

By: Toth

H.B. No. 4206

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the office of inspector general for education at the Texas Education Agency to investigate the administration of public education and required reporting on misconduct by employees of certain educational entities; creating a criminal offense; increasing an administrative penalty; authorizing an administrative penalty.

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

SECTION 1. Chapter 7, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. OFFICE OF INSPECTOR GENERAL FOR EDUCATION

Sec. 7.151. DEFINITIONS. In this subchapter:

(1) "Inspector general" means the inspector general for education appointed under this subchapter.

(2) "Office" means the office of inspector general for education established under this subchapter.

Sec. 7.152. OFFICE OF INSPECTOR GENERAL FOR EDUCATION. (a) The office of inspector general for education is established as a separate and independent division within the agency. The office shall operate independently in performing the office's duties under this subchapter, and the agency may not maintain control of or a vested interest in or exert influence over the office.

(b) The board shall, by a vote of at least two-thirds of board members and subject to the advice and consent of the senate,

1 appoint an inspector general to serve as director of the office.

2 (c) The appointment of inspector general shall be made
3 without regard to political affiliation. To be eligible for
4 appointment as inspector general, a person must be:

5 (1) certified as an inspector general investigator by
6 the Association of Inspectors General or possess an equivalent
7 credential as determined by that association; and

8 (2) qualified, by experience or education, in:

9 (A) at least one of the following areas of
10 primary expertise:

11 (i) the practice of law;
12 (ii) fraud investigation; or
13 (iii) the operations of an inspector
14 general; and

15 (B) at least two of the following areas of
16 secondary expertise:

17 (i) whistleblower investigations;
18 (ii) criminal investigations;
19 (iii) auditing;
20 (iv) government operations;
21 (v) financial analysis; or
22 (vi) operation management analysis.

23 (d) The inspector general serves for a term of four years
24 and continues to serve until a successor has been appointed. The
25 inspector general may be reappointed for subsequent terms.

26 (e) If a vacancy occurs in the position of inspector general
27 and has remained unfilled for more than 60 days, the governor may

1 appoint an interim inspector general to serve until a successor is
2 appointed.

3 (f) The inspector general may be removed by the board by a
4 vote of at least two-thirds of board members for:

5 (1) substantiated malfeasance or gross misfeasance in
6 office;

7 (2) evidence of persistent failure to perform the
8 duties of the office; or

9 (3) substantiated conduct prejudicial to the proper
10 administration of justice.

11 (g) The inspector general shall be compensated under Salary
12 Schedule C of the General Appropriations Act.

13 Sec. 7.153. ADMINISTRATIVE POWERS AND DUTIES. (a) The
14 inspector general may employ professional staff, investigators,
15 and other personnel, including peace officers, as necessary for the
16 office to perform its duties.

17 (b) The inspector general shall supervise all personnel
18 employed by the office.

19 (c) The inspector general shall adopt a professional code of
20 conduct and ethics for all office employees that ensures the office
21 maintains the highest standards of integrity, impartiality, and
22 confidentiality.

23 (d) The inspector general and each office employee is
24 subject to all applicable state laws regarding ethics and conflicts
25 of interest, including the nepotism prohibitions under Chapter 573,
26 Government Code. The board shall adopt protocols for the office to
27 ensure the office's compliance with all applicable laws.

1 (e) The agency shall provide administrative, logistical,
2 and financial support to the office as necessary to facilitate the
3 successful and impartial operation of the office without prejudice
4 or undue influence on the office's functions, powers, or duties.

5 Sec. 7.154. GENERAL RESPONSIBILITIES. (a) The office
6 shall:

7 (1) perform inspections, evaluations, and reviews and
8 provide quality control for investigations initiated by the agency;

9 (2) investigate complaints and allegations of:

10 (A) fraud, waste, or abuse of agency money;

11 (B) employee misconduct described by Section
12 21.006(b)(2)(A) or (A-1) or 22.093(c)(1)(A) or (B); or

13 (C) conduct by an employee of the agency that:

14 (i) threatens the safety of public school
15 students in this state; or

16 (ii) demonstrates negligence,
17 incompetence, misfeasance, or malfeasance;

18 (3) cooperate with and coordinate investigative
19 efforts with law enforcement and, if a preliminary investigation
20 establishes a sufficient basis for referral to law enforcement,
21 refer the matter to the appropriate local law enforcement agency,
22 prosecuting attorney, or federal law enforcement agency; and

23 (4) perform all other duties required under the
24 memorandum of understanding entered into under Section 7.157.

25 (b) If the office is unable to investigate a complaint or
26 allegation because of a conflict of interest, the office shall
27 refer the complaint or allegation to the attorney general for

1 referral to another investigative entity.

