

By: Harless

H.B. No. 4125

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement that law enforcement agencies notify
3 school districts when a school district employee is under
4 investigation for certain criminal offenses.

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

6 SECTION 1. Chapter 37, Education Code, is amended by adding
7 Section 37.089 to read as follows:

8 Sec. 37.089. NOTIFICATION OF SCHOOL DISTRICT REGARDING
9 EMPLOYEE UNDER INVESTIGATION

10 (a) DEFINITIONS AND SCOPE. In this section:

11 (1) "Law enforcement agency" means any agency of this
12 state, or of a county, municipality, or other political subdivision
13 of this state, that employs peace officers and/or is responsible
14 for the enforcement of the Texas Penal Code and the investigation of
15 criminal offenses.

16 (2) "Educational Institution" means:

17 (A) A public school district as defined under the
18 Texas Education Code;

19 (B) An open-enrollment charter school under
20 Subchapter D, Chapter 12, Texas Education Code;

21 (C) A private school as defined by Texas law;

22 (D) An accredited academy of any other legally
23 recognized school entity operating within the state of Texas;

24 (3) "Educational Institution Employee" means an

1 individual employed by an educational institution as defined in
2 this section.

3 (b) INVESTIGATION NOTIFICATION REQUIREMENT. A law
4 enforcement agency that initiates an investigation, makes an
5 arrest, secures an indictment, or formally charges an educational
6 institution employee for:

7 (1) Any offense under Title 5, Penal Code, if the
8 alleged victim is a child under 18 years of age or a current student
9 in an educational institution;

10 (2) Any offense under Chapter 43, Penal Code, if the
11 alleged victim is a child under 18 years of age or a current student
12 in an educational institution; or

13 (3) Any felony offense, regardless of the age of the
14 alleged victim;

15 Shall notify the chief of police of the educational
16 institution where the employee is employed or, if the educational
17 institution does not have a police department, the superintendent,
18 chief executive officer, or designee of the educational
19 institution.

20 If the law enforcement agency determines that no charges will
21 be filed or the case is dismissed, the agency must notify the
22 educational institution within two working days to ensure that
23 administrative decisions are based on updated information.

24 (c) NOTIFICATION TIMELINES AND CONTENT. The notification
25 required under Subsection (b) must include:

26 (1) Oral Notification: The law enforcement agency
27 shall orally notify the district's superintendent or the chief of

1 police of the educational institution within 24 hours after the
2 investigation is initiated or before the next school day, whichever
3 is earlier; and

4 (2) Written Notification: Within seven days after the
5 date of the oral notice, the law enforcement agency shall send a
6 written notification marked "PERSONAL and CONFIDENTIAL" to the
7 district's superintendent or chief of police. The written
8 notification shall include:

9 (i) The nature of the investigation and any
10 relevant safety concerns;

11 (ii) The name of the individual under
12 investigation;

13 (iii) The date and time the oral notification was
14 provided; and

15 (iv) Any non-confidential facts necessary for
16 school administrators to determine student and staff safety
17 precautions.

18 (d) CONFIDENTIALITY, INVESTIGATION INTEGRITY, AND EVIDENCE
19 PROTECTION. The notifications listed under Subsection (c) shall
20 not disclose any confidential information prohibited by law or any
21 details that could compromise an active investigation, including
22 specific evidence, witness identities, or investigative
23 strategies, but shall provide sufficient information for the
24 educational institution to take any necessary administrative or
25 safety measures.

26 Any information received under this section may not be
27 disclosed to unauthorized individuals. The district's

1 superintendent or chief of police may only share this information
2 with:

3 (1) Law enforcement personnel involved in the
4 investigation;

5 (2) School administrators with direct responsibility
6 over the employee under investigation;

7 (3) Legal counsel for the educational institution; and

8 (4) Instructional and support personnel with direct
9 supervision responsibilities, if required for student safety.

10 Any unauthorized disclosure of information is subject to
11 disciplinary action and may be reported to the State Board for
12 Educator Certification for possible suspension or revocation of the
13 offending individual's educator certification.

14 (e) ONGOING UPDATES. The law enforcement agency shall
15 provide updates to the superintendent or chief of police as
16 necessary to ensure ongoing safety within the school environment.

17 (f) SCHOOL DISTRICT CONFIDENTIALITY OBLIGATION. An
18 educational institution receiving notification under this section
19 shall keep the information confidential and use it only for
20 purposes necessary to maintain student safety and administrative
21 compliance. The educational institution and law enforcement
22 agencies shall cooperate to determine how to maintain student
23 safety while not compromising the integrity of the criminal
24 investigation. Upon receiving a notification under this section,
25 the district's superintendent or chief of police shall immediately
26 notify all instructional and support personnel responsible for
27 supervising the employee under investigation if deemed necessary

1 for student safety. All personnel must keep this information
2 confidential, and any unauthorized disclosure of this information
3 shall be subject to disciplinary action as prescribed by state law.

4 (g) REPORTING REQUIREMENTS. A law enforcement agency
5 subject to this section shall submit an annual compliance report to
6 the Texas Education Agency, detailing:

- 7 (1) The number of notifications made;
8 (2) The timeliness of notifications;
9 (3) The number of written follow-ups completed; and
10 (4) Any instances of noncompliance and corrective
11 measures taken.

12 The Texas Education Agency shall establish a statewide
13 reporting system to track law enforcement agencies' compliance.
14 Failure to comply with this section shall be reported to the Texas
15 Commission on Law Enforcement for further action.

16 (h) STATE AGENCY ROLE AND TRANSPARENCY. The Texas Education
17 Agency shall oversee compliance with this section and may develop
18 guidelines to assist law enforcement agencies and educational
19 institutions in meeting notification requirements. The Texas
20 Education Agency shall also establish a structured communication
21 protocol to ensure transparency and accountability between law
22 enforcement agencies and educational institutions.

23 (i) TRAINING REQUIREMENTS AND PROACTIVE SAFETY MEASURES.
24 The Texas Education Agency shall develop and provide training
25 materials for school administrators regarding the appropriate
26 handling of notifications received under this section. The
27 training shall include:

1 (1) Best practices for maintaining student safety and
2 administrative compliance;

3 (2) Confidentiality measures to protect investigation
4 integrity;

5 (3) Coordination protocols between law enforcement
6 and school districts; and

7 (4) Guidance on placing employees on temporary
8 administrative leave pending investigation outcomes to mitigate
9 potential risks to students and staff while not compromising the
10 integrity of the investigation.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of at least two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the necessary vote, it takes effect
15 September 1, 2025.