

By: Bettencourt, et al.  
(Leach)

S.B. No. 571

A BILL TO BE ENTITLED

AN ACT

relating to the reporting and investigation of certain misconduct  
and child abuse and neglect; creating a criminal offense.

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

ARTICLE 1. REPORTING OF MISCONDUCT

SECTION 1.01. Article 42.018(a), Code of Criminal  
Procedure, is amended to read as follows:

(a) This article applies only to:

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

(A) an offense for which a conviction or grant of  
deferred adjudication community supervision requires the defendant  
to register as a sex offender under Chapter 62;

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

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

(D) a felony offense involving school property;  
or

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

(2) conviction of:

(A) a felony ~~an~~ offense under Title 5, Penal

Code[, ~~if the victim of the offense was under 18 years of age at the time the offense was committed~~]; or

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

~~[(3) conviction or deferred adjudication community supervision granted on the basis of an offense under Section 43.24, Penal Code].~~

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

CHAPTER 22A. EMPLOYEE AND SERVICE PROVIDER MISCONDUCT

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

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 1.04. Section 21.006(a), Education Code, is transferred to Subchapter A, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.001, Education Code, and amended to read as follows:

Sec. 22A.001. DEFINITIONS. ~~[(a)]~~ In this chapter ~~[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) "Board" means the State Board for Educator Certification.

(3) "Educational entity" means a school district,

district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

(4) "Educational provider" means an entity that employs or contracts with a person to provide educational services to a child participating in the education savings account program.

The term includes:

(A) a certified educational assistance organization, as defined by Section 29.351, as added by S.B. 2, 89th Legislature, Regular Session, 2025; and

(B) an education service provider or vendor of educational products participating in the education savings account program.

(5) "Education savings account program" means the education savings account program established under Subchapter J, Chapter 29, as added by S.B. 2, 89th Legislature, Regular Session, 2025.

(6) "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.

(7) "Registry" means the registry of persons who are

not eligible to be employed by or act as a service provider for an educational entity maintained under Section 22A.151.

(8) "Service provider" means a person who provides services to an educational entity. The term includes:

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

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

(C) an entity that has entered into a contract to operate a school district campus under Section 11.174;

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

(E) a person employed by or under the control of a person described by Paragraph (A), (B), (C), or (D).

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

Sec. 22A.002. CONFIDENTIALITY. (a) Unless disclosure is required by other law and except as provided by Subsection (b), a complaint from a member of the public, statement, recording, note, file, record, memorandum, or report that is received, obtained, or created by the board or agency relating to the review or investigation of an allegation of misconduct under this chapter involving an employee of or contractor for an educational provider or an educator or employee employed by or a service provider for an educational entity is confidential and not subject to disclosure under Chapter 552, Government Code.

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

2                (1) a report required under Section 22A.051, 22A.052,  
3 22A.301, or 22A.302;

4                (2) information described by Subsection (a) for  
5 purposes of an administrative or other legal proceeding brought  
6 under Chapter 2001, Government Code; or

7                (3) information required to be included in the report  
8 under Section 22A.251.

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

12                SUBCHAPTER B. REQUIRED MISCONDUCT REPORTING

13        SECTION 1.07. Sections 21.006(b), (b-1), (b-2), (c), (c-1),  
14 (d), (e), (f), (g), (h), (i), (j), and (k), Education Code, are  
15 transferred to Subchapter B, Chapter 22A, Education Code, as added  
16 by this Act, redesignated as Section 22A.051, Education Code, and  
17 amended to read as follows:

18        Sec. 22A.051. REQUIREMENT TO REPORT EDUCATOR MISCONDUCT TO  
19 BOARD. (a) [~~(b)~~] In addition to the reporting requirement under  
20 Section 261.101, Family Code, [~~and except as provided by Subsection~~  
21 ~~(c-2)~~,] the superintendent or director of an educational entity [~~a~~  
22 ~~school district, district of innovation, open-enrollment charter~~  
23 ~~school, other charter entity, regional education service center, or~~  
24 ~~shared services arrangement~~] shall notify the board [~~State Board~~  
25 ~~for Educator Certification~~] if:

26                (1) an educator employed by or seeking employment by  
27 the entity [~~school district, district of innovation, charter~~

~~school, other charter entity, service center, or shared services arrangement~~] has a criminal record and the 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 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, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9, Penal Code, regardless of whether the conduct resulted in bodily injury;

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

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

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

(E) [~~(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.;

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

5            (G) [~~(D)~~] attempted by fraudulent or  
6 unauthorized means to obtain or alter a professional certificate or  
7 license for the purpose of promotion or additional compensation; or

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

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

13            (4) the superintendent or director becomes aware of  
14 evidence that an educator employed by the entity engaged in  
15 misconduct described by Subdivision (2)(A), (B), (C), or (D); or

16            (5) [~~(4)~~] the educator engaged in conduct that  
17 violated the assessment instrument security procedures established  
18 under Section [39.0301](#).

19            (b) [~~(b-1)~~] A superintendent or director of an educational  
20 entity [~~a school district, district of innovation, open-enrollment~~  
21 ~~charter school, other charter entity, regional education service~~  
22 ~~center, or shared services arrangement~~] shall complete an  
23 investigation of an educator that involves evidence that the  
24 educator may have engaged in misconduct described by Subsection  
25 (a)(2)(A), (B), (C), or (D) [~~(b)(2)(A) or (A-1)~~], despite the  
26 educator's resignation from employment before completion of the  
27 investigation.

1        (c) ~~[(b-2)]~~ The principal of a school district, district of  
2 innovation, open-enrollment charter school, or other charter  
3 entity campus must notify the superintendent or director of the  
4 ~~[school]~~ district, ~~[district of innovation, charter]~~ school, or  
5 ~~[other charter]~~ entity:

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

8            (A) ~~[(1)]~~ of an educator's termination of  
9 employment or resignation following an alleged incident of  
10 misconduct described by Subsection (a) ~~[(b)]~~; or

11           (B) ~~[(2)]~~ the principal knew about an educator's  
12 criminal record under Subsection (a)(1); or

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

16        (d) The ~~[(c) Except as provided by Subsection (c-2), the]~~  
17 superintendent or director must notify the board ~~[State Board for~~  
18 ~~Educator Certification]~~ by filing a report with the board:

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

22           (A) receives notice ~~[a report]~~ from a principal  
23 under Subsection (c) ~~[(b-2)]~~; or

24           (B) knew about an educator's termination of  
25 employment or resignation following an alleged incident of  
26 misconduct described by Subsection (a) ~~[(b)]~~ or an educator's  
27 ~~[employee's]~~ criminal record under Subsection (a)(1); or



(2) not later than 48 hours after the superintendent or director:

(A) receives notice from a principal under Subsection (c); or

(B) becomes aware of evidence of misconduct described by Subsection (a)(2)(A), (B), (C), or (D) [(b)(1)].

(e) [(c-1)] The report under Subsection (d) must be [(c)]:

(1) [must be:

[(A)] in writing;

(2) [and

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

(3) [(2) may be] filed through the Internet portal developed and maintained by the agency under Section 22A.155 [State Board for Educator Certification under Subsection (g-1)].

(f) [(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 (d) [(c)].

(g) [(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 board [State Board for Educator Certification] under this section or communicates with another superintendent, director, or

1 principal concerning an educator's criminal record or alleged  
2 incident of misconduct is immune from civil or criminal liability  
3 that might otherwise be incurred or imposed.

4       (h) [~~(f)~~] The board [~~State Board for Educator~~  
5 ~~Certification~~] shall determine whether to impose sanctions,  
6 including an administrative penalty under Subsection (k) [~~(i)~~],  
7 against a principal who fails to provide notification to a  
8 superintendent or director in violation of Subsection (c) [~~(b-2)~~]  
9 or against a superintendent or director who fails to file a report  
10 in violation of Subsection (d) [~~(e)~~].

11       (i) [~~(g)~~] The board [~~State Board for Educator~~  
12 ~~Certification~~] shall propose rules as necessary to implement this  
13 section.

14       (j) [~~(h)~~] The name of a student or minor who is the victim of  
15 abuse or unlawful conduct by an educator must be included in a  
16 report filed under this section, but the name of the student or  
17 minor is not public information under Chapter 552, Government Code.

18       (k) [~~(i)~~] If an educator serving as a superintendent or  
19 director is required to file a report under Subsection (d) [~~(e)~~] and  
20 fails to file the report by the date required by that subsection, or  
21 if an educator serving as a principal is required to notify a  
22 superintendent or director about an educator's criminal record or  
23 alleged incident of misconduct under Subsection (c) [~~(b-2)~~] and  
24 fails to provide the notice by the date required by that subsection,  
25 the board [~~State Board for Educator Certification~~] may impose on  
26 the educator an administrative penalty of not less than \$500 and not  
27 more than \$10,000. The board [~~State Board for Educator~~

~~Certification~~] may not renew the certification of an educator against whom an administrative penalty is imposed under this subsection until the penalty is paid.

(1) ~~[(j)]~~ A superintendent or director required to file a report under Subsection (d) ~~[(e)]~~ commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct described by Subsection (a)(2)(A), (B), (E), (F), (G), or (H). A principal required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (c) ~~[(b-2)]~~ commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct described by Subsection (a)(2)(A), (B), (E), (F), (G), or (H). An offense under this subsection is a state jail felony.