2 Sec. 7.155. GENERAL POWERS. (a) In conducting an
3 investigation under Section 7.154(a)(2), the inspector general
4 may:

5 (1) issue letters of spoliation to any person who may
6 possess or control evidence relevant to an investigation;

7 (2) subpoena any person or evidence;

8 (3) administer oaths;

9 (4) take and certify affidavits;

10 (5) take depositions and other testimony; and

11 (6) access all records produced or maintained by an
12 entity that is the subject of the investigation.

13 (b) A letter of spoliation issued under Subsection (a) must:

14 (1) identify the specific evidence relevant to the
15 investigation;

16 (2) explain the importance of preserving the evidence;
17 and

18 (3) inform the letter recipient of the potential legal
19 consequences of failing to preserve evidence subject to the letter.

20 (c) An entity that is the subject of an investigation shall
21 provide access to any record requested by the inspector general not
22 later than the 30th day after the date on which the inspector
23 general notifies the entity of the request.

24 (d) If a person fails to comply with a subpoena issued under
25 Subsection (a), the inspector general, acting through the attorney
26 general, may file suit to enforce the subpoena in a district court
27 in this state. On a finding that good cause exists for issuing the

1 subpoena, the court shall order the person to comply with the
2 subpoena and may punish a person who fails to obey the court order.

3 (e) In addition to the inspector general's powers under
4 Subsection (d), the inspector general may coordinate with a local
5 law enforcement agency or the attorney general to seek a court order
6 to compel the preservation of evidence or obtain access to relevant
7 documents or information.

8 Sec. 7.156. DUTY TO INVESTIGATE EMPLOYEE MISCONDUCT;
9 REFERRAL OF FINDINGS OF MISCONDUCT. (a) Notwithstanding Section
10 21.062, the office has the exclusive duty and responsibility to
11 investigate allegations of employee misconduct described by
12 Section 21.006(b)(2)(A) or (A-1) or 22.093(c)(1)(A) or (B).

13 (b) Not later than the 120th day after the date on which an
14 investigation by the office into employee misconduct described by
15 Section 21.006(b)(2)(A) or (A-1) or 22.093(c)(1)(A) or (B) results
16 in a substantiated finding of misconduct, the inspector general
17 shall refer the findings for appropriate administrative action to:

18 (1) if the employee who engaged in the misconduct is an
19 educator, the State Board for Educator Certification; or

20 (2) if the employee who engaged in the misconduct is
21 not an educator, the commissioner.

22 (c) The State Board for Educator Certification or
23 commissioner, as applicable, shall determine the appropriate
24 administrative action to take under Subsection (b) based on the
25 applicable state law and rules governing standards for
26 certification and employee conduct.

27 (d) The inspector general shall adopt rules to implement

this section in accordance with Chapter 552, Government Code.

Sec. 7.157. MEMORANDUM OF UNDERSTANDING; REPORT. (a) The inspector general, board, and attorney general shall enter into a memorandum of understanding to develop and implement procedures regarding allegations of fraud, waste, or abuse of agency money or other violations of state or federal law. The memorandum of understanding shall require:

(1) the inspector general and attorney general to:

(A) set priorities and guidelines regarding the referral of matters from the inspector general to the attorney general, including allegations of conduct that would constitute a violation of or an offense under any of the following provisions:

(i) Section 21.006, 22.093, or 38.004, Education Code;

(ii) Section 261.101, Family Code; or

(iii) Section 21.08, 21.11, 21.12, 21.15, 21.16, 22.04, 33.021, 43.25, or 43.26, Penal Code; and

(B) provide to the legislature for the purpose of improving state law any requested information regarding a matter that has been investigated and resolved under this subchapter;

(2) the inspector general to:

(A) refer to the attorney general an allegation of fraud, waste, or abuse of agency money or other violation of state law over which the attorney general has jurisdiction not later than the 20th business day after the date on which the allegation is substantiated; and

(B) keep detailed records regarding matters

1 handled by the office or referred to the attorney general,
2 including the total number of matters handled and with respect to
3 each matter:

4 (i) the entity, and, if applicable, the
5 division within the entity, to which the matter was referred;

6 (ii) the date on which the matter was
7 referred; and

8 (iii) the nature of the alleged fraud,
9 waste, or abuse of agency money or the provision of law that was
10 allegedly violated;

11 (3) the attorney general to:

12 (A) take appropriate action on each matter
13 referred from the inspector general under Subdivision (2); and

14 (B) notify the inspector general of the
15 disposition of each matter referred to the attorney general,
16 including matters that the attorney general declined to prosecute;
17 and

18 (4) representatives from the office of inspector
19 general and the office of the attorney general to meet at least
20 quarterly to share information regarding allegations under this
21 subchapter and to ensure the appropriate entities are investigating
22 each matter.

