

By: Leach

H.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT
2 relating to parental rights in public education and to the
3 reporting of certain misconduct and child abuse and neglect;
4 authorizing an administrative penalty; creating criminal offenses.

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

6 ARTICLE 1. PARENTAL RIGHTS

7 SECTION 1.01. Section 7.057, Education Code, is amended by
8 amending Subsections (a) and (e) and adding Subsections (c-1) and
9 (g) to read as follows:

10 (a) Except as provided by Subsection (e), a person may
11 appeal in writing to the commissioner if the person is aggrieved
12 by[+]

13 ~~[(1) the school laws of this state; or~~

14 ~~[(2)]~~ actions or decisions of any school district
15 board of trustees that violate:

16 (1) [(A)] the school laws of this state; or

17 (2) [(B)] a provision of a written employment contract
18 between the school district and a school district employee, if a
19 violation causes or would cause monetary harm to the employee.

20 (c-1) In an appeal against a school district, the
21 commissioner may:

22 (1) if the record is insufficient for the commissioner
23 to resolve the appeal, remand the case to the district and order an
24 investigation and development of the record; or

1 (2) if the commissioner determines that an action or
2 decision of the district's board of trustees violated a law or
3 provision described by Subsection (a):

4 (A) reverse the case or remand the case to the
5 board of trustees for additional proceedings; and

6 (B) order the board of trustees to take
7 corrective action the commissioner determines appropriate to
8 remedy the violation.

9 (e) This section does not apply to:

- 10 (1) a case to which Subchapter G, Chapter 21, applies;
11 ~~[or]~~
12 (2) a case involving extracurricular activities; or
13 (3) a student disciplinary action under Chapter 37.

14 (g) The commissioner may adopt rules as necessary to
15 implement this section.

16 SECTION 1.02. Subchapter C, Chapter 7, Education Code, is
17 amended by adding Sections 7.0571 and 7.0572 to read as follows:

18 Sec. 7.0571. REMAND. (a) In an appeal against a school
19 district under Section 7.057, the commissioner may remand the case
20 to the district for rehearing under Chapter 26A if the commissioner
21 determines that the appeal would have likely succeeded on the
22 merits if not for:

- 23 (1) a fatal procedural error at the district level;
24 (2) failure to allege the correct statutory violation;
25 or

26 (3) failure to develop necessary evidence at the
27 district level.

1 (b) In remanding a case under Subsection (a), the
2 commissioner may:

3 (1) identify specific issues or law for the school
4 district to address; and

5 (2) alter the timelines provided under Chapter 26A.

6 (c) A case remanded under this section may be appealed again
7 under Section 7.057, and the timelines established by that section
8 apply to the appeal unless the commissioner provides for a shorter
9 timeline.

10 (d) The commissioner may adopt rules as necessary to
11 implement this section.

12 Sec. 7.0572. DISPUTE RESOLUTION FACILITATION. (a) The
13 commissioner shall develop a program for the training and review of
14 dispute resolution facilitators.

15 (b) The commissioner shall establish requirements for a
16 person to qualify as a dispute resolution facilitator under this
17 section.

18 (c) In an appeal against a school district under Section
19 7.057, the commissioner may refer to dispute resolution
20 facilitation under this section a case involving a grievance by a
21 parent of or person standing in parental relation to a student
22 enrolled in the district arising from the parent's or person's
23 status as a parent of or person standing in parental relation to the
24 student if:

25 (1) the grievance does not allege:

26 (A) conduct described by Section 7.057(a) or (e);

27 or

1 (B) conduct for which Title 1 or 2, other than
2 Section 11.151(b), makes a specific decision of the district's
3 board of trustees final and unappealable or not subject to review;
4 and

5 (2) the commissioner determines that the district's
6 conduct should be reviewed for substantial error that is apparent
7 from the record.

