

SECTION 1.22. Transfers Section 21.058, Education Code, to Subchapter E, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.201, Education Code, and amends it, as follows:

Sec. 22A.201. New heading: DENIAL OR REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF OR PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES. (a) Provides that the procedures described by this section, rather than Subsections (b) and (c), apply only to:

(1) conviction of or placement on deferred adjudication community supervision for:

(A) creates this paragraph from existing text and makes no further changes;

(B) an offense under Section 21.12 or 43.24, Penal Code;

(C) a felony offense under Chapter 43, Penal Code;

(D) a felony offense involving school property; or

(E) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A), (B), (C), or (D); or

(2) conviction of:

(A) a felony offense under Title 5, Penal Code, rather than an offense under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or



(B) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A).

Deletes text of existing Subdivision (3) providing that this section applies only to conviction or deferred adjudication community supervision granted on the basis of an offense under Section 43.24, Penal Code.

(b) Requires SBEC, notwithstanding Section 21.047(b)(7), not later than the fifth day after the date SBEC receives notice under Article 42.018, Code of Criminal Procedure, of the conviction or placement on deferred adjudication community supervision of a person who holds a certificate under Subchapter B, Chapter 21, rather than this subchapter, to take certain actions.

(c) Requires a school district or open-enrollment charter school that receives notice under Subsection (b) of the revocation of a person's certificate issued under Subchapter B, Chapter 21, to:

(1) makes no changes to this subdivision; and

(2) for a person employed under a probationary, continuing, or term contract under Chapter 21, rather than this chapter, with approval of the board of trustees or governing body or a designee of the board of governing body to suspend the person without pay, provide the person with written notice that the person's contract is void as provided by Subsection (e), rather than (c-2), and terminate the employment of the person as soon as practicable.

Makes conforming and nonsubstantive changes to this subsection.

(d) Redesignates existing Subsection (c-1) as Subsection (d) and makes conforming changes.

(e) Redesignates existing Subsection (c-2) as Subsection (e). Provides that a person's probationary, continuing, or term contract under Chapter 21 is void if, with approval of the board of trustees or governing body or designee of the board or governing body, the school district or open-enrollment charter school takes action under certain provision of this section, including Subsection (d)(2) (relating to authorizing the district or school to provide the person with written notice that the person's contract is void), rather than Subsection (c-1)(2).

(f) Prohibits SBEC or a school district from issuing a certificate or permit under Subchapter B, Chapter 21, to a person who has been convicted of or placed on deferred adjudication for an offense described by Subsection (a)(1) or who has been convicted of an offense described by Subsection (a)(2).

(g) Redesignates existing Subsection (e) as Subsection (g) and makes a conforming change.

Deletes existing text of Subsection (d) authorizing a person whose certificate is revoked under Subsection (b) to reapply for a certificate in accordance with SBEC rules.

SECTION 1.23. Amends Subchapter E, Chapter 22A, Education Code, as added by this Act, by adding Sections 22A.202 and 22A.203, as follows:

Sec. 22A.202. TEMPORARY SUSPENSION OF CERTIFICATION OR PERMIT BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE. (a) Requires SBEC to temporarily suspend an educator's certification or permit issued under Subchapter B, Chapter 21, if SBEC, based on evidence or information presented to SBEC regarding a complaint alleging misconduct by the educator, determines, by a majority

vote of SBEC or of a five-person committee of SBEC members designated by SBEC, that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare.

(b) Authorizes SBEC or a committee described by Subsection (a), notwithstanding Chapter 551 (Open Meetings), Government Code, to hold a meeting by telephone conference call if SBEC or the committee determines that immediate action is required and convening SBEC or the committee at one location would be inconvenient for any member of SBEC or the committee.

(c) Authorizes an educator's certification or permit to be temporarily suspended under this section without notice or hearing on the complaint alleging the educator's misconduct in certain circumstances.

(d) Requires SOAH to hold a preliminary 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. Requires that the probable cause hearing be conducted as a de novo hearing.

(e) Requires SOAH to hold a final hearing on the matter not later than the 61st day after the date of the temporary suspension.

(f) Requires SBEC to propose rules adopting procedures for the temporary suspension of an educator's certification or permit under this section.