23 (b) Information exchanged between the inspector general,
24 board, attorney general, and legislature under this section does
25 not affect the confidentiality of the information under Chapter
26 552, Government Code.

27 (c) Not later than January 31 of each year, the inspector

1 general, board, and attorney general shall submit to the governor,
2 lieutenant governor, and speaker of the house of representatives a
3 report regarding the actions taken by each entity in relation to
4 this subchapter during the preceding calendar year. A report
5 required under this subsection may be consolidated with any other
6 report relating to the same subject matter that the entity is
7 required to submit under other law.

8 Sec. 7.158. FEES. The inspector general, board, or
9 attorney general may not assess or collect from a state agency any
10 investigation or attorney's fees relating to an action taken under
11 this subchapter unless the attorney general or a state agency
12 collects or receives a penalty fee, restitution, or other type of
13 monetary reimbursement to the state related to the action.

14 Sec. 7.159. DATABASE. The office shall develop and
15 maintain a database containing information regarding all
16 complaints, allegations, investigations, reviews, inspections, and
17 evaluations made to or conducted by the office. The database must
18 contain the following information concerning each complaint,
19 allegation, investigation, review, inspection, or evaluation, as
20 applicable:

21 (1) the date on which the complaint or allegation was
22 received or the investigation, review, inspection, or evaluation
23 was completed;

24 (2) the date on which the person who filed the
25 complaint or made the allegation was notified that the office
26 received the complaint or allegation;

27 (3) the name of the person filing the complaint or

1 making the allegation;

2 (4) the name of each educational entity and campus
3 facility involved in the complaint or allegation;

4 (5) the subject matter of the complaint, allegation,
5 investigation, review, inspection, or evaluation;

6 (6) the name of each person contacted by the office as
7 part of the investigation, review, inspection, or evaluation;

8 (7) a summary of each action taken in response to or as
9 part of the complaint, allegation, investigation, review,
10 inspection, or evaluation; and

11 (8) if the inspector general makes a determination not
12 to investigate or recommend corrective action in response to the
13 complaint or allegation, the reason for that determination.

14 Sec. 7.160. CONFIDENTIALITY; DISCLOSURE OF PERSONALLY
15 IDENTIFYING INFORMATION. (a) Except as otherwise provided by this
16 section, all reports, documents, and records of the office are
17 confidential and not subject to disclosure under Chapter 552,
18 Government Code.

19 (b) The office may not disclose the name or any other
20 personally identifiable information of a person who files a
21 complaint with or makes an allegation to the office or who is a
22 witness in an investigation unless the inspector general:

23 (1) obtains the written consent of the person; or

24 (2) determines during the course of an investigation
25 that disclosure of the information is necessary and unavoidable.

26 (c) If the inspector general makes the determination
27 described by Subsection (b)(2), the inspector general shall notify

each person whose information will be disclosed not later than the seventh business day before the disclosure.

Sec. 7.161. SEMIANNUAL REPORT. (a) The inspector general shall prepare and submit semiannually to the governor, commissioner, board, and legislature a report on the office's findings related to all investigations, reviews, inspections, evaluations, and other actions conducted or taken by the office during the preceding six months. The report may not include findings related to an ongoing investigation involving possible criminal conduct, and any personally identifying information must be redacted from the report.

(b) A report under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 7.162. INTERFERENCE PROHIBITED; OFFENSE. (a) An elected official, a legislative body, the commissioner, the board, or any other person may not impede, interfere with, or inhibit the inspector general from initiating, conducting, or completing an investigation, review, inspection, or evaluation or another power granted to the office under this subchapter.

(b) A person commits an offense if the person knowingly:

(1) interferes with an investigation, review, inspection, or evaluation conducted by the office; or

(2) with the intent to deceive, makes a false statement that is material to an investigation, review, inspection, or evaluation conducted by the office.

(c) An offense under this section is a Class B misdemeanor.

(d) The inspector general shall refer to the attorney

1 general, in accordance with the memorandum of understanding entered
2 into under Section 7.157, any conduct that may constitute a
3 violation of or an offense under this section.

4 SECTION 2. Section 21.006(a), Education Code, is amended by
5 adding Subdivisions (1-a) and (1-b) to read as follows:

6 (1-a) "Inspector general" means the inspector general
7 for education appointed under Subchapter E, Chapter 7.

8 (1-b) "Office of inspector general" means the office
9 of inspector general for education established under Subchapter E,
10 Chapter 7.