8 (d) The commissioner shall appoint a dispute resolution
9 facilitator to an appeal referred to dispute resolution
10 facilitation under Subsection (c). A dispute resolution
11 facilitator:

12 (1) shall:

13 (A) propose factual findings related to the
14 grievance;

15 (B) consider information provided by the person
16 who filed the grievance and the school district;

17 (C) facilitate a resolution between the person
18 who filed the grievance and the school district; and

19 (D) if no resolution is possible, render a
20 decision that includes findings of fact and conclusions of law; and

21 (2) may recommend a remand of the grievance or grant
22 relief or redress to the person who filed the grievance in the same
23 manner as the commissioner under Section 7.057.

24 (e) The commissioner may adopt or reject the final
25 determination of a dispute resolution facilitator. If the
26 commissioner rejects the determination, no decision on the matter
27 is issued. If the commissioner adopts the determination, the

1 determination is binding on the parties. A determination by the
2 commissioner under this subsection is final and may not be
3 appealed, including under Section 7.057(d).

4 (f) The school district against which the grievance was
5 filed shall pay the cost of the dispute resolution facilitator, the
6 hearing room, the certified court reporter at the hearing, and the
7 production of any original hearing transcript.

8 (g) Section 7.057(a-1) applies to conduct that may be
9 referred to dispute resolution facilitation under Subsection
10 (c)(1).

11 (h) The commissioner may adopt rules as necessary to
12 implement this section.

13 SECTION 1.03. Subchapter A, Chapter 11, Education Code, is
14 amended by adding Section 11.004 to read as follows:

15 Sec. 11.004. COMPLIANCE WITH MANDATORY POLICY. A school
16 district, the district's board of trustees, and the district's
17 employees shall implement and comply with each policy the district
18 is required to adopt under this code or other law.

19 SECTION 1.04. The heading to Section 11.1518, Education
20 Code, is amended to read as follows:

21 Sec. 11.1518. TRUSTEE INFORMATION [~~POSTED ON WEBSITE~~].

22 SECTION 1.05. Section 11.1518, Education Code, is amended
23 by amending Subsection (c) and adding Subsections (d) and (e) to
24 read as follows:

25 (c) Not later than the 30th day after a new person is sworn
26 in as a member [~~Each time there is a change in the membership~~] of a
27 school district's board of trustees, the district shall update the

1 information required under Subsection (a) and, as applicable:

2 (1) post the updated information on the district's
3 Internet website; or

4 (2) submit the updated information to the agency for
5 posting on the agency's Internet website in accordance with
6 Subsection (b).

7 (d) A school district shall annually submit to the agency
8 the information required under Subsection (a) for each member of
9 the district's board of trustees. The information must:

10 (1) identify the member designated as chair; and

11 (2) be updated as required by Subsection (c).

12 (e) The commissioner may adopt rules as necessary to
13 implement this section.

14 SECTION 1.06. Section 12A.004(a), Education Code, is
15 amended to read as follows:

16 (a) A local innovation plan may not provide for the
17 exemption of a district designated as a district of innovation from
18 the following provisions of this title:

19 (1) a state or federal requirement applicable to an
20 open-enrollment charter school operating under Subchapter D,
21 Chapter 12;

22 (2) Subchapters A, C, D, and E, Chapter 11, except that
23 a district may be exempt from Sections 11.1511(b)(5) and (14) and
24 Section 11.162;

25 (3) the grievance policy under Chapter 26A;

26 (4) state curriculum and graduation requirements
27 adopted under Chapter 28; and

1 (5) [~~4~~] academic and financial accountability and
2 sanctions under Chapters 39 and 39A.

3 SECTION 1.07. Section 21.048(c-1), Education Code, is
4 amended to read as follows:

5 (c-1) The results of an examination administered under this
6 section are confidential and are not subject to disclosure under
7 Chapter 552, Government Code, unless the disclosure is regarding
8 notification to a parent of the assignment of an uncertified
9 teacher to a classroom as required by Section 26.0083 [~~21.057~~].