(m) ~~[(k)]~~ 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 1.08. Section 22.093, Education Code, is transferred to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.052, Education Code, and amended to read as follows:

Sec. 22A.052 [22.093]. REQUIREMENT TO REPORT EMPLOYEE OR

1 SERVICE PROVIDER MISCONDUCT TO AGENCY. (a) ~~[In this section,~~  
2 ~~"abuse" has the meaning assigned by Section 261.001, Family Code,~~  
3 ~~and includes any sexual conduct involving a student or minor.~~

4 ~~[(b)]~~ This section applies to:

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

10 (2) a service provider for an educational entity who  
11 has or will have direct contact with students.

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

18 (1) becomes aware of ~~[an employee's employment at the~~  
19 ~~school district, district of innovation, charter school, other~~  
20 ~~charter entity, service center, or shared services arrangement was~~  
21 ~~terminated and there is]~~ evidence that a person described by  
22 Subsection (a) engaged in misconduct described by Section  
23 22A.051(a)(2)(A), (B), (C), or (D) ~~[the employee:~~

24 ~~[(A) abused or otherwise committed an unlawful~~  
25 ~~act with a student or minor, or~~

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

or

(2) obtains criminal history record information relating to misconduct described by Subdivision (1) for a person described by Subsection (a) [the employee resigned and there is evidence that the employee engaged in misconduct described by Subdivision (1)].

(c) [~~(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 (a) [~~an employee~~] that involves evidence that the person [~~employee~~] may have engaged in misconduct described by Subsection (b)(1) [~~(c)(1)(A) or (B)~~], despite the person's termination of or [~~employee's~~] resignation from employment or cessation of services for the entity before completion of the investigation.

(d) [~~(e)~~] 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 than 48 hours [~~the seventh business day~~] after the principal becomes aware of evidence of [~~date of an employee's termination of employment or resignation following~~] an alleged incident of misconduct described by Subsection (b)(1) [~~(c)(1)(A) or (B)~~].

(e) [~~(f)~~] The superintendent or director of an educational entity 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:

(1) receives notice ~~[a report]~~ from a principal under  
Subsection (d);

(2) ~~[(e) or]~~ knew about the ~~[an employee's]~~  
termination of ~~[employment]~~ or resignation from employment or  
cessation of services of a person described by Subsection (a) for  
the entity following an alleged incident of misconduct described by  
Subsection (b)(1); or

(3) becomes aware of evidence of misconduct described  
by Subsection (b)(1) ~~[(e)(1)(A) or (B)]~~.

(f) The report under Subsection (e) must be:

(1) in writing; ~~and~~

(2) in a form prescribed by the commissioner; and

(3) filed through the Internet portal developed and  
maintained by the agency under Section 22A.155.

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

(h) A superintendent or director who in good faith and while  
acting in an official capacity files a report with the commissioner  
under Subsection (e) ~~[(f)]~~ or a principal who in good faith and  
while acting in an official capacity notifies a superintendent or

1 director under Subsection (d) [~~(e)~~] is immune from civil or  
2 criminal liability that might otherwise be incurred or imposed.

3 (i) The commissioner shall refer an educator who fails to  
4 file a report in violation of Subsection (e) [~~(f)~~] to the board  
5 [~~State Board for Educator Certification~~], and the board shall  
6 determine whether to impose sanctions against the educator.

7 (j) The name of a student or minor who is the victim of abuse  
8 or unlawful conduct [~~by an employee~~] must be included in a report  
9 filed under this section, but the name of the student or minor is  
10 not public information under Chapter 552, Government Code.

11 (k) A superintendent or director required to file a report  
12 under Subsection (e) [~~(f)~~] commits an offense if the superintendent  
13 or director fails to file the report by the date required by that  
14 subsection with intent to conceal a person's [~~an employee's~~]  
15 criminal record or alleged incident of misconduct described by  
16 Section 22A.051(a)(2)(A) or (B). A principal required to notify a  
17 superintendent or director about a person's [~~an employee's~~] alleged  
18 incident of misconduct under Subsection (d) [~~(e)~~] commits an  
19 offense if the principal fails to provide the notice by the date  
20 required by that subsection with intent to conceal a person's [~~an~~  
21 ~~employee's~~] alleged incident of misconduct described by Section  
22 22A.051(a)(2)(A) or (B). An offense under this subsection is a  
23 state jail felony.

24 (l) The commissioner may review the records of an  
25 educational entity [~~a school district, district of innovation,~~  
26 ~~open-enrollment charter school, other charter entity, regional~~  
27 ~~education service center, or shared services arrangement~~] to ensure

1 compliance with the requirement to report misconduct under this  
2 section.

3 (m) The commissioner shall adopt rules as necessary to  
4 implement this section.

5 SECTION 1.09. Section 21.0061, Education Code, is  
6 transferred to Subchapter B, Chapter 22A, Education Code, as added  
7 by this Act, redesignated as Section 22A.053, Education Code, and  
8 amended to read as follows:

9 Sec. 22A.053 [21.0061]. NOTICE TO PARENT OR GUARDIAN ABOUT  
10 [EDUCATOR] MISCONDUCT. (a) The board of trustees or governing body  
11 of an educational entity [~~a school district, district of~~  
12 ~~innovation, open-enrollment charter school, other charter entity,~~  
13 ~~regional education service center, or shared services arrangement~~]  
14 shall adopt a policy under which notice is provided to the parent or  
15 guardian of a student with whom a person employed by or acting as a  
16 service provider for the entity [~~an educator~~] is alleged to have  
17 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),  
18 (C), or (D) [~~Section 21.006(b)(2)(A) or (A-1)~~] informing the parent  
19 or guardian:

20 (1) that the alleged misconduct occurred;

21 (2) whether the person [~~educator~~] was terminated  
22 following an investigation of the alleged misconduct or resigned  
23 before completion of the investigation; and

24 (3) whether a report was submitted to the agency or  
25 board [~~State Board for Educator Certification~~] concerning the  
26 alleged misconduct.

27 (b) The policy required by this section must require that



information specified by Subsection (a)(1) be provided as soon as feasible after the educational ~~[employing]~~ entity becomes aware that alleged misconduct may have occurred.

~~[(c) In this section, "other charter entity" has the meaning assigned by Section 21.006.]~~

SECTION 1.10. Sections 21.007 and 21.009, Education Code, are transferred to Subchapter B, Chapter 22A, Education Code, as added by this Act, redesignated as Sections 22A.054 and 22A.055, Education Code, respectively, and amended to read as follows:

Sec. 22A.054 ~~[21.007]~~. NOTICE ON CERTIFICATION RECORD OF ALLEGED MISCONDUCT; INCLUSION IN REGISTRY. (a) ~~[In this section, "board" means the State Board for Educator Certification.]~~

~~[(b)]~~ The board shall adopt a procedure for placing a notice of alleged misconduct on an educator's public certification records. The procedure adopted by the board must provide for immediate placement of a notice of alleged misconduct on an educator's public certification records if the alleged misconduct presents a risk to the health, safety, or welfare of a student or minor as determined by the board.

(b) ~~[(c)]~~ The board must notify:

(1) an educator in writing when placing a notice of an alleged incident of misconduct on the public certification records of the educator; and

(2) the agency for purposes of placing the educator on the registry in accordance with Subsection (c).

(c) On receiving a notification under Subsection (b), the agency shall immediately place the educator on the registry and

include information indicating that the educator is under investigation for alleged misconduct.

(d) The board must provide an opportunity for an educator to show cause why the notice should not be placed on the educator's public certification records. The board shall propose rules establishing the length of time that a notice may remain on the educator's public certification records before the board must:

(1) initiate a proceeding to impose a sanction on the educator on the basis of the alleged misconduct; or

(2) remove the notice from the educator's public certification records.

(e) If it is determined that the educator has not engaged in the alleged incident of misconduct, the board shall immediately:

(1) remove the notice from the educator's public certification records; and

(2) notify the agency to remove the educator from the registry.

(f) The board shall propose rules necessary to administer this section.

Sec. 22A.055 [~~21.009~~]. PRE-EMPLOYMENT OR PRE-SERVICE AFFIDAVIT. (a) A person applying [~~An applicant~~] for employment with or who will act as a service provider for 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, consent for release of the person's employment records and

1 a pre-employment or pre-service affidavit disclosing whether the  
2 person [~~applicant~~] has ever been:

3 (1) investigated by a law enforcement or child  
4 protective services agency for, or charged with, adjudicated for,  
5 or convicted of, an offense involving conduct described by Section  
6 22A.051(a)(2)(A), (B), (C), or (D);

7 (2) investigated by a licensing authority or had a  
8 license, certificate, or permit denied, suspended, revoked, or  
9 subject to another sanction in this state or another state for  
10 conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

11 (3) included in the registry;

12 (4) employed or is currently employed by or has acted  
13 or is currently acting as a service provider for a public or private  
14 school; or

15 (5) terminated or discharged or has resigned, in lieu  
16 of being terminated or discharged, from a public or private school  
17 ~~[having an inappropriate relationship with a minor].~~

18 (b) A person [~~An applicant~~] who answers affirmatively  
19 concerning an action listed under Subsection (a) [~~inappropriate~~  
20 ~~relationship with a minor~~] must disclose in the affidavit all  
21 relevant facts known to the person pertaining to the matter  
22 [~~charge, adjudication, or conviction~~], including, if applicable to  
23 the action [~~for a charge~~], whether the allegation [~~charge~~] was  
24 determined to be true or false.