11 SECTION 3. Section 21.006, Education Code, is amended by
12 amending Subsections (b), (b-1), (b-2), (c), (d), (e), (f), (h),
13 (i), and (k) and adding Subsections (b-3) and (e-1) to read as
14 follows:

15 (b) In addition to the reporting requirement under Section
16 261.101, Family Code, ~~[and except as provided by Subsection (c-2),]~~
17 the superintendent or director of a school district, district of
18 innovation, open-enrollment charter school, other charter entity,
19 regional education service center, or shared services arrangement
20 shall notify the State Board for Educator Certification in
21 accordance with Subsection (c) if:

22 (1) an educator employed by or seeking employment by
23 the school district, district of innovation, charter school, other
24 charter entity, service center, or shared services arrangement has
25 a criminal record and the school district, district of innovation,
26 charter school, other charter entity, service center, or shared
27 services arrangement obtained information about the educator's

1 criminal record by a means other than the criminal history
2 clearinghouse established under Section 411.0845, Government Code;

3 (2) an educator's employment at the school district,
4 district of innovation, charter school, other charter entity,
5 service center, or shared services arrangement was terminated and
6 there is evidence that the educator:

7 (A) abused or otherwise committed an unlawful act
8 with a student or minor;

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

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

15 (C) illegally transferred, appropriated, or
16 expended funds or other property of the school district, district
17 of innovation, charter school, other charter entity, service
18 center, or shared services arrangement;

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

22 (E) committed a criminal offense or any part of a
23 criminal offense on school property or at a school-sponsored event;

24 (3) the educator resigned and there is evidence that
25 the educator engaged in misconduct described by Subdivision (2);

26 (4) an investigation into misconduct by the educator
27 described by Subdivision (2) resulted in a substantiated finding

1 that the educator engaged in the misconduct;

2 (5) the educator pleaded guilty or nolo contendere to,
3 was convicted of, or was placed on deferred adjudication community
4 supervision for an offense arising out of an incident of misconduct
5 described by Subdivision (2); or

6 (6) [(4)] the educator engaged in conduct that
7 violated the assessment instrument security procedures established
8 under Section 39.0301.

9 (b-1) A superintendent or director of a school district,
10 district of innovation, open-enrollment charter school, other
11 charter entity, regional education service center, or shared
12 services arrangement or a county board of school trustees may not:

13 (1) investigate an allegation that ~~[shall complete an~~
14 ~~investigation of]~~ an educator ~~[that involves evidence that the~~
15 ~~educator]~~ may have engaged in misconduct described by Subsection
16 (b)(2)(A) or (A-1); or

17 (2) make any determination concerning whether an
18 investigation into an alleged incident of misconduct described by
19 Subsection (b) should be conducted by the office of inspector
20 general ~~[, despite the educator's resignation from employment~~
21 ~~before completion of the investigation].~~

22 (b-2) The principal of a school district, district of
23 innovation, open-enrollment charter school, or other charter
24 entity campus must notify the superintendent or director of the
25 school district, district of innovation, charter school, or other
26 charter entity not later than the second ~~[seventh]~~ business day
27 after the date:

1 (1) of an educator's termination of employment or
2 resignation following an alleged incident of misconduct described
3 by Subsection (b); ~~[or]~~

4 (2) the principal knew about an educator's criminal
5 record under Subsection (b)(1);

6 (3) the principal was notified of a substantiated
7 finding of misconduct or a plea of guilty or nolo contendere to,
8 conviction of, or placement on deferred adjudication community
9 supervision for an offense arising out of the alleged incident of
10 misconduct as described by Subsection (b)(4) or (5); or

11 (4) the principal was notified or otherwise knew about
12 an allegation of misconduct described by Subsection (b)(2)(A) or
13 (A-1) that was referred to the office of inspector general.

14 (b-3) The superintendent or director of a school district,
15 district of innovation, open-enrollment charter school, other
16 charter entity, regional education service center, or shared
17 services arrangement or a county board of school trustees shall
18 notify the office of inspector general not later than 24 hours after
19 the date the superintendent or director becomes aware that an
20 educator is alleged to have engaged in misconduct described by
21 Subsection (b)(2)(A) or (A-1).