10 SECTION 1.08. Chapter 26, Education Code, is amended by
11 adding Sections 26.0021 and 26.0022 to read as follows:

12 Sec. 26.0021. PARENTAL RIGHTS INFORMATION. (a) The agency
13 shall create and maintain a document that informs a parent of the
14 parent's rights regarding the education of the parent's child
15 provided under this chapter.

16 (b) The document must:

17 (1) include information regarding accessing the
18 contents of this chapter;

19 (2) be made publicly available in a prominent place on
20 the Internet website of the agency and each school district; and

21 (3) be provided to parents at the beginning of each
22 school year in an electronic or hard copy format.

23 Sec. 26.0022. RIGHT TO SELECT EDUCATIONAL SETTING. A
24 parent is entitled to choose the educational setting for the
25 parent's child, including public school, private school, or home
26 school.

27 SECTION 1.09. Section 26.004(b), Education Code, is amended

1 to read as follows:

2 (b) A parent is entitled to access to all written records of
3 a school district concerning the parent's child, including:

- 4 (1) attendance records;
- 5 (2) test scores;
- 6 (3) grades;
- 7 (4) disciplinary records;
- 8 (5) counseling records;
- 9 (6) psychological records;
- 10 (7) applications for admission;
- 11 (8) health and immunization information;
- 12 (9) teacher and school counselor evaluations;
- 13 (10) reports of behavioral patterns; ~~and~~
- 14 (11) records relating to assistance provided for
15 learning difficulties, including information collected regarding
16 any intervention strategies used with the child; and
- 17 (12) records relating to library materials checked out
18 by the child from a school library.

19 SECTION 1.10. Section 26.006, Education Code, is amended by
20 adding Subsection (g) to read as follows:

21 (g) Each school district and open-enrollment charter school
22 shall post on the home page of the district's or school's Internet
23 website a notice stating that a parent of a student enrolled in the
24 district or school is entitled to review the materials described by
25 Subsection (a)(1) and may request that the district or school make
26 the materials available for review as provided by this section.

27 SECTION 1.11. Chapter 26, Education Code, is amended by

1 adding Section 26.0062 to read as follows:

2 Sec. 26.0062. REQUIRED DISCLOSURE REGARDING INSTRUCTIONAL
3 PLAN. (a) Each school district shall adopt a policy to make
4 available on the district's Internet website at the beginning of
5 each semester an instructional plan or course syllabus for each
6 class offered in the district for that semester.

7 (b) The policy adopted under Subsection (a) must:

8 (1) require each teacher to provide before the
9 beginning of each semester a copy of the teacher's instructional
10 plan or course syllabus for each class for which the teacher
11 provides instruction to:

12 (A) district administration; and

13 (B) the parent of each student enrolled in the
14 class; and

15 (2) provide for additional copies of an instructional
16 plan or course syllabus to be made available to a parent of a
17 student enrolled in the class on the parent's request.

18 SECTION 1.12. Section 21.057, Education Code, is
19 transferred to Chapter 26, Education Code, redesignated as Section
20 26.0083, Education Code, and amended to read as follows:

21 Sec. 26.0083 [~~21.057~~]. PARENTAL NOTIFICATION REGARDING
22 TEACHER CERTIFICATION. (a) A school district that assigns an
23 inappropriately certified or uncertified teacher to the same
24 classroom for more than 30 consecutive instructional days during
25 the same school year shall provide written notice of the assignment
26 to a parent or guardian of each student in that classroom.

27 (b) The superintendent of the school district shall provide

1 the notice required by Subsection (a) not later than the 30th
2 instructional day after the date of the assignment of the
3 inappropriately certified or uncertified teacher.