25 (c) A person or service provider [~~An applicant~~] is not  
26 precluded from being employed by or providing services to an  
27 educational entity based on a disclosed allegation [~~charge~~] if the

1 ~~[employing]~~ entity determines based on the information disclosed in  
2 the affidavit that the allegation ~~[charge]~~ was false.

3 (d) A determination that an employee or person providing  
4 services failed to disclose information required to be disclosed by  
5 a person ~~[an applicant]~~ under this section is grounds for  
6 termination of employment or service.

7 (e) An educational entity shall discharge or refuse to hire  
8 or allow to act as a service provider for the entity a person  
9 against whom a determination has been made under Subsection (d).

10 (f) The board ~~[State Board for Educator Certification]~~ may  
11 revoke the certificate of an administrator if the board determines  
12 it is reasonable to believe that the administrator employed a  
13 person or accepted services from a service provider ~~[an applicant~~  
14 ~~for a position described by Section 21.003(a) or (b)]~~ despite being  
15 aware that the person knowingly failed to disclose information  
16 required to be disclosed under Subsection (a) ~~[applicant had been~~  
17 ~~adjudicated for or convicted of having an inappropriate~~  
18 ~~relationship with a minor]~~.

19 (g) A person commits an offense if the person fails to  
20 disclose information required to be disclosed under Subsection (a).  
21 An offense under this subsection is a Class B misdemeanor.

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

25 SUBCHAPTER C. INVESTIGATION OF MISCONDUCT

26 SECTION 1.12. Section 22.094, Education Code, is  
27 transferred to Subchapter C, Chapter 22A, Education Code, as added

by this Act, redesignated as Section 22A.101, Education Code, and amended to read as follows:

Sec. 22A.101 [~~22.094~~]. NOTICE OF ALLEGED MISCONDUCT; INVESTIGATION; HEARING. (a) This section applies to:

(1) a [A] person described by Section 22A.052(a) [~~22.093(b) and~~] who is:

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

(B) [~~22.093(c)(1)(A) or (B) or who is~~] identified as having engaged in [~~that~~] misconduct described by Paragraph (A) using the interagency reportable conduct search engine established under Chapter 810, Health and Safety Code;

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

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

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

(b) A person to whom this section applies [~~7~~] 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, or complaint.

(c) [~~(b)~~] On receiving a report or complaint [~~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 (d) ~~[(e)]~~;

(2) a request that the person submit a written response within the period provided by Subsection (d) ~~[(e)]~~ 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 (e) ~~[(d)]~~.

(d) ~~[(e)]~~ A person entitled to a hearing under Subsection (b) ~~[(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 (c) ~~[(b)]~~.

(e) ~~[(d)]~~ If a person who receives notice provided under Subsection (c) ~~[(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 22A.155 ~~[22.095]~~ information indicating that the person is under investigation for alleged misconduct.

(f) ~~[(e)]~~ If a person entitled to a hearing under Subsection

1 (b) [~~(a)~~] does not request a hearing as provided by Subsection (d)  
2 [~~(c)~~], the commissioner shall:

3 (1) based on the report filed under Section  
4 22A.052(e), the complaint alleging misconduct, [22.093(f)] or the  
5 identification described by Subsection (a), make a determination  
6 whether the person engaged in misconduct; and

7 (2) if the commissioner determines that the person  
8 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),  
9 (C), or (D) [22.093(c)(1)(A) or (B)], instruct the agency to add the  
10 person's name to the registry [~~maintained under Section 22.092~~].

11 (g) [~~(f)~~] If a person entitled to a hearing under Subsection  
12 (b) [~~(a)~~] requests a hearing as provided by Subsection (d) [~~(c)~~] and  
13 the final decision in that hearing determines that the person  
14 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),  
15 (C), or (D) [22.093(c)(1)(A) or (B)], the commissioner shall  
16 instruct the agency to add the person's name to the registry  
17 [~~maintained under Section 22.092~~].

18 (h) [~~(g)~~] If a person entitled to a hearing under Subsection  
19 (b) [~~(a)~~] requests a hearing as provided by Subsection (d) [~~(c)~~] and  
20 the final decision in that hearing determines that the person did  
21 not engage in misconduct described by Section 22A.051(a)(2)(A),  
22 (B), (C), or (D) [22.093(c)(1)(A) or (B)], the commissioner shall  
23 instruct the agency to immediately remove from the Internet portal  
24 developed and maintained by the agency under Section 22A.155  
25 [22.095] the information indicating that the person is under  
26 investigation for alleged misconduct.

27 (i) [~~(h)~~] The commissioner shall adopt rules as necessary

to implement this section. In adopting rules, the commissioner shall follow any guidelines adopted by the board regarding sanctions for misconduct described by Section 22A.051(a)(2)(A), (C), or (D).

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

Sec. 22A.102. PRELIMINARY DETERMINATION. To the extent feasible, not later than the 30th day after receipt of a report under Section 22A.051(d), 22A.052(e), 22A.301(c), or 22A.302(c), the board or agency, as applicable, shall, based on a preliminary review of the report, make a determination regarding whether:

(1) if the person who is the subject of the report is an educator, a notice of alleged misconduct should be placed on the educator's public certification records under Section 22A.054; and

(2) the person should be placed on the registry under Section 22A.151 with an indication that the person is under investigation for alleged misconduct.

SECTION 1.14. Section 21.062, Education Code, is transferred to Subchapter C, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.103, Education Code, and amended to read as follows:

Sec. 22A.103 [~~21.062~~]. ISSUANCE OF SUBPOENAS. (a) During an investigation by the commissioner of an educator or person who is employed by or providing services to an educational entity for an alleged incident of misconduct, the commissioner may issue a subpoena to compel:



1 (1) the attendance of a relevant witness; or

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

4 (a-1) A response to a subpoena described by Subsection  
5 (a)(2) must be submitted through the Internet portal developed and  
6 maintained by the agency under Section 22A.155 unless the  
7 commissioner authorizes a different method of submission.

8 (b) A subpoena may be served personally, electronically, or  
9 by certified mail.

10 (c) If a person fails to comply with a subpoena, the  
11 commissioner, acting through the attorney general, may file suit to  
12 enforce the subpoena in a district court in this state. On finding  
13 that good cause exists for issuing the subpoena, the court shall  
14 order the person to comply with the subpoena. The court may punish  
15 a person who fails to obey the court order.

16 (d) All information and materials subpoenaed or compiled in  
17 connection with an investigation described by Subsection (a) are  
18 confidential and not subject to disclosure under Chapter 552,  
19 Government Code.

20 (e) Except as provided by a protective order, and  
21 notwithstanding Subsection (d), all information and materials  
22 subpoenaed or compiled in connection with an investigation  
23 described by Subsection (a) may be used in a disciplinary  
24 proceeding against a person [~~an educator~~] based on an alleged  
25 incident of misconduct.

26 SECTION 1.15. Subchapter C, Chapter 22A, Education Code, as  
27 added by this Act, is amended by adding Section 22A.104 to read as

follows:

Sec. 22A.104. RESTRICTION ON SURRENDER OF CERTIFICATE OR PERMIT PENDING INVESTIGATION. If a person issued a certificate or permit under Subchapter B, Chapter 21, attempts to surrender the certificate or permit while the board is investigating an allegation that the person engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), the board may not accept the surrender unless the person agrees to be included in the registry.

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

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

SECTION 1.17. Section 22.092, Education Code, is transferred to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.151, Education Code, and amended to read as follows:

Sec. 22A.151 [22.092]. REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN OR PROVISION OF SERVICES TO EDUCATIONAL ENTITIES [~~PUBLIC SCHOOLS~~]. (a) The agency shall maintain and make available through the Internet portal developed and maintained by the agency under Section 22A.155 [22.095] a registry of persons who are not eligible to be employed by or act as a service provider for 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) 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 discharge or refuse to hire, or terminate or refuse to accept services from, a person listed on the registry ~~[maintained under this section]~~.

(c) An educational entity may not allow a person who is listed on the registry to act as a service provider for the entity.

(d) The registry ~~[maintained under this section]~~ must list the following persons as not eligible to be employed by or act as a service provider for an educational entity ~~[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 22A.201(b) ~~[21.058(b)]~~;

(4) a person whose certification or permit, or application for a certification or permit, issued under Subchapter B, Chapter 21, is denied or revoked by the board and who has not been issued a certificate or permit under that subchapter subsequent to that denial or revocation ~~[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]~~

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

5           (6) a person who is determined by the commissioner  
6 under Section 22A.101 [22.094] to have engaged in misconduct  
7 described by Section 22A.051(a)(2)(A), (B), (C), or (D); and

8           (7) a person temporarily included in the registry  
9 under Section 22A.152 or 22A.153 for the term of the placement  
10 [22.093(c)(1)(A) or (B)].

11          (e) The registry must include information indicating  
12 whether a person's listing in the registry expires. A prohibition  
13 applicable to a person included in the registry no longer applies to  
14 a person whose listing in the registry has expired and, if  
15 applicable, whose certification or permit under Subchapter B,  
16 Chapter 21, has been reinstated.

17          (f) [(d)] The agency shall provide equivalent access to the  
18 registry [maintained under this section] to:

19               (1) private schools;

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

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

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

26               (5) service providers for an educational entity that  
27 are authorized by the entity to access the registry.