22 (c) The ~~[Except as provided by Subsection (c-2), the]~~
23 superintendent or director must notify the State Board for Educator
24 Certification as required by Subsection (b) by filing a report with
25 the board not later than the second ~~[seventh]~~ business day after the
26 date the superintendent or director:

27 (1) receives notice ~~[a report]~~ from a principal under

1 Subsection (b-2);

2 (2) [or] knew about an educator's termination of
3 employment or resignation following an alleged incident of
4 misconduct described by Subsection (b) or an employee's criminal
5 record under Subsection (b)(1); or

6 (3) is notified of a substantiated finding of
7 misconduct or a plea of guilty or nolo contendere to, conviction of,
8 or placement on deferred adjudication community supervision for an
9 offense arising out of the alleged incident of misconduct as
10 described by Subsection (b)(4) or (5).

11 (d) Not later than the second business day after the date on
12 which the superintendent or director files a report required by
13 Subsection (c), the [The] superintendent or director shall notify
14 the board of trustees or governing body of the school district,
15 open-enrollment charter school, other charter entity, regional
16 education service center, or shared services arrangement and the
17 educator of the filing of the report [~~required by Subsection (c)~~].

18 (e) Except as provided by Subsection (e-1), a [A]
19 superintendent, director, or principal of a school district,
20 district of innovation, open-enrollment charter school, other
21 charter entity, regional education service center, or shared
22 services arrangement who in good faith and while acting in an
23 official capacity provides notice to the office of inspector
24 general under Subsection (b-3) or files a report with the State
25 Board for Educator Certification under this section or communicates
26 with another superintendent, director, or principal concerning an
27 educator's criminal record or alleged incident of misconduct is

immune from civil or criminal liability that might otherwise be incurred or imposed.

(e-1) A superintendent, director, or principal of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement is not immune from civil or criminal liability that might otherwise be incurred or imposed if the superintendent, director, or principal violates Subsection (b-1), (b-2), or (b-3) or Section 22.0931.

(f) The State Board for Educator Certification shall determine whether to impose sanctions, including an administrative penalty under Subsection (i), against a principal who fails to provide notification to a superintendent or director in violation of Subsection (b-2) or against a superintendent or director who violates ~~[fails to file a report in violation of]~~ Subsection (b-1), (b-3), or (c) or Section 22.0931.

(h) The name of the campus and school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement at which the alleged incident of misconduct occurred and the name of a student or minor who is the victim of abuse or unlawful conduct by an educator must 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.

(i) If an educator serving as a superintendent or director is required to provide notice under Subsection (b-3) or Section 22.0931 or file a report under Subsection (c) of this section and

1 fails to provide notice or file the report by the date required by
 2 the applicable provision [~~that subsection~~], or if an educator
 3 serving as a principal is required to notify a superintendent or
 4 director about an educator's criminal record or alleged incident of
 5 misconduct under Subsection (b-2) and fails to provide the notice
 6 by the date required by that subsection, the State Board for
 7 Educator Certification may impose on the educator an administrative
 8 penalty of not less than \$1,000 [~~\$500~~] and not more than \$10,000.
 9 The State Board for Educator Certification may not renew the
 10 certification of an educator against whom an administrative penalty
 11 is imposed under this subsection until the penalty is paid. In
 12 addition to the administrative penalty, the State Board for
 13 Educator Certification may:

14 (1) require the educator to complete additional
 15 training on child abuse reporting and recognition within a time
 16 period set by the board;

17 (2) issue a formal written reprimand of the educator
 18 to be included in the educator's certification record;

19 (3) suspend the educator's certification for a period
 20 of not less than 30 days and not more than six months; or

21 (4) recommend that the educator's employing entity
 22 terminate the educator's employment.

23 (k) The commissioner shall routinely [~~may~~] review the
 24 records of a school district, district of innovation,
 25 open-enrollment charter school, other charter entity, regional
 26 education service center, or shared services arrangement to ensure
 27 compliance with the requirement to report misconduct under this

1 section.

2 SECTION 4. Section 22.093, Education Code, is amended by
3 amending Subsections (a), (c), (d), (e), (f), (g), (h), (i), (j),
4 and (l) and adding Subsections (e-1), (f-1), and (h-1) to read as
5 follows:

6 (a) In this section:

7 (1) "Abuse" [~~,"abuse"~~] has the meaning assigned by
8 Section 261.001, Family Code, and includes any sexual conduct
9 involving a student or minor.

10 (2) "Inspector general" and "office of inspector
11 general" have the meanings assigned by Section 21.006.

