

By: Noble

H.B. No. 3347

A BILL TO BE ENTITLED

AN ACT

relating to person not eligible for employment in public schools and to measures to ensure public schools do not employ those persons.

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

SECTION 01. Section 21.006, Education Code, is amended to read as follows:

(a) In this section:

(1) "Abuse" has the meaning assigned by Section 261.001, Family Code, and includes any sexual conduct involving an educator and a student or minor.

(2) an "educational entity" is a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

(3) "Other charter entity" means:

(A) a school district operating under a home-rule school district charter adopted under Subchapter B, Chapter 12;

(B) a campus or campus program operating under a charter granted under Subchapter C, Chapter 12; and

(C) an entity that contracts to partner with a school district under Section 11.174(a)(2) to operate a district campus under a charter granted to the entity by the district under Subchapter C, Chapter 12.

(b) In addition to the reporting requirement under Section 261.101, Family Code, and except as provided by Subsection (c-2), the superintendent or director of an educational entity [~~a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] shall notify the State Board for Educator Certification if:

(1) an educator employed by or seeking employment by the educational entity [~~school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement~~] has a criminal record and the educational entity [~~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, Government Code;

(2) an educator's employment at the educational entity [~~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;

(A-1) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

(A-2) had inappropriate communications with a student or minor;

(A-3) failed to maintain appropriate boundaries with a student or minor;

(A-4) committed physical mistreatment or threatened violence to a student or minor though no actual injury occurred to the student or minor;

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

(C) illegally transferred, appropriated, or expended funds or other property of the educational entity [~~school district, district of innovation, charter school, other charter entity, service center, or shared services arrangement~~];

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

(E) committed a criminal offense or any part of a

criminal offense on school property or at a school-sponsored event;

(3) the educator resigned and there is evidence that the educator engaged in misconduct described by Subdivision (2);  
[~~or~~]

(4) the educator engaged in conduct that violated the assessment instrument security procedures established under Section 39.0301; or

(5) there is evidence that an educator engaged in conduct described by Subsections (b) (2) (A), (A-1), (A-2), (A-3) or (A-4).

(b-1) A superintendent or director of an educational entity [~~a school district, district of innovation, open enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described by Subsections (b) (2) (A), [~~or~~ (A-1), (A-2), (A-3) or (A-4), despite the educator's resignation from employment before completion of the investigation.

(b-2) The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the school district, district of innovation, charter school, or other charter entity not later:

(1) than the seventh business day after the date:  
                  ~~[(1)]~~ (A) of an educator's termination of  
employment or resignation following an alleged incident of  
misconduct described by Subsection (b); or  
                  ~~[(2)]~~ (B) the principal knew about an educator's  
criminal record under Subsection (b) (1); or  
                  (2) than 48 hours after knowledge of evidence of  
misconduct under Subsections (b) (2) (A), (A-1), (A-2), (A-3) or (A-  
4).

(c) Except as provided by Subsection (c-2), the  
superintendent or director must notify the State Board for Educator  
Certification by filing a report with the board not later:

                  (1) than the seventh business day after the date the  
superintendent or director receives a report from a principal under  
Subsection (b-2) or knew about an educator's termination of  
employment or resignation following an alleged incident of  
misconduct described by Subsection (b) or an employee's criminal  
record under Subsection (b) (1); or

                  (2) than 48 hours after the superintendent or director  
receives a report from a principal under Subsection (b-2) or know  
about an alleged incident of misconduct described by Subsections  
(b) (2) (A), (A-1), (A-2), (A-3) or (A-4).

(c-1) The report under Subsection (c):

(1) must be:

(A) in writing; and

(B) in a form prescribed by the board; and

(2) [~~may~~] must be filed through the Internet portal developed and maintained under Section 22.095 [~~by the State Board for Educator Certification under Subsection (g-1)~~].

(c-2) A superintendent or director of an educational entity [~~a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement~~] is not required to notify the State Board for Educator Certification or file a report with the board under Subsection (b) or (c) if the superintendent or director [÷

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

~~(2) determines the educator did not engage in the alleged incident of misconduct described by Subsection (b) (2) (A) or (A-1);]~~ has reasonable cause to believe that the educator subject to a report under this section is deceased.