1        (g) Each school year, the superintendent or director of an  
2 educational entity shall certify to the commissioner that the  
3 entity has complied with this section. If feasible, the  
4 commissioner by rule shall consolidate the requirement under this  
5 subsection with other reporting requirements applicable to the  
6 entity.

7        (h) [~~(e)~~] The commissioner [~~agency~~] shall adopt rules as  
8 necessary to implement this section.

9        SECTION 1.18. Subchapter D, Chapter 22A, Education Code, as  
10 added by this Act, is amended by adding Sections 22A.152, 22A.153,  
11 and 22A.154 to read as follows:

12        Sec. 22A.152. TEMPORARY INCLUSION IN REGISTRY BASED ON  
13 CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE. (a) The  
14 commissioner shall temporarily include a person in the registry if  
15 the commissioner, based on evidence or information presented to the  
16 commissioner regarding a complaint alleging misconduct by the  
17 person, determines that the person's continued employment at or  
18 provision of services to an educational entity constitutes a  
19 continuing and imminent threat to the public welfare.

20        (b) A person may be temporarily included in the registry  
21 without notice or hearing on the complaint alleging the person's  
22 misconduct if:

23                (1) proceedings for a hearing before the State Office  
24 of Administrative Hearings are initiated simultaneously with the  
25 temporary inclusion; and

26                (2) a hearing is held as soon as possible under this  
27 chapter and Chapter 2001, Government Code.

1        (c) The State Office of Administrative Hearings shall hold a  
2 preliminary hearing not later than the 17th day after the date of  
3 the temporary inclusion to determine whether probable cause exists  
4 that the person's employment at or provision of services to an  
5 educational entity constitutes a continuing and imminent threat to  
6 the public welfare. The probable cause hearing shall be conducted  
7 as a de novo hearing.

8        (d) The State Office of Administrative Hearings shall hold a  
9 final hearing on the matter not later than the 61st day after the  
10 date of the temporary inclusion.

11        (e) The commissioner by rule shall adopt procedures for the  
12 temporary inclusion of a person in the registry under this section.

13        Sec. 22A.153. TEMPORARY INCLUSION IN REGISTRY FOR CERTAIN  
14 ARRESTS. (a) The commissioner shall temporarily include a person  
15 who is employed by or acting as a service provider for an  
16 educational entity in the registry if the person is arrested for an  
17 offense listed under Section 22A.201(a).

18        (b) Before temporarily including a person described by  
19 Subsection (a) in the registry, the commissioner must verify that  
20 the person arrested for an offense described by that subsection is  
21 the same person who is employed by or acting as a service provider  
22 for an educational entity.

23        (c) An inclusion in the registry under this section remains  
24 in effect until the final disposition of the case.

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

27        (e) The commissioner shall adopt rules to implement this

section, including rules regarding evidence that serves as proof of final disposition of a case.

Sec. 22A.154. REPORTING TO LAW ENFORCEMENT. (a) In this section, "law enforcement agency" means:

- (1) the Department of Public Safety;
- (2) the police department of a municipality;
- (3) the sheriff's office of a county; or
- (4) a constable's office of a county.

(b) The agency shall refer to an appropriate law enforcement agency any allegation of misconduct that results in the inclusion of a person in the registry that has not already been referred to a law enforcement agency.

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

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

SECTION 1.19. Sections 22.095 and 22.096, Education Code, are transferred to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignated as Sections 22A.155 and 22A.156, Education Code, respectively, and amended to read as follows:

Sec. 22A.155 [22.095]. INTERNET PORTAL. (a) The agency shall develop and maintain an Internet portal through which:

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

(2) the agency makes available:

1 (A) the registry of persons who are not eligible  
2 to be employed by or act as service providers for educational  
3 entities [~~in public schools~~] as described by Section 22A.151  
4 [22.092]; and

5 (B) information indicating that a person is under  
6 investigation for alleged misconduct in accordance with Section  
7 22A.101(e) [22.094(a)], provided that the agency must provide the  
8 information through a procedure other than the registry [~~described~~  
9 ~~under Paragraph (A)]~~.

10 (b) The Internet portal must comply with any requirements  
11 adopted by the board for filing reports under Sections 22A.051 and  
12 22A.301.

13 Sec. 22A.156 [22.096]. COMPLIANCE MONITORING; AGENCY  
14 INVESTIGATION AND REVIEW. (a) The agency shall periodically  
15 [~~conduct site visits and~~] review the records of educational  
16 entities [~~school districts, districts of innovation,~~  
17 ~~open-enrollment charter schools, other charter entities, regional~~  
18 ~~education service centers, and shared services arrangements~~] to  
19 ensure compliance with Section 22A.151(b) [22.092(b)].

20 (b) The agency shall review the investigations conducted by  
21 educational entities involving allegations of misconduct described  
22 by Section 22A.051(a)(2)(A), (B), (C), or (D) to ensure that the  
23 investigations are conducted using appropriate investigative  
24 protocols, including when cooperating with a law enforcement agency  
25 or the Department of Family and Protective Services in accordance  
26 with the policy adopted under Section 38.004. If the agency  
27 determines that an educational entity failed to follow appropriate



investigative protocols, the commissioner may authorize a special investigation under Section 39.003.

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

SECTION 1.20. Section 22.085, Education Code, is transferred to Subchapter D, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.157, Education Code, and amended to read as follows:

Sec. 22A.157 [22.085]. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES. (a) An educational entity [~~A school district, open-enrollment charter school, or shared services arrangement~~] shall discharge or refuse to hire an employee or applicant for employment if the entity [~~district, school, or shared services arrangement~~] obtains information through a criminal history record information review that the employee or applicant has been:

(1) convicted of or placed on deferred adjudication community supervision for an offense described by Section 22A.201(a)(1) [~~for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure~~]; or

(2) convicted of an [+] [~~(A) a felony~~] offense described by Section 22A.201(a)(2) [~~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~~

1                   [~~(B) an offense under the laws of another state~~  
2 ~~or federal law that is equivalent to an offense under Subdivision~~  
3 ~~(1) or Paragraph (A)].~~

4           (b) Subsection (a) does not apply if the employee or  
5 applicant for employment committed an offense under Title 5, Penal  
6 Code and:

7                   (1) the date of the offense is more than 30 years  
8 before:

9                           (A) the effective date of S.B. No. 9, Acts of the  
10 80th Legislature, Regular Session, 2007, in the case of a person  
11 employed by a school district, open-enrollment charter school, or  
12 shared services arrangement as of that date; or

13                           (B) the date the person's employment will begin,  
14 in the case of a person applying for employment with a school  
15 district, open-enrollment charter school, or shared services  
16 arrangement after the effective date of S.B. No. 9, Acts of the 80th  
17 Legislature, Regular Session, 2007; and

18                   (2) the employee or applicant for employment satisfied  
19 all terms of the court order entered on conviction.

20           (c) An educational entity [~~A school district,~~  
21 ~~open-enrollment charter school, or shared services arrangement~~]  
22 may not allow a person who is an employee of or applicant for  
23 employment by a qualified school contractor or an entity that  
24 contracts with the entity [~~district, school, or shared services~~  
25 ~~arrangement~~] to serve [~~at the district or school or~~] for the entity  
26 [~~shared services arrangement~~] if the entity [~~district, school, or~~  
27 ~~shared services arrangement~~] obtains information described by

Subsection (a) through a criminal history record information review concerning the employee or applicant. An educational entity [~~A school district, open-enrollment charter school, or shared services arrangement~~] must ensure that an entity that the educational entity [~~district, school, or shared services arrangement~~] contracts with for services has obtained all criminal history record information as required by Section 22.0834.

(d) An educational entity or [~~A school district, open-enrollment charter school,~~] private school[, ~~regional education service center, or shared services arrangement~~] may discharge an employee if the entity [~~district~~] or school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the board [~~State Board for Educator Certification~~] or the entity or [~~district,~~] school[, ~~service center, or shared services arrangement~~]. An employee discharged under this section is considered to have been discharged for misconduct for purposes of Section 207.044, Labor Code.

(e) The board [~~State Board for Educator Certification~~] may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant for employment if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been:

(1) convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1); or

(2) convicted of an offense described by Subsection

(a)(2).

(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.

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

SUBCHAPTER E. DENIAL OR REVOCATION OF EDUCATOR CERTIFICATION FOR MISCONDUCT

SECTION 1.22. Section 21.058, Education Code, is transferred to Subchapter E, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.201, Education Code, and amended to read as follows:

Sec. 22A.201 [21.058]. DENIAL OR REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF OR PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES. (a) The procedures described by this section [~~Subsections (b) and (c)~~] apply only to:

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

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

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

(C) a felony offense under Chapter 43, Penal

Code;

(D) a felony offense involving school property;

or

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

(2) conviction of:

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

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

~~[(3) conviction of or placement on deferred adjudication community supervision for an offense under Section 43.24, Penal Code].~~

(b) Notwithstanding Section 21.041(b)(7), not later than the fifth day after the date the board receives notice under Article 42.018, Code of Criminal Procedure, of the conviction or placement on deferred adjudication community supervision of a person who holds a certificate under Subchapter B, Chapter 21 ~~[this subchapter]~~, the board shall:

(1) revoke the certificate held by the person; and

(2) provide to the person, to the agency, and to any school district or open-enrollment charter school employing the person at the time of revocation written notice of:

(A) the revocation; and

(B) the basis for the revocation.