12 (c) In addition to the reporting requirement under Section
13 261.101, Family Code, the superintendent or director of a school
14 district, district of innovation, open-enrollment charter school,
15 other charter entity, regional education service center, or shared
16 services arrangement shall notify the commissioner in accordance
17 with Subsection (f) if:

18 (1) an employee's employment at the school district,
19 district of innovation, charter school, other charter entity,
20 service center, or shared services arrangement was terminated and
21 there is evidence that the employee:

22 (A) abused or otherwise committed an unlawful act
23 with a student or minor; [~~or~~]

24 (B) was involved in a romantic relationship with
25 or solicited or engaged in sexual contact with a student or minor;

26 (C) possessed, transferred, sold, or distributed
27 a controlled substance, as defined by Chapter 481, Health and

1 Safety Code, or by 21 U.S.C. Section 801 et seq.;

2 (D) illegally transferred, appropriated, or
3 expended funds or other property of the school district, district
4 of innovation, charter school, other charter entity, service
5 center, or shared services arrangement;

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

9 (F) committed a criminal offense or any part of a
10 criminal offense on school property or at a school-sponsored event;
11 [~~or~~]

12 (2) the employee resigned and there is evidence that
13 the employee engaged in misconduct described by Subdivision (1);

14 (3) an employee employed by or seeking employment by
15 the school district, district of innovation, charter school, other
16 charter entity, service center, or shared services arrangement
17 obtained information about the employee's criminal record by a
18 means other than the criminal history clearinghouse established
19 under Section 411.0845, Government Code;

20 (4) an investigation into misconduct by the employee
21 described by Subdivision (1) resulted in a substantiated finding
22 that the employee engaged in the misconduct; or

23 (5) the employee pleaded guilty or nolo contendere to,
24 was convicted of, or was placed on deferred adjudication community
25 supervision for an offense arising out of an incident of misconduct
26 described by Subdivision (1).

27 (d) A superintendent or director of a school district,

1 district of innovation, open-enrollment charter school, other
2 charter entity, regional education service center, or shared
3 services arrangement or a county board of school trustees may not:

4 (1) investigate an allegation that ~~[shall complete an~~
5 ~~investigation of]~~ an employee ~~[that involves evidence that the~~
6 ~~employee]~~ may have engaged in misconduct described by Subsection
7 (c)(1)(A) or (B); or

8 (2) make any determination concerning whether an
9 investigation into an alleged incident of misconduct described by
10 Subsection (c) should be conducted by the office of inspector
11 general ~~[, despite the employee's resignation from employment~~
12 ~~before completion of the investigation]~~.

13 (e) The principal of a school district, district of
14 innovation, open-enrollment charter school, or other charter
15 entity campus must notify the superintendent or director of the
16 school district, district of innovation, charter school, or other
17 charter entity not later than the second ~~[seventh]~~ business day
18 after the date:

19 (1) of an employee's termination of employment or
20 resignation following an alleged incident of misconduct described
21 by Subsection (c)(1)(A) or (B);

22 (2) the principal knew about an employee's criminal
23 record under Subsection (c)(3);

24 (3) the principal was notified of a substantiated
25 finding of misconduct or a plea of guilty or nolo contendere to,
26 conviction of, or placement on deferred adjudication community
27 supervision for an offense arising out of the alleged incident of

1 misconduct as described by Subsection (c)(4) or (5); or

2 (4) the principal was notified of or otherwise knew
3 about an allegation of misconduct described by Subsection (c)(1)(A)
4 or (B) that was referred to the office of inspector general.

5 (e-1) The superintendent or director of a school district,
6 district of innovation, open-enrollment charter school, other
7 charter entity, regional education service center, or shared
8 services arrangement or a county board of school trustees shall
9 notify the office of inspector general not later than 24 hours after
10 the date the superintendent becomes aware that an employee is
11 alleged to have engaged in misconduct described by Subsection
12 (c)(1)(A) or (B).

13 (f) The superintendent or director must notify the
14 commissioner as required by Subsection (c) by filing a report with
15 the commissioner not later than the second ~~[seventh]~~ business day
16 after the date the superintendent or director:

17 (1) receives notice ~~[a report]~~ from a principal under
18 Subsection (e);

19 (2) [or] knew about an employee's termination of
20 employment or resignation following an alleged incident of
21 misconduct described by Subsection (c)(1)(A) or (B); or

22 (3) is notified of a substantiated finding of
23 misconduct or a plea of guilty or nolo contendere to, conviction of,
24 or placement on deferred adjudication community supervision for an
25 offense arising out of the alleged incident of misconduct as
26 described by Subsection (c)(4) or (5).

27 (f-1) The report under Subsection (f) must be:

(1) in writing; and

(2) in a form prescribed by the commissioner.

(g) Not later than the second business day after the date on which the superintendent or director files a report required by Subsection (f), the [The] superintendent or director shall notify the board of trustees or governing body of the school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement and the employee of the filing of the report ~~[required by Subsection (f)]~~.