(d) The superintendent or director shall notify the board of trustees or governing body of the educational entity [~~school district, open-enrollment charter school, other charter entity,~~

~~regional education service center, or shared services arrangement]~~  
and the educator of the filing of the report required by Subsection  
(c).

(e) A superintendent, director, or principal of an educational entity ~~[a school district, district of innovation, open enrollment charter school, other charter entity, regional education service center, or shared services arrangement]~~ who in good faith and while acting in an official capacity files a report with the State Board for Educator Certification under this section or communicates with another superintendent, director, or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed.

~~[(g-1) The State Board for Educator Certification shall develop and maintain an Internet portal through which a report required under Subsection (c) may be confidentially and securely filed.]~~

SECTION 02. Section 21.0062, Education Code, is amended to read as follows:

(d) The chief administrative officer of the private school must notify the State Board for Educator Certification by filing a report with the board not later than:

(1) the seventh business day after the date the chief

administrative officer knew that a private school educator:

~~[(1)]~~ (A) has a criminal record under Subsection (b) (1); or

~~[(2)]~~ (B) was terminated or resigned following an alleged incident of misconduct described by Subsection (b) (2); or  
(2) 48 hours after the date the chief administrative officer knew there was evidence of misconduct described by Subsection (b) (2) (A), (A-1), (A-2), (A-3) or (A-4).

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

(1) in writing; and  
(2) in a form prescribed by the board;  
(3) must be filed through the Internet portal developed and maintained under Section 22.095.

SECTION 03. The heading to Section 21.058 is amended to read as follows:

Sec. 21.058. DENIAL AND REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF OR PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES.

SECTION 04. Section 21.058, Education Code, is amended to read as follows:

(a) The procedures described by Subsections (b) and (c) apply only to:

(1) conviction of or placement on deferred adjudication



community supervision for an offense for:

(A) which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;

(B) a felony offense under Chapter 43, Penal Code

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

(D) a felony offense involving school property;

(2) conviction of a felony 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

(3) an offense under the laws of another state or federal law that is equivalent to an offense under Subdivision (1) or (2) [conviction of or placement on deferred adjudication community supervision for an offense under Section 43.24, Penal Code].

~~[(d) A person whose certificate is revoked under Subsection (b) may reapply for a certificate in accordance with board rules.]~~

(f) The State Board for Educator Certification may not grant a certification under this subchapter to a person for whom Subsection (a) applies.

(g) A school district may not grant a certification under this subchapter to a person for whom Subsection (a) applies.

SECTION 05. Section 21.062, Education Code, is amended to read as follows:

(a) During an investigation by the commissioner of an educator for an alleged incident of misconduct, the commissioner may issue a subpoena to compel:

(1) the attendance of a relevant witness; or

(2) the production~~[, for inspection or copying,]~~ of relevant evidence that is located in this state.

(b) A subpoena may be served personally, ~~[or]~~ by certified mail, or electronically.

(f) Unless authorized by the commissioner, responses to subpoenas issued under Subsection (a)(2) must be submitted through the Internet portal developed and maintained under Section 22.095.

SECTION 06. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.066 to read as follows:

Sec. 21.066. CONFIDENTIALITY. (a) Unless required by law, any complaint, statement, recording, note, file, record, memo, or report that is received, obtained, or created by the board relating to the review or investigation of allegations involving a person who is an applicant or holder of a certificate or permit issued by the board is confidential and not subject to disclosure under Chapter 552, Government Code.

(b) Subsection (a) does not prohibit the release of information described under Subsection (a):

1) to provide a report as required under Subchapter B,

Chapter 21 or Subchapter C-1, Chapter 22; or

2) in connection with an administrative or other legal proceeding brought under Chapter 2001 of the Government Code.