**Sec. 22A.203. TEMPORARY SUSPENSION OF CERTIFICATION OR PERMIT FOR CERTAIN ARRESTS.** (a) Requires SBEC to temporarily suspend an educator's certification or permit issued under Subchapter B, Chapter 21, if the educator is arrested for an offense listed under Section 22A.201(a).

(b) Requires SBEC or a five-person committee of SBEC members designated by SBEC, before suspending an educator's certification or permit under Subsection (a), as applicable, to verify that the person arrested for an offense described by that subsection is the same person who holds a certification or permit issued under Subchapter B, Chapter 21, by SBEC.

(c) Provides that a suspension under this section remains in effect until the final disposition of the case.

(d) Provides that Sections 22A.202(c), (d), and (e) apply to a suspension under this section.

(e) Requires SBEC to propose rules to implement this section, including rules regarding evidence that serves as proof of final disposition of a case.

**SECTION 1.24.** Amends Chapter 22A, Education Code, as added by this Act, by adding Subchapter F, as follows:

#### **SUBCHAPTER F. OTHER REPORTING REQUIREMENTS**

**Sec. 22A.251. REPORT BY AGENCY.** (a) Requires TEA, in cooperation with SBEC, to, on a quarterly basis, post on TEA's Internet website a report on educator, employee, contractor, and service provider misconduct reported under this chapter.

(b) Requires that the report be disaggregated by type of misconduct and include certain information.

**SECTION 1.25.** Amends Chapter 22A, Education Code, as added by this Act, by adding Subchapter G, and adding a heading to that subchapter, to read as follows:

SUBCHAPTER G. REQUIRED MISCONDUCT REPORTING: PRIVATE SCHOOLS AND  
EDUCATIONAL PROVIDERS

SECTION 1.26. Transfers Section 21.0062, Education Code, to Subchapter G, Chapter 22A, Education Code, as added by this Act, redesignates it as Section 22A.301, Education Code, and amends it, as follows:

Sec. 22A.301. REQUIREMENT TO REPORT MISCONDUCT: PRIVATE SCHOOLS.

(a) Redesignates existing Subsection (b) as Subsection (a). Requires the chief administrative officer of a private school, in addition to the reporting requirement under Section 261.101, Family Code, to notify SBEC if the chief administrative officer becomes aware of evidence that a person employed by or seeking employment in a private school engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D).

Deletes existing text requiring the chief administrative officer to notify 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.

(b) Makes conforming and nonsubstantive changes to this subsection.

(c) Requires the chief administrative officer of a private school to notify SBEC by filing a report with SBEC not later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by Subsection (a).

Deletes existing text requiring the chief administrative officer of the private school to notify SBEC by filing a report with SBEC not later than the seventh day after the date the chief administrative officer knew that a private school educator has a criminal record under Subsection (b)(1) or was terminated following an incident of misconduct described by Subsection (b)(2). Makes conforming and nonsubstantive changes.

(d) Requires that the report filed under Subsection (d) be in writing, in a form prescribed by SBEC, and filed through the Internet portal developed and maintained by TEA under Section 22A.155.

(e) Authorizes any person who knows or has reason to believe that a person employed by or seeking employment in a private school, rather than a private school educator, engaged in misconduct described by Subsection (a) to file a report with SBEC under this section. Makes conforming and nonsubstantive changes.

(f) Provides that a chief administrative officer of a private school or any other person who in good faith files a report with SBEC under this section or communicates with a chief administrative officer or other administrator of a private school concerning an alleged incident of misconduct by a person employed by or seeking employment in, rather than concerning the criminal record of a private school educator, a private school is immune from civil or criminal liability that might otherwise be incurred or imposed. Makes conforming and nonsubstantive changes.

(g) Makes conforming and nonsubstantive changes to this subsection.

(h) Makes nonsubstantive changes to this subsection.

Deletes text of existing Subsection (a) defining "abuse" and "private school educator."

SECTION 1.27. Amends Subchapter G, Chapter 22A, Education Code, as added by this Act, by adding Section 22A.302, as follows:

Sec. 22A.302. REQUIREMENT FOR COMPTROLLER TO REPORT EDUCATIONAL PROVIDER MISCONDUCT TO AGENCY AND BOARD. (a) Provides that this section applies to 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.