1           (c) A school district or open-enrollment charter school  
2 that receives notice under Subsection (b) of the revocation of a  
3 person's certificate issued under Subchapter B, Chapter 21, [~~this~~  
4 ~~subchapter~~] shall:

5               (1) immediately remove the person whose certificate  
6 has been revoked from campus or from an administrative office, as  
7 applicable, to prevent the person from having any contact with a  
8 student; and

9               (2) for a [~~if the~~] person [~~is~~] employed under a  
10 probationary, continuing, or term contract under Chapter 21 [~~this~~  
11 ~~chapter~~], with the approval of the board of trustees or governing  
12 body or a designee of the board or governing body:

13                       (A) suspend the person without pay;

14                       (B) provide the person with written notice that  
15 the person's contract is void as provided by Subsection (e)  
16 [~~(c-2)~~]; and

17                       (C) terminate the employment of the person as  
18 soon as practicable.

19           (d) [~~(c-1)~~] If a school district or open-enrollment charter  
20 school becomes aware that a person employed by the district or  
21 school under a probationary, continuing, or term contract under  
22 Chapter 21 [~~this chapter~~] has been convicted of or received  
23 deferred adjudication for a felony offense, and the person is not  
24 subject to Subsection (c), the district or school may, with the  
25 approval of the board of trustees or governing body or a designee of  
26 the board of trustees or governing body:

27               (1) suspend the person without pay;

(2) provide the person with written notice that the person's contract is void as provided by Subsection (e) [~~(c-2)~~]; and

(3) terminate the employment of the person as soon as practicable.

(e) [~~(c-2)~~] A person's probationary, continuing, or term contract under Chapter 21 is void if, with the approval of the board of trustees or governing body or a designee of the board or governing body, the school district or open-enrollment charter school takes action under Subsection (c)(2)(B) or (d)(2) [~~(c-1)(2)~~].

(f) The board or a school district may not issue a certificate or permit under Subchapter B, Chapter 21, to a person who has been convicted of or placed on deferred adjudication for an offense described by Subsection (a)(1) or who has been convicted of an offense described by Subsection (a)(2) [~~(d) A person whose certificate is revoked under Subsection (b) may reapply for a certificate in accordance with board rules~~].

(g) [~~(e)~~] Action taken by a school district or open-enrollment charter school under Subsection (c) or (d) [~~(c-1)~~] is not subject to appeal under this chapter, and the notice and hearing requirements of this chapter do not apply to the action.

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

Sec. 22A.202. TEMPORARY SUSPENSION OF CERTIFICATION OR PERMIT BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE.

1 (a) The board shall temporarily suspend an educator's  
2 certification or permit issued under Subchapter B, Chapter 21, if  
3 the board, based on evidence or information presented to the board  
4 regarding a complaint alleging misconduct by the educator,  
5 determines, by a majority vote of the board or of a five-person  
6 committee of board members designated by the board, that the  
7 educator's continued certification or permit issuance constitutes  
8 a continuing and imminent threat to the public welfare.

9 (b) Notwithstanding Chapter 551, Government Code, the board  
10 or a committee described by Subsection (a) may hold a meeting by  
11 telephone conference call if the board or committee determines that  
12 immediate action is required and convening the board or committee  
13 at one location would be inconvenient for any member of the board or  
14 committee.

15 (c) An educator's certification or permit may be  
16 temporarily suspended under this section without notice or hearing  
17 on the complaint alleging the educator's misconduct if:

18 (1) proceedings for a hearing before the State Office  
19 of Administrative Hearings are initiated simultaneously with the  
20 temporary suspension; and

21 (2) a hearing is held as soon as possible under this  
22 chapter and Chapter 2001, Government Code.

23 (d) The State Office of Administrative Hearings shall hold a  
24 preliminary hearing not later than the 17th day after the date of  
25 the temporary suspension to determine whether probable cause exists  
26 that the educator's certification or permit issuance constitutes a  
27 continuing and imminent threat to the public welfare. The probable



1 cause hearing shall be conducted as a de novo hearing.

2 (e) The State Office of Administrative Hearings shall hold a  
3 final hearing on the matter not later than the 61st day after the  
4 date of the temporary suspension.

5 (f) The board shall propose rules adopting procedures for  
6 the temporary suspension of an educator's certification or permit  
7 under this section.

8 Sec. 22A.203. TEMPORARY SUSPENSION OF CERTIFICATION OR  
9 PERMIT FOR CERTAIN ARRESTS. (a) The board shall temporarily  
10 suspend an educator's certification or permit issued under  
11 Subchapter B, Chapter 21, if the educator is arrested for an offense  
12 listed under Section 22A.201(a).

13 (b) Before suspending an educator's certification or permit  
14 under Subsection (a), the board or a five-person committee of board  
15 members designated by the board must verify that the person  
16 arrested for an offense described by that subsection is the same  
17 person who holds a certification or permit issued under Subchapter  
18 B, Chapter 21, by the board.

19 (c) A suspension under this section remains in effect until  
20 the final disposition of the case.

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

23 (e) The board shall propose rules to implement this section,  
24 including rules regarding evidence that serves as proof of final  
25 disposition of a case.

26 SECTION 1.24. Chapter 22A, Education Code, as added by this  
27 Act, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. OTHER REPORTING REQUIREMENTS

Sec. 22A.251. REPORT BY AGENCY. (a) The agency, in cooperation with the board, shall, on a quarterly basis, post on the agency's Internet website a report on educator, employee, contractor, and service provider misconduct reported under this chapter.

(b) The report under Subsection (a) must be disaggregated by type of misconduct and include:

(1) the number of reports of alleged misconduct, categorized by the source of the report and whether the person who is the subject of the report holds a certification or permit issued under Subchapter B, Chapter 21;

(2) the number of preliminary reviews under Section 22A.102 that resulted in a formal investigation;

(3) the number of preliminary reviews under Section 22A.102 that did not result in a formal investigation, categorized by reason for disposition;

(4) the number of formal investigations, categorized by disposition;

(5) the number of individuals sanctioned by the board or placed on the registry following a formal investigation; and

(6) any other information as determined by the board or commissioner.

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

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

3            SECTION 1.26. Section    21.0062,    Education    Code,    is  
4   transferred to Subchapter G, Chapter 22A, Education Code, as added  
5   by this Act, redesignated as Section 22A.301, Education Code, and  
6   amended to read as follows:

7            Sec. 22A.301 [21.0062]. REQUIREMENT TO REPORT MISCONDUCT:  
8   PRIVATE SCHOOLS. (a) [~~In this section:~~

9                    [~~(1) "Abuse" has the meaning assigned by Section~~  
10   261.001, Family Code, and includes any sexual conduct involving a  
11   student or minor and private school educator.

12                   [~~(2) "Private school educator" means a person employed~~  
13   ~~by or seeking employment in a private school for a position in which~~  
14   ~~the person would be required to hold a certificate issued under~~  
15   ~~Subchapter B if the person were employed by a school district.~~

16            [~~(b)~~] In addition to the reporting requirement under  
17   Section 261.101, Family Code, the chief administrative officer of a  
18   private school shall notify the board [~~State Board for Educator~~  
19   ~~Certification~~] if the chief administrative officer becomes aware of  
20   evidence that a person employed by or seeking employment in a  
21   private school engaged in misconduct described by Section  
22   22A.051(a)(2)(A), (B), (C), or (D) [~~educator:~~

23                   [~~(1) has a criminal record and the private school~~  
24   ~~obtained information about the educator's criminal record, or~~

25                   [~~(2) was terminated and there is evidence that the~~  
26   ~~educator:~~

27                   [~~(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].~~

(b) ~~[(c)]~~ If there is evidence that a private school employee ~~[educator]~~ may have engaged in misconduct described by Subsection (a) ~~[(b)]~~ and the employee ~~[educator]~~ resigns from employment before completion of the investigation, the chief administrative officer of the private school shall submit the evidence of misconduct collected to the board ~~[State Board for Educator Certification]~~.

(c) ~~[(d)]~~ The chief administrative officer of the private school must notify the board ~~[State Board for Educator Certification]~~ by filing a report with the board not later than 48 hours after the chief administrative officer becomes aware of evidence of ~~[not later than the seventh business day after the date the chief administrative officer knew that a private school educator:~~

~~[(1) has a criminal record under Subsection (b)(1); or~~  
~~[(2) was terminated following]~~ an alleged incident of misconduct described by Subsection (a) ~~[(b)(2)]~~.

(d) ~~[(e)]~~ The report filed under Subsection (c) ~~[(d)]~~ must be:

- (1) in writing; ~~[and]~~
- (2) in a form prescribed by the board; and
- (3) filed through the Internet portal developed and maintained by the agency under Section 22A.155.

(e) ~~[(f)]~~ Any person who knows or has reason to believe that

1 a person employed by or seeking employment in a private school  
 2 ~~[educator]~~ engaged in the misconduct described by Subsection (a)  
 3 ~~[(b)(2)]~~ may file a report with the board ~~[State Board for Educator~~  
 4 ~~Certification]~~ under this section.

5 (f) ~~[(g)]~~ A chief administrative officer of a private  
 6 school or any other person who in good faith files a report with the  
 7 board ~~[State Board for Educator Certification]~~ under this section  
 8 or communicates with a chief administrative officer or other  
 9 administrator of a private school concerning ~~[the criminal record~~  
 10 ~~of or]~~ an alleged incident of misconduct by a person employed by or  
 11 seeking employment in a private school ~~[educator]~~ is immune from  
 12 civil or criminal liability that might otherwise be incurred or  
 13 imposed.