SECTION 07. Section 22.085, Education Code, is amended to read as follows:

Sec. 22.085. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES. (a) [~~A school district, open-enrollment charter school, or shared services arrangement~~] An educational entity shall discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information through a criminal history record information review that the employee or applicant has a criminal history record that meets the conditions under Section 21.058(a) [~~been:~~

~~(1) convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;~~

\_\_\_\_\_

~~or~~

~~(2) convicted of:~~

~~\_\_\_\_\_ (A) a felony 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 Subdivision (1) or Paragraph (A)].~~

SECTION 08. Section 22.091, Education Code is amended to read as follows:

Sec. 22.091. DEFINITION. In this ~~[subchapter,]~~ chapter:

(1) "educational entity" has the meaning assigned by Section 21.006;

(2) "other charter entity" has the meaning assigned by Section 21.006; and

(3) a person who provides services to an educational entity includes:

(A) a contractor of an educational entity or subcontractor of a contractor for an educational entity;

(B) a provider of tutoring services for an educational entity;

(C) entities that have entered into a contract to operate a school district campus under Section 11.174; and

(D) a staffing or service provider for an educational entity; and

(E) a person employed by or under the control of an entity described by Paragraph (A) - (D).

SECTION 09. Section 22.092, Education Code, is amended to read as follows:

Sec. 22.092. REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC SCHOOLS. (a) The agency shall maintain and make available through the Internet portal developed and maintained by the agency under Section 22.095 a registry of persons who are not eligible to be employed by an educational entity [~~a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~].

(b) [~~A school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] An educational entity shall discharge or refuse to hire a person listed on the registry maintained under this section.

(b-1) An educational entity may not allow a person who is listed on the registry maintained under this section to provide services for the educational entity or be present at a sponsored event of an educational entity.

(c) The registry maintained under this section must list the following persons as not eligible to be employed by public schools:

(1) a person determined by the agency under Section 22.0832 as a person who would not be eligible for educator

certification under Subchapter B, Chapter 21;

(2) a person determined by the agency to be not eligible for employment based on the person's criminal history record information review, as provided by Section 22.0833;

(3) a person who is not eligible for employment based on criminal history record information received by the agency under Section 21.058(b);

(4) except as provided by (c-1), a person whose certification or permit issued under Subchapter B, Chapter 21, is revoked or whose application for certification or permit under that subchapter is denied by the State Board for Educator Certification ~~[on a finding that the person engaged in misconduct described by Section 21.006(b)(2)(A) or (A-1)]~~; [and]

(5) a person who is determined by the commissioner under Section 22.094 to have engaged in misconduct described by Section 21.006(b)(2)(A) and (A-1); ~~[22.093(c)(1)(A) or (B)]~~

(6) a person who is determined by the commissioner under Section 22.094 to have engaged in misconduct described by Section 21.006(b)(2)(A-2), (A-3), or (A-4) for the term designated by the order; and

(7) except as provided by Subsection (c-2), a person whose certification has been suspended by the State Board of Educator Certification for the term of that suspension.

(c-1) Subsection (c) (4) does not apply if the person receives a certification by the State Board for Educator Certification subsequent to the revocation.

(c-2) Subsection (c) (6) does not apply to a suspension based solely on Sections 21.105(c), 21.160(c), and 21.210(c).

(d) The agency shall provide equivalent access to the registry maintained under this section to:

(1) private schools;

(2) ~~[public schools]~~ educational entities; ~~[and]~~

(3) nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913;

(4) entities that have entered into a contract to operate a school district campus under Section 11.174; and

(5) persons who provide services to educational entities authorized by an educational entity to access the registry.

(e) The registry maintained under this section must indicate if the listing is subject to expiration. A prohibition that applies to a person listed on the registry no longer applies if the term has expired and the person's certification is reinstated.

(f) Each school year, the superintendent of a school district or chief operating officer of an open-enrollment charter school shall certify to the commissioner that the district or school has

complied with this section. If possible, the agency shall consolidate the certification under this subsection with other reporting or certifications.

(h) If there is evidence that a person engaged in conduct referenced in Section 21.006(b)(2)(A), (A-1), (A-2), (A-3), or (A-4), the State Board for Educator Certification may not accept the voluntary surrender of any certification or permit issued under Subchapter B, Chapter 21, unless the individual agrees to placement on the registry

(i) The agency shall adopt rules as necessary to implement this section.

SECTION 10. Section 21.009, Education Code, is moved to Subchapter C-1, Chapter 22, Education Code, redesignated as Sec. 22.0921 and amended to read as follows:

Sec. 22.0921 21.009. PRE-EMPLOYMENT AFFIDAVIT. (a) An applicant for employment by an educational entity [a position described by Section 21.003(a) or (b) with a school district, district of innovation, open-enrollment charter school, private school, regional education service center, or shared services arrangement] must submit, using a form adopted by the agency, a pre-employment affidavit disclosing whether the applicant has ever been:

(i) investigated by a law enforcement or a protective agency



for, charged with, adjudicated for, or convicted of having engaged in conduct described in Section 21.006(b) (2) (A), (A-1), (A-2), (A-3), or (A-4); or [an inappropriate relationship with a minor.]