(b) Requires the Comptroller of Public Accounts of the State of Texas (comptroller), in addition to the reporting requirement under Section 261.101, Family Code, to notify SBEC and the commissioner if the comptroller:

(1) becomes aware of evidence that a person described by Subsection (a) engaged in misconduct described by certain provisions of Section 22A.051(a); or

(2) obtains criminal history record information relating to misconduct described by Subdivision (1) for a person described by Subsection (a).

(c) Requires the comptroller to notify SBEC and the commissioner by filing a report with 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 a person described by Subsection (a) by the person's educational provider following an alleged incident of misconduct described by Subsection (b)(1) or becomes aware of evidence of misconduct described by Subsection (b)(1).

(d) Requires that the report under Subsection (c) be in writing, in a form prescribed by the commissioner, and filed through the Internet portal developed and maintained by TEA under Section 22A.155.

(e) Requires the comptroller to notify the person who is the subject of the report required under Subsection (c) and the person's education provider of the filing of the report.

(f) Requires that the name of a student or minor who is the victim of abuse or unlawful conduct be included in a report filed under this section, but the name of the student or minor is not public information under Chapter 552, Government Code.

(g) 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 this section.

(h) Requires SBEC to propose rules and the commissioner to adopt rules as necessary to implement this section.

SECTION 1.28. Amends Section 39.003(a), Education Code, as follows:

(a) Authorizes the commissioner to authorize special investigations to be conducted:

(1)-(15) makes no changes to these subdivisions;

(16) when a school district for any reason fails to:

(A) produce, at the request of TEA, evidence or an investigation report relating to a person, rather than an educator, who is under investigation by SBEC or TEA; or

(B) timely submit a report required under Chapter 22A regarding a person who is required to be reported to SBEC or TEA under that chapter; or

(17) makes no changes to this subdivision.

SECTION 1.29. Amends Section 261.001, Family Code, by amending Subdivision (1) to redefine "abuse" and adding Subdivision (3-a) to define "law enforcement agency."

SECTION 1.30. Amends Sections 261.101(b) and (d), Family Code, as follows:

(b) Requires a professional, if the professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that child is a victim of an offense under Section 21.11 (Indecency With a Child), Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001 (Definitions), to make a report not later than the 24th, rather than 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 an offense under Section 21.11, Penal Code.

(d) Provides that, unless waived in writing by the person making the report of abuse or neglect (report), the identity of an individual making a report under Chapter 261 (Investigation of Report of Child Abuse or Neglect) is confidential and is authorized to be disclosed only to certain entities, including to TEA or SBEC on request by TEA or SBEC, for certain purposes. Makes nonsubstantive changes.

SECTION 1.31. Amends Section 261.103(a), Family Code, to require that a report, except as provided by certain provisions of Chapter 261, be made to certain entities, including a law enforcement agency, rather than any local or state law enforcement agency.

SECTION 1.32. Amends Sections 261.104(b) and (d), Family Code, to make conforming changes.

SECTION 1.33. Amends Sections 261.105(a), (b), and (d), Family Code, as follows:

(a)-(b) Makes conforming changes to these subsections.

(d) Requires DFPS, if DFPS initiates an investigation and determines that the abuse or neglect does not involve a person responsible for the child's care, custody, or welfare, to refer the report the appropriate law enforcement agency, rather than a law enforcement agency, for further investigation. Requires DFPS, if DFPS determines that the abuse or neglect involves an employee of a public or private elementary or secondary school, rather than involves an employee of a public or private elementary or secondary school and that the child is a student at the school, to notify, in writing, rather than orally notify, the superintendent of the school district, the director of the open-enrollment charter school, or the chief executive officer of the private school in which the employee is employed about the investigation. Authorizes the written notice required by this subsection to be provided by e-mail to the official e-mail address of the appropriate official, if that e-mail address is publicly available.

SECTION 1.34. Amends Sections 261.301(a) and (c), Family Code, to make conforming changes.

SECTION 1.35. Amends Section 261.304(a), Family Code, to make a conforming change.

SECTION 1.36 Amends Section 261.308, Family Code, by adding Subsection (f) to require DFPS to release information required to be released to TEA or SBEC under certain subsections

by submitting the information through the Internet portal developed and maintained by TEA under Section 22A.155, Education Code.

SECTION 1.37. Amends Section 261.402(b), Family Code, to make a conforming change.