14 (g) ~~[(h)]~~ The name of a student or minor who is the victim of  
 15 abuse or unlawful conduct by a person employed by or seeking  
 16 employment in a private school ~~[educator]~~ must be included in a  
 17 report filed under this section, but the name of the student or  
 18 minor is not public information under Chapter 552, Government Code.

19 (h) ~~[(i)]~~ The board ~~[State Board for Educator~~  
 20 ~~Certification]~~ shall propose rules as necessary to implement this  
 21 section.

22 SECTION 1.27. Subchapter G, Chapter 22A, Education Code, as  
 23 added by this Act, is amended by adding Section 22A.302 to read as  
 24 follows:

25 Sec. 22A.302. REQUIREMENT FOR COMPTROLLER TO REPORT  
 26 EDUCATIONAL PROVIDER MISCONDUCT TO AGENCY AND BOARD. (a) This  
 27 section applies to a person who is employed by or contracts with an

1 educational provider to provide educational services to a child  
2 participating in the education savings account program.

3 (b) In addition to the reporting requirement under Section  
4 261.101, Family Code, the comptroller shall notify the board and  
5 the commissioner if the comptroller:

6 (1) becomes aware of evidence that a person described  
7 by Subsection (a) engaged in misconduct described by Section  
8 22A.051(a)(2)(A), (B), (C), or (D); or

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

12 (c) The comptroller must notify the board and the  
13 commissioner by filing a report with the board and the commissioner  
14 not later than 48 hours after the comptroller:

15 (1) knew about the termination or resignation from  
16 employment or cessation of service of a person described by  
17 Subsection (a) by the person's educational provider following an  
18 alleged incident of misconduct described by Subsection (b)(1); or

19 (2) becomes aware of evidence of misconduct described  
20 by Subsection (b)(1).

21 (d) The report under Subsection (c) must be:

22 (1) in writing;

23 (2) in a form prescribed by the commissioner; and

24 (3) filed through the Internet portal developed and  
25 maintained by the agency under Section 22A.155.

26 (e) The comptroller shall notify the person who is the  
27 subject of the report required under Subsection (c) and the

1 person's educational provider of the filing of the report.

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

6 (g) The comptroller shall require an educational provider,  
7 as a condition of participating in the education savings account  
8 program, to provide information, in the manner and form prescribed  
9 by the comptroller, necessary for the comptroller to comply with  
10 this section.

11 (h) The board shall propose rules and the commissioner shall  
12 adopt rules as necessary to implement this section.

13 SECTION 1.28. Section 39.003(a), Education Code, is amended  
14 to read as follows:

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

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

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

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

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

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

4           (6) in response to an allegation involving a conflict  
5 between members of the board of trustees or between the board and  
6 the district administration if it appears that the conflict  
7 involves a violation of a role or duty of the board members or the  
8 administration clearly defined by this code;

9           (7) when excessive numbers of students in special  
10 education programs under Subchapter A, Chapter 29, are assessed  
11 through assessment instruments developed or adopted under Section  
12 39.023(b);

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

18           (9) when a significant pattern of decreased academic  
19 performance has developed as a result of the promotion in the  
20 preceding two school years of students who did not perform  
21 satisfactorily as determined by the commissioner under Section  
22 39.0241(a) on assessment instruments administered under Section  
23 39.023(a), (c), or (l);

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

27           (11) when resource allocation practices as evaluated



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

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

6 (13) when an excessive number of students is  
7 graduating with a particular endorsement under Section  
8 28.025(c-1);

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

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

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

21 (A) produce, at the request of the agency,  
22 evidence or an investigation report relating to a person [~~an~~  
23 ~~educator~~] who is under investigation by the State Board for  
24 Educator Certification or the agency; or

25 (B) timely submit a report required under Chapter  
26 22A regarding a person who is required to be reported to the State  
27 Board for Educator Certification or the agency under that chapter;

1 or

2 (17) as the commissioner otherwise determines  
3 necessary.

4 SECTION 1.29. Section 261.001, Family Code, is amended by  
5 amending Subdivision (1) and adding Subdivision (3-a) to read as  
6 follows:

7 (1) "Abuse" includes the following acts or omissions  
8 by a person:

9 (A) mental or emotional injury to a child that  
10 results in an observable and material impairment in the child's  
11 growth, development, or psychological functioning;

12 (B) causing or permitting the child to be in a  
13 situation in which the child sustains a mental or emotional injury  
14 that results in an observable and material impairment in the  
15 child's growth, development, or psychological functioning;

16 (C) physical injury that results in substantial  
17 harm to the child, or the genuine threat of substantial harm from  
18 physical injury to the child, including an injury that is at  
19 variance with the history or explanation given and excluding an  
20 accident or reasonable discipline by a parent, guardian, or  
21 managing or possessory conservator that does not expose the child  
22 to a substantial risk of harm;

23 (D) failure to make a reasonable effort to  
24 prevent an action by another person that results in physical injury  
25 that results in substantial harm to the child;

26 (E) sexual conduct harmful to a child's mental,  
27 emotional, or physical welfare, including conduct that constitutes

1 the offense of continuous sexual abuse of young child or disabled  
2 individual under Section 21.02, Penal Code, indecency with a child  
3 under Section 21.11, Penal Code, improper relationship between  
4 educator and student under Section 21.12, Penal Code, sexual  
5 assault under Section 22.011, Penal Code, or aggravated sexual  
6 assault under Section 22.021, Penal Code;

7 (F) failure to make a reasonable effort to  
8 prevent sexual conduct harmful to a child;

9 (G) compelling or encouraging the child to engage  
10 in sexual conduct as defined by Section 43.01, Penal Code,  
11 including compelling or encouraging the child in a manner that  
12 constitutes an offense of trafficking of persons under Section  
13 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under  
14 Section 43.021, Penal Code, or compelling prostitution under  
15 Section 43.05(a)(2), Penal Code;

16 (H) causing, permitting, encouraging, engaging  
17 in, or allowing the photographing, filming, or depicting of the  
18 child if the person knew or should have known that the resulting  
19 photograph, film, or depiction of the child is obscene as defined by  
20 Section 43.21, Penal Code, or pornographic;

21 (I) the current use by a person of a controlled  
22 substance as defined by Chapter 481, Health and Safety Code, in a  
23 manner or to the extent that the use results in physical, mental, or  
24 emotional injury to a child;

25 (J) causing, expressly permitting, or  
26 encouraging a child to use a controlled substance as defined by  
27 Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

(3-a) "Law enforcement agency" means:

(A) the Department of Public Safety;

(B) the police department of a municipality;

(C) the sheriff's office of a county; or

(D) a constable's office of a county.

SECTION 1.30. Sections 261.101(b) and (d), Family Code, are amended to read as follows:

(b) If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 24th ~~48th~~ hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A

1 professional may not delegate to or rely on another person to make  
 2 the report. In this subsection, "professional" means an individual  
 3 who is licensed or certified by the state or who is an employee of a  
 4 facility licensed, certified, or operated by the state and who, in  
 5 the normal course of official duties or duties for which a license  
 6 or certification is required, has direct contact with children.  
 7 The term includes teachers, nurses, doctors, day-care employees,  
 8 employees of a clinic or health care facility that provides  
 9 reproductive services, juvenile probation officers, and juvenile  
 10 detention or correctional officers.

11 (d) Unless waived in writing by the person making the  
 12 report, the identity of an individual making a report under this  
 13 chapter is confidential and may be disclosed only:

14 (1) as provided by Section 261.201; ~~or~~

15 (2) to a law enforcement officer for the purposes of  
 16 conducting a criminal investigation of the report; or

17 (3) to the Texas Education Agency or the State Board  
 18 for Educator Certification, on request by the agency or board, for  
 19 the purposes of:

20 (A) conducting an investigation of the report;

21 (B) conducting an investigation of an allegation  
 22 that a person failed to submit a report as required under this  
 23 chapter; or

24 (C) compliance monitoring or conducting an  
 25 investigation or review of an investigation under Section 22A.156,  
 26 Education Code.

27 SECTION 1.31. Section 261.103(a), Family Code, is amended

1 to read as follows:

2 (a) Except as provided by Subsections (b) and (c) and  
3 Section 261.405, a report shall be made to:

4 (1) a ~~[any local or state]~~ law enforcement agency;

5 (2) the department; or

6 (3) the state agency that operates, licenses,  
7 certifies, or registers the facility in which the alleged abuse or  
8 neglect occurred.

9 SECTION 1.32. Sections 261.104(b) and (d), Family Code, are  
10 amended to read as follows:

11 (b) If the individual making a report of child abuse or  
12 neglect uses the toll-free telephone number the department operates  
13 for reporting child abuse or neglect and the individual is  
14 unwilling to provide the information described by Subsection  
15 (a)(4), the department representative receiving the report shall  
16 notify the individual that:

17 (1) the department is not authorized to accept an  
18 anonymous report of abuse or neglect;

19 (2) the individual may report the abuse or neglect by  
20 making a report to a ~~[any local or state]~~ law enforcement agency;  
21 and

22 (3) the identity of an individual making a report  
23 under this subchapter is confidential and may be disclosed only:

24 (A) as provided by Section 261.201; ~~[or]~~

25 (B) to a law enforcement officer for the purposes  
26 of conducting a criminal investigation of the report; or

27 (C) to the Texas Education Agency or the State

Board for Educator Certification, on request by the agency or board, for the purposes of:

(i) conducting an investigation of the report;

(ii) conducting an investigation of an allegation that a person failed to submit a report as required under this chapter; or

(iii) compliance monitoring or conducting an investigation or review of an investigation under Section 22A.156, Education Code.