(h) Except as provided by Subsection (h-1), a [A] superintendent or director who in good faith and while acting in an official capacity provides notice to the office of inspector general under Subsection (e-1) or files a report with the commissioner under Subsection (f) or a principal who in good faith and while acting in an official capacity notifies a superintendent or director under Subsection (e) is immune from civil or criminal liability that might otherwise be incurred or imposed.

(h-1) A superintendent, director, or principal of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement is not immune from civil or criminal liability that might otherwise be incurred or imposed if the superintendent, director, or principal violates Subsection (d), (e), or (e-1) or Section 22.0931.

(i) The commissioner shall refer to the State Board for Educator Certification an educator who violates ~~[fails to file a~~

1 ~~report in violation of~~ Subsection (d), (e), (e-1), or (f) or
2 Section 22.0931 [to the State Board for Educator Certification],
3 and the board shall determine whether to impose sanctions against
4 the educator. The State Board for Educator Certification may
5 impose on the educator an administrative penalty of not less than
6 \$1,000 and not more than \$10,000. The State Board for Educator
7 Certification may not renew the certification of an educator
8 against whom an administrative penalty is imposed under this
9 subsection until the penalty is paid. In addition to the
10 administrative penalty, the State Board for Educator Certification
11 may:

12 (1) require the educator to complete additional
13 training on child abuse reporting and recognition within a time
14 period set by the board;

15 (2) issue a formal written reprimand of the educator
16 to be included in the educator's certification record;

17 (3) suspend the educator's certification for a period
18 of not less than 30 days and not more than six months; or

19 (4) recommend that the educator's employing entity
20 terminate the educator's employment.

21 (j) The name of the campus and school district, district of
22 innovation, open-enrollment charter school, other charter entity,
23 regional education service center, or shared services arrangement
24 at which the alleged incident of misconduct occurred and the name of
25 a student or minor who is the victim of abuse or unlawful conduct by
26 an employee must be included in a report filed under this section,
27 but the name of the student or minor is not public information under

1 Chapter 552, Government Code.

2 (1) The commissioner shall routinely ~~[may]~~ review the
3 records of a school district, district of innovation,
4 open-enrollment charter school, other charter entity, regional
5 education service center, or shared services arrangement to ensure
6 compliance with the requirement to report misconduct under this
7 section.

8 SECTION 5. Section 21.0061, Education Code, is transferred
9 to Subchapter C-1, Chapter 22, Education Code, redesignated as
10 Section 22.0931, Education Code, and amended to read as follows:

11 Sec. 22.0931 ~~[21.0061]~~. NOTICE AND PROVISION OF
12 INVESTIGATIVE REPORT TO PARENT OR GUARDIAN ABOUT EMPLOYEE
13 [~~EDUCATOR~~ MISCONDUCT; TRANSFER OF STUDENT. (a) The board of
14 trustees or governing body of a school district, district of
15 innovation, open-enrollment charter school, other charter entity,
16 regional education service center, or shared services arrangement
17 or a county board of school trustees shall adopt a policy under
18 which notice is provided to the parent or guardian of a student with
19 whom an employee ~~[educator]~~ is alleged to have engaged in
20 misconduct described by Section 21.006(b)(2)(A) or (A-1) or
21 22.093(c)(1)(A) or (B) informing the parent or guardian:

22 (1) that the alleged misconduct occurred;
23 (2) whether the employee ~~[educator]~~ was terminated
24 following an investigation of the alleged misconduct or resigned
25 before completion of the investigation; and

26 (3) whether a report was submitted to the State Board
27 for Educator Certification or commissioner concerning the alleged

1 misconduct.

2 (b) The policy required by this section:

3 (1) must require that information specified by
4 Subsection (a)(1) be provided verbally and in writing to the parent
5 or guardian not later than the end of the business day on which ~~[as~~
6 ~~soon as feasible after]~~ the employing entity becomes aware that
7 alleged misconduct may have occurred; and

8 (2) may establish procedures for providing the
9 notification by the least intrusive methods and including options
10 of care for the student.

11 (c) Not later than the 120th day after the date on which the
12 office of inspector general concludes an investigation of an
13 alleged incident of misconduct described by Section
14 21.006(b)(2)(A) or (A-1) or 22.093(c)(1)(A) or (B), the inspector
15 general shall provide to the parent or guardian of the student with
16 whom the employee was alleged to have engaged in the misconduct a
17 redacted summary report of the investigation, regardless of whether
18 the inspector general referred the matter to the attorney general
19 or another law enforcement agency. The inspector general shall
20 adopt rules to implement this section in accordance with Chapter
21 552, Government Code.