SECTION 1.38. Amends Section 261.406(b), Family Code, to require that the report of investigation of abuse or neglect be edited to protect the identity of the persons who made the report of abuse or neglect unless TEA or SBEC requests the identity of the persons who made the report under Section 261.101(d)(3) (relating to providing that the identity of the person making the report is authorized to be disclosed only to TEA or SBEC for certain purposes).

## ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. Amends Section 7.028(a), Education Code, to make conforming changes.

SECTION 2.02. Amends Section 12.0271, Education Code, as follows:

Sec. 12.0271. New heading: FAILURE TO DISCHARGE OR REFUSE TO HIRE OR TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, APPLICANTS, OR SERVICE PROVIDERS. Provides that a home-rule school district commits a material violation of the school district's charter if the school district fails to comply with the duty to discharge or refuse to hire, or terminate or refuse to accept services from, certain employees, applicants for employment, or service providers under Section 22A.151 or 22A.157, as applicable, rather than if the school district fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under Section 22.085 or 22.092.

SECTION 2.03. Amends Section 12.0631, Education Code, as follows:

Sec. 12.0631. New heading: FAILURE TO DISCHARGE OR REFUSE TO HIRE OR TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, APPLICANTS, OR SERVICE PROVIDERS. Makes conforming changes to this section.

SECTION 2.04. Amends Section 12.104(b), Education Code, as follows:

(b) Provides that an open-enrollment charter school is subject to certain provisions, including a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to certain matters, including the requirement under Section 22A.051 or 22A.052 to report misconduct, rather than the requirement under Section 21.006 to report an educator's misconduct.

SECTION 2.05. Amends Section 12.1059, Education Code, to make a conforming change.

SECTION 2.06. Amends Section 12.1151, Education Code, as follows:

Sec. 12.1151. New heading: FAILURE TO DISCHARGE OR REFUSE TO HIRE OR TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, APPLICANTS, OR SERVICE PROVIDERS. Makes conforming changes to this section.

SECTION 2.07. Amends Section 12.252(b), Education Code, to make conforming changes.

SECTION 2.08. Amends Section 12A.008(b-1), Education Code, to make a conforming change.

SECTION 2.09. Amends Section 21.054(e), Education Code, to make a conforming change.

SECTION 2.10. Amends Section 21.0585, Education Code, to require SBEC to promptly notify TEA for purposes of Section 22A.151 if SBEC revokes a certificate or permit of a person on a finding that the person engaged in misconduct described by certain provisions of Section 22A.051, rather than certain provisions of Section 21.006, and to make a conforming change.

SECTION 2.11. Amends Section 22.0815(a), Education Code, to make a conforming change.

SECTION 2.12. Amends Section 22.0825(a), Education Code, to make a conforming change.

SECTION 2.13. Amends Section 22.0833(g), Education Code, to make a conforming change.

SECTION 2.14. Amends Section 22.0834(o), Education Code, to make a conforming change.

SECTION 2.15. Amends Section 22.0836(g), Education Code, to make a conforming change.

SECTION 2.16. Amends Section 33.913(b), Education Code, to make a conforming change.

SECTION 2.17. Amends Section 39.0302(a), Education Code, to make conforming changes.

SECTION 2.18. Amends Section 810.003(a), Health and Safety Code, to make a conforming change.

SECTION 2.19. Amends Section 810.004(b), Health and Safety Code, to make conforming changes.

SECTION 2.20. Repealers: the heading to Section 21.006, Education Code.

Repealers: Sections 21.006(c-2) (relating to providing that the superintendent or director of an educational entity is not required to notify SBEC if the superintendent or director takes certain actions) and (g-1) (relating to requiring SBEC to develop and maintain an Internet portal through which a report is authorized to be filed)

Repealer: the heading to Subchapter C-1, Chapter 22, Education Code.

Repealer: Section 22.091 (Definition), Education Code.

### ARTICLE 3. TRANSITION; EFFECTIVE DATE

SECTION 3.01. (a) Provides that, except as provided by Subsection (b) of this section, this Act applies beginning with the 2025–2026 school year.

(b) Provides that Section 22A.302, Education Code, as added by this Act, applies beginning with the 2026–2027 school year.

SECTION 3.02. Provides that, to the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 3.03. Makes application of Sections 22A.051 and 22A.052, Education Code, as transferred, redesignated, and amended by this Act, prospective.

SECTION 3.04. Effective date: upon passage or September 1, 2025.