(ii) investigated by a licensing authority or had a license, certificate, or permit revoked, denied, suspended, or subject to any other sanction in Texas or any other state for conduct referenced in Section 21.006(b) (2) (A), (A-1), (A-2), (A-3), or (A-4).

(b) An applicant who answers affirmatively for an item under Subsection (a) [concerning an inappropriate relationship with a minor] must disclose in the affidavit all relevant facts known by the applicant pertaining to the matter [charge, adjudication, or conviction, including, for a charge], including whether the allegations were [charge was] determined to be true or false.

(c) An applicant is not precluded from being employed based on a disclosed allegations [charge] if the employing entity determines based on the information disclosed in the affidavit that the allegations were [charge was] false.

(d) A determination that an employee failed to disclose information required to be disclosed by an applicant under this section is grounds for termination of employment.

(e) Failure to make a required disclosure under Subsection (a) is a class B misdemeanor

(f) The State Board for Educator Certification may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant [~~for a position described by Section 21.003(a) or (b)] despite being aware that the applicant knowingly failed to disclose information required by Subsection (a) [~~had been adjudicated for or convicted of having an inappropriate relationship with a minor~~].~~

SECTION 11. Section 22.093, Education Code, is amended to read as follows:

Sec. 22.093. REQUIREMENT TO REPORT EMPLOYEE MISCONDUCT. (a) In this section, "abuse" has the meaning assigned by Section 261.001, Family Code, and includes any sexual conduct involving a student or minor.

(b) This section applies to a person:

(1) who is employed by an educational entity [~~a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] and who does not hold a certification or permit issued under Subchapter B, Chapter 21; or

(2) who is not described by Subdivision (1) and who provides services for an educational entity and has or will have direct contact with students.

(c) In addition to the reporting requirement under Section

261.101, Family Code, the superintendent or director of an educational entity [~~a school district, district of innovation, open enrollment charter school, other charter entity, regional education service center, or shared services arrangement~~] shall notify the commissioner if:

(1) [~~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 a person described by Subsection (b) engaged in misconduct described by Section 21.006(b)(2)(A), (A-1), (A-2), (A-3), or (A-4); or [~~the employee:~~

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

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

(2) the superintendent or director obtained information about the educator's criminal record related to conduct described by Section 21.006(b)(2)(A), (A-1), (A-2), (A-3), or (A-4) [~~the employee resigned or and there is evidence that the employee engaged in misconduct described by Subdivision (1)].~~

(d) A superintendent or director of an educational entity [~~a school district, district of innovation, open enrollment charter school, other charter entity, regional education service center,~~

~~or shared services arrangement~~] shall complete an investigation of a person described by Subsection (b) ~~[an employee]~~ that involves evidence that the person ~~[employee]~~ may have engaged in misconduct described by Section 21.006(b)(2)(A) and (A-1), (A-2), (A-3) or (A-4) ~~[Subsection (c)(1)(A) or (B)]~~, despite the ~~[employee's]~~ person's termination, resignation from employment, or cessation of services for the educational entity ~~[before completion of the investigation]~~.

(e) The principal of a school in an educational entity ~~[a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement]~~ must notify the superintendent or director of the educational entity ~~[school district, district of innovation, charter school, or other charter entity]~~ not later than 48 hours after knowledge of evidence of misconduct under Section 21.006(b)(2)(A), (A-1), (A-2), (A-3), (A-4) ~~[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 (c)(1)(A) or (B)]~~.

(f) The superintendent or director must notify the commissioner by filing a report with the commissioner not later than 48 hours ~~[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 of employment or resignation following an]~~ alleged incident of misconduct described by Section 21.006(b) (2) (A), (A-1), (A-2), (A-3), or (A-4), ~~[Subsection (c) (1) (A) or (B)]~~ unless the superintendent or director has reasonable cause to believe that the person subject to a report under this section is deceased.