4 (c) The school district shall:

5 (1) make a good-faith effort to ensure that the notice
6 required by this section is provided in a bilingual form to any
7 parent or guardian whose primary language is not English;

8 (2) retain a copy of any notice provided under this
9 section; and

10 (3) make information relating to teacher
11 certification available to the public on request.

12 (d) For purposes of this section, "inappropriately
13 certified or uncertified teacher":

14 (1) includes:

15 (A) an individual serving on an emergency
16 certificate issued under Section 21.041(b)(2); or

17 (B) an individual who does not hold any
18 certificate or permit issued under this chapter and is not employed
19 as specified by Subdivision (2)(E); and

20 (2) does not include an individual:

21 (A) who is a certified teacher assigned to teach
22 a class or classes outside his or her area of certification, as
23 determined by rules proposed by the board in specifying the
24 certificate required for each assignment;

25 (B) serving on a certificate issued due to a
26 hearing impairment under Section 21.048;

27 (C) serving on a certificate issued pursuant to

1 enrollment in an approved alternative certification program under
2 Section 21.049;

3 (D) certified by another state or country and
4 serving on a certificate issued under Section 21.052;

5 (E) serving on a school district teaching permit
6 issued under Section 21.055; or

7 (F) employed under a waiver granted by the
8 commissioner pursuant to Section 7.056.

9 (e) This section does not apply if a school is required in
10 accordance with Section 1006, Every Student Succeeds Act (20 U.S.C.
11 Section 6312(e)(1)(B)(ii)), to provide notice to a parent or
12 guardian regarding a teacher who does not meet certification
13 requirements at the grade level and subject area in which the
14 teacher is assigned, provided the school provides notice as
15 required by that Act.

16 SECTION 1.13. Section 26.009, Education Code, is amended by
17 amending Subsections (a) and (b) and adding Subsections (a-1),
18 (a-2), (c), and (d) to read as follows:

19 (a) An employee or contractor of a school district must
20 obtain the written consent of a child's parent in the manner
21 required by Subsection (a-2) before the employee or contractor may:

22 (1) conduct a psychological or psychiatric
23 examination or test or psychological or psychiatric
24 treatment, unless the examination, test, or treatment is required
25 under Section 38.004 or state or federal law regarding requirements
26 for special education; or

27 (2) subject to Subsection (b), make or authorize the

1 making of a videotape of a child or record or authorize the
2 recording of a child's voice.

3 (a-1) For purposes of Subsection (a):

4 (1) "Psychological or psychiatric examination or
5 test" means a method designed to elicit information regarding an
6 attitude, habit, trait, opinion, belief, feeling, or mental
7 disorder or a condition thought to lead to a mental disorder,
8 regardless of the manner in which the method is presented or
9 characterized, including a method that is presented or
10 characterized as a survey, check-in, or screening or is embedded in
11 an academic lesson.

12 (2) "Psychological or psychiatric treatment" means
13 the planned, systematic use of a method or technique that is
14 designed to affect behavioral, emotional, or attitudinal
15 characteristics of an individual or group.

16 (a-2) Written consent for a parent's child to participate in
17 a district activity described by Subsection (a) must be obtained
18 for each separate activity in which the child participates, and
19 each written consent must be signed by the parent and returned to
20 the district. A child may not participate in the activity unless
21 the district receives the parent's signed written consent to that
22 activity.

23 (b) An employee or contractor of a school district is not
24 required to obtain the consent of a child's parent before the
25 employee or contractor may make a videotape of a child or authorize
26 the recording of a child's voice if the videotape or voice recording
27 is to be used only for:

1 (1) purposes of safety, including the maintenance of
2 order and discipline in common areas of the school or on school
3 buses;

4 (2) a purpose related to a cocurricular or
5 extracurricular activity;

6 (3) a purpose related to regular classroom
7 instruction;

8 (4) media coverage of the school; or

9 (5) a purpose related to the promotion of student
10 safety under Section 29.022.

11 (c) A school district shall retain the written informed
12 consent of a child's parent obtained under this section as part of
13 the child's education records.