22 (d) On request of a parent or guardian of a student with whom
23 an employee is alleged to have engaged in misconduct described by
24 Section 21.006(b)(2)(A) or (A-1) or 22.093(c)(1)(A) or (B), the
25 school district, district of innovation, open-enrollment charter
26 school, or other charter entity at which the student is enrolled
27 shall transfer the student to another district or school campus or a

neighboring school district. The district, school, or entity shall explore options to provide at no expense to the student transportation to and from the campus to which the student is transferred.

(e) [~~(e)~~] In this section, "inspector general," "office of inspector general," and "other charter entity" have [~~has~~] the meanings [~~meaning~~] assigned by Section 21.006.

SECTION 6. Subchapter C-1, Chapter 22, Education Code, is amended by adding Sections 22.0932 and 22.098 to read as follows:

Sec. 22.0932. REFERRAL OF EMPLOYEE MISCONDUCT ALLEGATIONS TO OFFICE OF INSPECTOR GENERAL. (a) In this section, "office of inspector general" has the meaning assigned by Section 21.006.

(b) Not later than 24 hours after receipt of an allegation of misconduct described by Section 21.006(b)(2)(A) or (A-1) or 22.093(c)(1)(A) or (B) by an employee of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement, the agency shall refer the allegation to the office of inspector general.

(c) Not later than the second business day after the agency refers an allegation under Subsection (b), the agency shall notify the person who submitted the allegation to the agency of the referral.

Sec. 22.098. RETALIATION FOR REPORTING EMPLOYEE MISCONDUCT PROHIBITED. (a) For purposes of this section, an act of retaliation includes:

(1) an adverse action affecting:

1 (A) the enrollment, attendance, or academic
2 standing of a student; or

3 (B) the employment or volunteering opportunities
4 available to a parent or guardian of a student at the educational
5 entity; and

6 (2) any act of intimidation, threat, coercion, or
7 harassment.

8 (b) The superintendent or director of a school district,
9 district of innovation, open-enrollment charter school, other
10 charter entity, regional education service center, or shared
11 services arrangement or a county board of school trustees may not
12 retaliate against an employee, a parent or guardian of a student, or
13 a student who:

14 (1) reports an alleged incident of misconduct
15 described by Section 21.006(b) or 22.093(c); or

16 (2) testifies, assists, or participates in any manner
17 in an investigation or proceeding related to an alleged incident of
18 misconduct described by Section 21.006(b) or 22.093(c).

19 SECTION 7. Section 22.094, Education Code, is amended by
20 amending Subsections (b), (d), (e), (f), and (g) and adding
21 Subsection (i) to read as follows:

22 (b) On receiving a report filed under Section 22.093(f) or
23 making an identification described by Subsection (a), the
24 commissioner shall promptly send to the person who is the subject of
25 the report or identification a notice that includes:

26 (1) a statement informing the person that the person
27 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 office of inspector general ~~[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).

(d) If a person who receives notice provided under Subsection (b) does not timely submit a written response to show cause why the office of inspector general ~~[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 inspector general ~~[commissioner]~~ shall:

(1) based on the report filed under Section 22.093(f) or the identification described by Subsection (a) and the office of inspector general's investigation, make a determination whether the person engaged in misconduct; and

(2) if the inspector general ~~[commissioner]~~ determines that the person engaged in misconduct described by

1 Section 22.093(c)(1)(A) or (B), instruct the agency to add the
2 person's name to the registry maintained under Section 22.092.

3 (f) If a person entitled to a hearing under Subsection (a)
4 requests a hearing as provided by Subsection (c) and, based on that
5 hearing and the office of inspector general's investigation, the
6 inspector general [~~final decision in that hearing~~] determines that
7 the person engaged in misconduct described by Section
8 22.093(c)(1)(A) or (B), the inspector general [~~commissioner~~] shall
9 instruct the agency to add the person's name to the registry
10 maintained under Section 22.092.

11 (g) If a person entitled to a hearing under Subsection (a)
12 requests a hearing as provided by Subsection (c) and, based on that
13 hearing and the office of inspector general's investigation, the
14 inspector general [~~final decision in that hearing~~] determines that
15 the person did not engage in misconduct described by Section
16 22.093(c)(1)(A) or (B), the inspector general [~~commissioner~~] shall
17 instruct the agency to immediately remove from the Internet portal
18 developed and maintained by the agency under Section 22.095 the
19 information indicating that the person is under investigation for
20 alleged misconduct.

21 (i) In this section, "inspector general" and "office of
22 inspector general" have the meanings assigned by Section 21.006.

23 SECTION 8. Section 21.006(c-2), Education Code, is
24 repealed.

25 SECTION 9. This Act takes effect January 1, 2026.