The report must be:

- (1) in writing; ~~[and]~~
- (2) in a form prescribed by the commissioner;
- (3) must be filed through the Internet portal developed and maintained under Section 22.095.

(g) The superintendent or director shall notify the board of trustees or governing body of the educational entity ~~[a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement]~~ and the person ~~[employee]~~ of the filing of the report required by Subsection (f).

(k) A superintendent or director required to file a report under Subsection (f) 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 employee's]~~ a person's criminal record or alleged incident of misconduct. A principal required to notify a superintendent or director about ~~[an~~

~~employee's]~~ a person's alleged incident of misconduct under Subsection (e) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal ~~[an employee's]~~ a person's alleged incident of misconduct. An offense under this subsection is a state jail felony.

(1) The commissioner may review the records of an educational entity ~~[a school district, district of innovation, open enrollment charter school, other charter entity, regional education service center, or shared services arrangement]~~ to ensure compliance with the requirement to report misconduct under this section.

SECTION 12. Section 22.094, Education Code is amended to read as follows:

Sec. 22.094. NOTICE OF ALLEGED MISCONDUCT; INVESTIGATION; HEARING. (a) A person described by Section 22.093(b) ~~[and who is the subject of a report that alleges misconduct described by Section 22.093(c)(1)(A) or (B) or who is identified as having engaged in that misconduct using the interagency reportable conduct search engine established under Chapter 810, Health and Safety Code,~~] is entitled to a hearing on the merits of the allegations of misconduct under the procedures provided by Chapter 2001, Government Code, to contest the allegation ~~[in the report or search engine]~~ if that person is:

(1) subject of a report that alleges misconduct

described by Section 21.006(b) (2);

(2) identified as having engaged in that misconduct using the interagency reportable conduct search engine established under Chapter 810, Health and Safety Code; or

(3) not certified under Subchapter B, Chapter 21, and is the subject of a complaint filed with the agency.

(b) On receiving a report filed under Section 22.093(f) or making an identification described by Subsection (a), the commissioner shall 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 must request a hearing on the merits of the allegations of misconduct within the period provided by Subsection (c);

(2) a request that the person submit a written response within the period provided by Subsection (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), the agency shall provide information indicating the person is under investigation in the manner provided by Subsection (d).

(c) A person entitled to a hearing under Subsection (a) must request a hearing and submit a written response to show cause not

later than the 10th day after the date the person receives the notice from the commissioner provided under Subsection (b).

(d) If a person who receives notice provided under Subsection (b) does not timely submit a written response to show cause why the commissioner should not pursue an investigation, the commissioner shall instruct the agency to make available through the Internet portal developed and maintained by the agency under Section 22.095 information indicating that the person is under investigation for alleged misconduct.

(e) If a person entitled to a hearing under Subsection (a) does not request a hearing as provided by Subsection (c), the commissioner shall:

(1) based on the report filed under Section 22.093(f) 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 21.006(b)(2)(A), (A-1), (A-2), (A-3), or (A-4), [~~22.093(c)(1)(A) or (B)~~], instruct the agency to add the person's name to the registry maintained under Section 22.092.

(f) If a person entitled to a hearing under Subsection (a) requests a hearing as provided by Subsection (c) and the final decision in that hearing determines that the person engaged in



misconduct described by Section 21.006(b)(2)(A), (A-1), (A-2), (A-3), or (A-4), [22.093(e)(1)(A) or (B)], the commissioner shall instruct the agency to add the person's name to the registry maintained under Section 22.092.

(g) If a person entitled to a hearing under Subsection (a) requests a hearing as provided by Subsection (c) and the final decision in that hearing determines that the person did not engage in misconduct described by Section 21.006(b)(2)(A), (A-1), (A-2), (A-3), or (A-4), [22.093(e)(1)(A) or (B)], the commissioner shall instruct the agency to immediately remove from the Internet portal developed and maintained by the agency under Section 22.095 the information indicating that the person is under investigation for alleged misconduct.

(h) The commissioner shall adopt rules as necessary to implement this section. The commissioner shall follow sanction guidelines adopted by the State Board for Educator Certification for misconduct described by Section 21.006(b)(2)(A-2), (A-3), or (A-4).