(d) If a report of abuse or neglect is made orally, the department or ~~[local or state]~~ law enforcement agency receiving the report shall:

(1) notify the individual making the report that:

(A) the report is being recorded; and

(B) making a false report is a criminal offense under Section 261.107 punishable as a state jail felony or a third degree felony; and

(2) make an audio recording of the report.

SECTION 1.33. Sections 261.105(a), (b), and (d), Family Code, are amended to read as follows:

(a) All reports received by a ~~[local or state]~~ law enforcement agency that allege abuse or neglect by a person responsible for a child's care, custody, or welfare shall be referred immediately to the department.

(b) The department shall immediately notify the appropriate ~~[state or local]~~ law enforcement agency of any report it receives,

other than a report from a law enforcement agency, that concerns the suspected abuse or neglect of a child or death of a child from abuse or neglect.

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

SECTION 1.34. Sections 261.301(a) and (c), Family Code, are amended to read as follows:

(a) With assistance from the appropriate ~~[state or local]~~ law enforcement agency as provided by this section, the department shall make a prompt and thorough investigation of a report of child abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare. The investigation shall be conducted without regard to any pending suit affecting the parent-child relationship.



1 (c) The department is not required to investigate a report  
2 that alleges child abuse, neglect, or exploitation by a person  
3 other than a person responsible for a child's care, custody, or  
4 welfare. The appropriate [~~state or local~~] law enforcement agency  
5 shall investigate that report if the agency determines an  
6 investigation should be conducted.

7 SECTION 1.35. Section 261.304(a), Family Code, is amended  
8 to read as follows:

9 (a) If an individual makes an anonymous report of child  
10 abuse or neglect by a person responsible for a child's care,  
11 custody, or welfare to a [~~local or state~~] law enforcement agency and  
12 the agency refers the report to the department, the department  
13 shall conduct a preliminary investigation to determine whether  
14 there is any evidence to corroborate the report.

15 SECTION 1.36. Section 261.308, Family Code, is amended by  
16 adding Subsection (f) to read as follows:

17 (f) The department shall release information required to be  
18 released to the Texas Education Agency or the State Board for  
19 Educator Certification under Subsection (d) or (e) by submitting  
20 the information through the Internet portal developed and  
21 maintained by the agency under Section 22A.155, Education Code.

22 SECTION 1.37. Section 261.402(b), Family Code, is amended  
23 to read as follows:

24 (b) A state agency shall immediately notify the appropriate  
25 [~~state or local~~] law enforcement agency of any report the agency  
26 receives, other than a report from a law enforcement agency, that  
27 concerns the suspected abuse, neglect, or exploitation of a child

1 or the death of a child from abuse or neglect. If the state agency  
2 finds evidence indicating that a child may have been abused,  
3 neglected, or exploited, the agency shall report the evidence to  
4 the appropriate law enforcement agency.

5 SECTION 1.38. Section 261.406(b), Family Code, is amended  
6 to read as follows:

7 (b) The department shall send a copy of the completed report  
8 of the department's investigation to the Texas Education Agency or,  
9 in the case of a private school, the school's chief executive  
10 officer. On request, the department shall provide a copy of the  
11 completed report of the department's investigation to the State  
12 Board for Educator Certification, the local school board or the  
13 school's governing body, the superintendent of the school district,  
14 the public school principal or director, or the chief executive  
15 officer of the private school, unless the principal, director, or  
16 chief executive officer is alleged to have committed the abuse or  
17 neglect, for appropriate action. On request, the department shall  
18 provide a copy of the report of investigation to the parent,  
19 managing conservator, or legal guardian of a child who is the  
20 subject of the investigation and to the person alleged to have  
21 committed the abuse or neglect. The report of investigation shall  
22 be edited to protect the identity of the persons who made the report  
23 of abuse or neglect unless the Texas Education Agency or State Board  
24 for Educator Certification requests the identity of the persons who  
25 made the report under Section 261.101(d)(3). Except as otherwise  
26 provided by this subsection, Section 261.201(b) applies to the  
27 release of the report relating to the investigation of abuse or

neglect under this section and to the identity of the person who made the report of abuse or neglect.

ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 22A.051(m) ~~[21.006(k)]~~, 22A.052(1) ~~[22.093(1)]~~, 22A.156 ~~[22.096]~~, 28.006, 29.001(5), 29.010(a), 33.006(h), 37.1083, 37.1084, 38.003, or 39.003, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements;
- (3) data integrity for purposes of:
  - (A) the Public Education Information Management System (PEIMS); and
  - (B) accountability under Chapters 39 and 39A; and
- (4) qualification for funding under Chapter 48.

SECTION 2.02. Section 12.0271, Education Code, is amended to read as follows:

Sec. 12.0271. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, ~~[OR]~~ APPLICANTS, OR SERVICE PROVIDERS. A home-rule school district

1 commits a material violation of the school district's charter if  
2 the school district fails to comply with the duty to discharge or  
3 refuse to hire, or terminate or refuse to accept services from,  
4 certain employees, [or] applicants for employment, or service  
5 providers under Section 22A.151 or 22A.157, as applicable [~~22.085~~  
6 ~~or 22.092~~].

7 SECTION 2.03. Section [12.0631](#), Education Code, is amended  
8 to read as follows:

9 Sec. 12.0631. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR  
10 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [OR]  
11 APPLICANTS, OR SERVICE PROVIDERS. A campus or campus program  
12 granted a charter under this subchapter commits a material  
13 violation of its charter if the campus or program fails to comply  
14 with the duty to discharge or refuse to hire, or terminate or refuse  
15 to accept services from, certain employees, [or] applicants for  
16 employment, or service providers under Section [12.1059](#), 22A.151, or  
17 22A.157, as applicable [~~22.085, or 22.092~~].

18 SECTION 2.04. Section [12.104\(b\)](#), Education Code, is amended  
19 to read as follows:

20 (b) An open-enrollment charter school is subject to:

21 (1) a provision of this title establishing a criminal  
22 offense;

23 (2) the provisions in Chapter [554](#), Government Code;  
24 and

25 (3) a prohibition, restriction, or requirement, as  
26 applicable, imposed by this title or a rule adopted under this  
27 title, relating to:

1 (A) the Public Education Information Management  
2 System (PEIMS) to the extent necessary to monitor compliance with  
3 this subchapter as determined by the commissioner;

4 (B) criminal history records under Subchapter C,  
5 Chapter 22;

6 (C) reading instruments and accelerated reading  
7 instruction programs under Section 28.006;

8 (D) accelerated instruction under Section  
9 28.0211;

10 (E) high school graduation requirements under  
11 Section 28.025;

12 (F) special education programs under Subchapter  
13 A, Chapter 29;

14 (G) bilingual education under Subchapter B,  
15 Chapter 29;

16 (H) prekindergarten programs under Subchapter E  
17 or E-1, Chapter 29, except class size limits for prekindergarten  
18 classes imposed under Section 25.112, which do not apply;

19 (I) extracurricular activities under Section  
20 33.081;

21 (J) discipline management practices or behavior  
22 management techniques under Section 37.0021;

23 (K) health and safety under Chapter 38;

24 (L) the provisions of Subchapter A, Chapter 39;

25 (M) public school accountability and special  
26 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
27 39, and Chapter 39A;

(N) the requirement under Section 22A.051 or 22A.052 [21.006] to report [an educator's] misconduct;

(O) intensive programs of instruction under Section 28.0213;

(P) the right of a school employee to report a crime, as provided by Section 37.148;

(Q) bullying prevention policies and procedures under Section 37.0832;

(R) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U) establishment of residency under Section 25.001;

(V) school safety requirements under Sections 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085, 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071 and Subchapter J, Chapter 37;

(W) the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; and

(Y) parental options to retain a student under  
Section 28.02124.

SECTION 2.05. Section 12.1059, Education Code, is amended  
to read as follows:

Sec. 12.1059. REQUIREMENTS FOR EMPLOYMENT OF CERTAIN  
EMPLOYEES. A person may not be employed by or serve as a teacher,  
librarian, educational aide, administrator, or school counselor  
for an open-enrollment charter school unless:

(1) the person has been approved by the agency  
following a review of the person's national criminal history record  
information as provided by Section 22.0832; and

(2) the school has confirmed that the person is not  
included in the registry under Section 22A.151 [~~22.092~~].

SECTION 2.06. Section 12.1151, Education Code, is amended  
to read as follows:

Sec. 12.1151. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR  
TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [OR]  
APPLICANTS, OR SERVICE PROVIDERS. An open-enrollment charter  
school commits a material violation of the school's charter if the  
school fails to comply with the duty to discharge or refuse to hire,  
or terminate or refuse to accept services from, certain employees,  
[or] applicants for employment, or service providers under Section  
12.1059, 22A.151, or 22A.157, as applicable [~~22.085, or 22.092~~].

SECTION 2.07. Section 12.252(b), Education Code, is amended  
to read as follows:

(b) An adult education program operated under a charter  
granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary as determined by the commissioner to monitor compliance with this subchapter and, as applicable, Subchapter D;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation requirements under Section 28.025, to the extent applicable to a program participant;

(D) special education programs under Subchapter A, Chapter 29;

(E) bilingual education under Subchapter B, Chapter 29;

(F) health and safety under Chapter 38;

(G) the requirement under Section 22A.051 or 22A.052 ~~[21.006]~~ to report ~~[an educator's]~~ misconduct; and

(H) the right of an employee to report a crime, as provided by Section 37.148.

SECTION 2.08. Section 12A.008(b-1), Education Code, is amended to read as follows:

(b-1) The commissioner may terminate a district's designation as a district of innovation if the district fails to comply with the duty to discharge or refuse to hire certain



employees or applicants for employment under Section 12.1059, applicable to the district under Section 12A.004(a)(1), or Section 22A.151 or 22A.157 [~~22.085 or 22.092~~].

SECTION 2.09. Section 21.054(e), Education Code, is amended to read as follows:

(e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:

(1) effective and efficient management, including:

(A) collecting and analyzing information;

(B) making decisions and managing time; and

(C) supervising student discipline and managing behavior;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(4) effective implementation of a comprehensive school counseling program under Section 33.005;

(5) mental health programs addressing a mental health condition;

(6) educating diverse student populations, including:

(A) students who are educationally disadvantaged;

(B) emergent bilingual students; and

(C) students at risk of dropping out of school;

and

1           (7) preventing, recognizing, and reporting any sexual  
2 conduct between an educator and student that is prohibited under  
3 Section 21.12, Penal Code, or for which reporting is required under  
4 Section 22A.051 [21.006] of this code.

5           SECTION 2.10. Section 21.0585, Education Code, is amended  
6 to read as follows:

7           Sec. 21.0585. NOTICE TO AGENCY REGARDING REVOCATION OF  
8 CERTIFICATE OR PERMIT FOR CERTAIN MISCONDUCT. The board shall  
9 promptly notify the agency for purposes of Section 22A.151 [22.092]  
10 if the board revokes a certificate or permit of a person on a  
11 finding that the person engaged in misconduct described by Section  
12 22A.051(a)(2)(A), (B), (C), or (D) [21.006(b)(2)(A) or (A-1)].

13          SECTION 2.11. Section 22.0815(a), Education Code, is  
14 amended to read as follows:

15          (a) In this section, "other charter entity" has the meaning  
16 assigned by Section 22A.001 [21.006].

17          SECTION 2.12. Section 22.0825(a), Education Code, is  
18 amended to read as follows:

19          (a) In this section, "other charter entity" has the meaning  
20 assigned by Section 22A.001 [21.006].

21          SECTION 2.13. Section 22.0833(g), Education Code, is  
22 amended to read as follows:

23          (g) A school district, open-enrollment charter school, or  
24 shared services arrangement shall provide the agency with the name  
25 of a person to whom this section applies. The agency shall obtain  
26 all criminal history record information of the person through the  
27 criminal history clearinghouse as provided by Section 411.0845,

1 Government Code. The agency shall examine the criminal history  
2 record information of the person and notify the district, school,  
3 or shared services arrangement if the person may not be hired or  
4 must be discharged as provided by Section 22A.157 [~~22.085~~].

5 SECTION 2.14. Section 22.0834(o), Education Code, is  
6 amended to read as follows:

7 (o) A school district, charter school, regional education  
8 service center, commercial transportation company, education  
9 shared services arrangement, or qualified school contractor,  
10 contracting entity, or subcontracting entity may not permit an  
11 employee to whom Subsection (a) applies to provide services at a  
12 school if the employee has been convicted of a felony or misdemeanor  
13 offense that would prevent a person from being employed under  
14 Section 22A.157(a) [~~22.085(a)~~].

15 SECTION 2.15. Section 22.0836(g), Education Code, is  
16 amended to read as follows:

17 (g) A school district, open-enrollment charter school, or  
18 shared services arrangement shall provide the agency with the name  
19 of a person to whom this section applies. The agency shall obtain  
20 all criminal history record information of the person through the  
21 criminal history clearinghouse as provided by Section 411.0845,  
22 Government Code. The agency shall examine the criminal history  
23 record information and certification records of the person and  
24 notify the district, school, or shared services arrangement if the  
25 person:

26 (1) may not be hired or must be discharged as provided  
27 by Section 22A.157 [~~22.085~~]; or

(2) may not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

SECTION 2.16. Section 33.913(b), Education Code, is amended to read as follows:

(b) To participate in the program as a tutor, a person must:

(1) be an active or retired teacher;

(2) apply for the position in a manner specified by the nonprofit organization;

(3) designate in the application whether the person plans to provide tutoring:

(A) for compensation, on a volunteer basis, or both; and

(B) in person, online, or both; and

(4) not be included in the registry of persons not eligible for employment by a public school under Section 22A.151 [22.092].

SECTION 2.17. Section 39.0302(a), Education Code, is amended to read as follows:

(a) During an agency investigation or audit of a school district under Section 39.0301(e) or (f), a special investigation under Section 39.003(a)(8) or (14), a compliance review under Section 22A.051(m), 22A.052(l) [21.006(k), 22.093(l)], or 22A.156 [22.096], or an investigation by the State Board for Educator Certification of an educator for an alleged violation of an assessment instrument security procedure established under Section 39.0301(a), the commissioner may issue a subpoena to compel the

attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is located in this state.

SECTION 2.18. Section 810.003(a), Health and Safety Code, is amended to read as follows:

(a) The department, in collaboration with each participating state agency, shall establish an interagency reportable conduct search engine for persons to search information on reportable conduct in accordance with this chapter and rules adopted under this chapter maintained by:

(1) the Department of Family and Protective Services in the central registry established under Section 261.002, Family Code;

(2) the Health and Human Services Commission in the employee misconduct registry established under Chapter 253;

(3) the Texas Education Agency in the registry established under Section 22A.151 [~~22.092~~], Education Code; and

(4) the Texas Juvenile Justice Department in the integrated certification information system and in any informal list the Texas Juvenile Justice Department maintains.

SECTION 2.19. Section 810.004(b), Health and Safety Code, is amended to read as follows:

(b) In addition to the eligible individuals described by Subsection (a), each participating state agency shall designate additional users who are eligible to access the search engine and may require those users to determine whether an individual has engaged in reportable conduct. The additional designated users may include controlling persons, hiring managers, or administrators

of:

(1) licensed or certified long-term care providers,  
including:

(A) home and community support services agencies  
licensed under Chapter 142;

(B) nursing facilities licensed under Chapter  
242;

(C) assisted living facilities licensed under  
Chapter 247;

(D) prescribed pediatric extended care centers  
licensed under Chapter 248A;

(E) intermediate care facilities for individuals  
with an intellectual disability licensed under Chapter 252;

(F) state supported living centers, as defined by  
Section 531.002; and

(G) day activity and health services facilities  
licensed under Chapter 103, Human Resources Code;

(2) providers under a Section 1915(c) waiver program,  
as defined by Section 521.0001 [~~531.001~~], Government Code;

(3) juvenile probation departments and registered  
juvenile justice facilities;

(4) independent school districts, districts of  
innovation, open-enrollment charter schools, other charter  
entities, as defined by Section 22A.001 [~~21.006~~], Education Code,  
regional education service centers, education shared services  
arrangements, or any other educational entity or provider that is  
authorized to access the registry established under Section 22A.151

1 ~~[22.092]~~, Education Code;

2 (5) private schools that:

3 (A) offer a course of instruction for students in  
4 this state in one or more grades from prekindergarten through grade  
5 12; and

6 (B) are:

7 (i) accredited by an organization  
8 recognized by the Texas Education Agency or the Texas Private  
9 School Accreditation Commission;

10 (ii) listed in the database of the National  
11 Center for Education Statistics of the United States Department of  
12 Education; or

13 (iii) otherwise authorized by Texas  
14 Education Agency rule to access the search engine; and

15 (6) nonprofit teacher organizations approved by the  
16 commissioner of education for the purpose of participating in the  
17 tutoring program established under Section 33.913, Education Code.

18 SECTION 2.20. The following provisions of the Education  
19 Code are repealed:

20 (1) the heading to Section 21.006;

21 (2) Sections 21.006(c-2) and (g-1);

22 (3) the heading to Subchapter C-1, Chapter 22; and

23 (4) Section 22.091.

24 ARTICLE 3. TRANSITION; EFFECTIVE DATE

25 SECTION 3.01. (a) Except as provided by Subsection (b) of  
26 this section, this Act applies beginning with the 2025-2026 school  
27 year.

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

3           SECTION 3.02. To the extent of any conflict, this Act  
4 prevails over another Act of the 89th Legislature, Regular Session,  
5 2025, relating to nonsubstantive additions to and corrections in  
6 enacted codes.

7           SECTION 3.03. Sections 22A.051 and 22A.052, Education Code,  
8 as transferred, redesignated, and amended by this Act, apply only  
9 to an offense committed on or after September 1, 2025. An offense  
10 committed before September 1, 2025, is governed by the law in effect  
11 on the date the offense was committed, and the former law is  
12 continued in effect for that purpose. For purposes of this section,  
13 an offense was committed before September 1, 2025, if any element of  
14 the offense occurred before that date.

15          SECTION 3.04. This Act takes effect immediately if it  
16 receives a vote of two-thirds of all the members elected to each  
17 house, as provided by Section 39, Article III, Texas Constitution.  
18 If this Act does not receive the vote necessary for immediate  
19 effect, this Act takes effect September 1, 2025.