SECTION 13. Subchapter C-1, Chapter 22, Education Code, is amended by adding Section 22.0941 to read as follows:

Sec. 22.0941. PLACEMENT ON REGISTRY OF INDIVIDUALS UNDER INVESTIGATION BY THE STATE BOARD FOR EDUCATOR CERTIFICATION. For any person the State Board for Educator Certification assigns a

notice of an alleged incident of misconduct on the public certification records of that person under Section 21.007, the agency shall indicate on the registry under Section 22.092 that the person is under investigation for alleged misconduct.

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

Sec. 22.095. INTERNET PORTAL. The agency shall develop and maintain an Internet portal through which:

(1) a report required under Sections [~~Section~~] 21.006, 21.0062, 22.093[~~(f)~~] may be confidentially and securely filed; [and]

(2) complies with requirements adopted by the State Board for Educator Certification for filing reports under Sections 21.006 and 21.0062;

(3) the agency makes available:

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

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

SECTION 15. Section 22.096, Education Code is amended to

read as follows:

Sec. 22.096. COMPLIANCE MONITORING. (a) The agency shall periodically [~~conduct site visits and~~] review the records of educational entities [~~school districts, districts of innovation, open enrollment charter schools, other charter entities, regional education service centers, and shared services arrangements~~] to ensure compliance with Section [22.092](#) (b).

(b) The agency shall review investigations conducted by educational entities involving allegations of misconduct described by Section 21.006(b)(2)(A), (A-1), (A-2), (A-3), or (A-4) to ensure they are conducted with appropriate investigative protocols, including when done in cooperation with law enforcement or the Department of Family and Protective Services as described in Section 38.004. If the agency determines that appropriate investigative protocols are not followed, the agency may pursue actions under Section 39.003. The agency may investigate the allegations directly.

SECTION 14. Subchapter C-1, Chapter 22, Education Code, is amended by adding Section 22.097 to read as follows:

Sec. 22.097. REPORTING TO LAW ENFORCEMENT. (a) If an allegation has not already been reviewed by law enforcement, the agency shall refer all cases to law enforcement that have resulted in placement on the registry under Section 22.092.

(b) The agency may refer any case, at any time, to law enforcement if the agency believes there is evidence of criminal conduct.

(c) The agency shall maintain a record of all referrals to law enforcement.

SECTION 16. Subchapter C-1, Chapter 22, Education Code, is amended by adding Section 22.098 to read as follows:

Sec. 22.098. CONFIDENTIALITY. (a) Unless required by law, any complaint, statement, recording, note, file, record, memo, or report that is received, obtained, or created by the agency relating to the review or investigation of allegations involving a person to be placed on the registry under this subchapter is confidential and not subject to disclosure under Chapter 552, Government Code.

(b) Subsection (a) does not prohibit the release of information described under Subsection (a):

1) to provide a report as required under Subchapter B, Chapter 21 or Subchapter C-1, Chapter 22, or

2) in connection with an administrative or other legal proceeding brought under Chapter 2001 of the Government Code.

SECTION 17. Subchapter C-1, Chapter 22, Education Code, is amended by adding Section 22.099 to read as follows:

Sec. 22.099. REQUIRED MISCONDUCT REPORTING. The agency shall,

on a quarterly basis, report data regarding educator and other personnel misconduct under this chapter and Chapter 21. The report shall be made available on the agency's website and include information by misconduct type.

SECTION 18. Section 39.003, Education Code, is amended to read as follows:

(a) The commissioner may authorize special investigations to be conducted:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;

(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;

(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

(6) in response to an allegation involving a conflict

between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

(11) when resource allocation practices as evaluated

under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);

(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1);

(14) in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter;

(15) when 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Section 28.0258;

(16) when a school district for any reason fails to:  
                  (A) produce, at the request of the agency, evidence or an investigation report relating to an educator or individual who is under investigation by the State Board for Educator Certification or the agency; or

(B) timely submit a report relating to a person who should have been reported to the State Board for Educator Certification or the agency; or

(17) as the commissioner otherwise determines necessary.

SECTION 19. Section 261.308, Family Code, is amended by adding subsection (f) to read as follows:

(f) Release of completed reports to the Texas Education Agency or the State Board for Educator Certification shall be submitted through the Internet portal developed and maintained under Section 22.095, Education Code.

SECTION 20. Changes implemented by Section 22.094(c)(6) apply to board actions taken on or after September 1, 2025.

SECTION 21. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.