14 (d) Nothing in this section may be construed to:

15 (1) require an employee or contractor of a school
16 district to obtain the written consent of a child's parent before
17 verbally asking the child about the child's general well-being;

18 (2) affect a child's consent to counseling under
19 Section 32.004, Family Code; or

20 (3) affect the duty to report child abuse or neglect
21 under Chapter 261, Family Code, or an investigation of a report of
22 abuse or neglect under that chapter.

23 SECTION 1.14. Section 26.011(a), Education Code, is amended
24 to read as follows:

25 (a) The board of trustees of each school district shall
26 adopt a grievance procedure that complies with Chapter 26A under
27 which the board shall address each complaint that the board

1 receives concerning violation of a right guaranteed by this
2 chapter.

3 SECTION 1.15. Subtitle E, Title 2, Education Code, is
4 amended by adding Chapter 26A to read as follows:

5 CHAPTER 26A. GRIEVANCE POLICY

6 Sec. 26A.001. GRIEVANCE POLICY. (a) The board of trustees
7 of a school district shall adopt a grievance policy to address
8 grievances received by the district.

9 (b) The policy must provide for the following levels of
10 review, subject to Subsection (c):

11 (1) review by:

12 (A) the principal of the school district campus
13 at which the grievance is filed or the principal's designee; or

14 (B) for a grievance that arises from subject
15 matter unrelated to a campus, review by an administrator at the
16 school district's central office;

17 (2) if established by the policy, an appeal to an
18 administrator at the school district's central office;

19 (3) an appeal to the superintendent of the school
20 district or the superintendent's designee; and

21 (4) an appeal to the board of trustees of the school
22 district.

23 (c) A review or appeal on a grievance must be conducted by a
24 person with the authority to address the grievance unless a
25 preliminary hearing is necessary to develop a record or a
26 recommendation for the board of trustees of the school district.

27 (d) The board of trustees of a school district may delegate

1 the authority to hear and decide a grievance to a committee of at
2 least three members composed only of members of the board of
3 trustees. For purposes of an appeal to the commissioner under
4 Section 7.057, a decision by the committee is a decision of the
5 board of trustees.

6 (e) The policy must:

7 (1) prohibit the board of trustees of the school
8 district or a district employee from retaliating against a student
9 or parent of or person standing in parental relation to a student
10 who files a grievance in accordance with the policy;

11 (2) require a person involved in reviewing a grievance
12 under the policy to recuse himself or herself from reviewing the
13 grievance if the person is the subject of the grievance;

14 (3) provide for a higher level of review under
15 Subsection (b) if the person who would otherwise review the
16 grievance is required to recuse himself or herself under
17 Subdivision (2);

18 (4) provide for the creation and retention of a record
19 of each hearing on the grievance, including:

20 (A) documents submitted by the person who filed
21 the grievance or determined relevant by school district personnel;
22 and

23 (B) a written record of the decision, including
24 an explanation of the basis for the decision and an indication of
25 each document that supports the decision;

26 (5) allow the person who filed the grievance to
27 supplement the record with additional documents or add additional

1 claims;

2 (6) allow for a remand to a lower level of review under
3 Subsection (b) to develop a record at any time, including at the
4 board of trustees level of review;

5 (7) require the school district to direct a grievance
6 that is filed with the incorrect administrator to the appropriate
7 administrator and consider the grievance filed on the date on which
8 the grievance was initially filed; and

9 (8) for a grievance before the board of trustees of the
10 school district, require that:

11 (A) the person who filed the grievance be
12 provided at least five business days before the date on which the
13 meeting to discuss the grievance will be held a description of any
14 information the board of trustees intends to rely on that is not
15 contained in the record; and

16 (B) the meeting at which the grievance is
17 discussed be recorded by video or audio recording or by transcript
18 created by a certified court reporter.

19 Sec. 26A.002. TIMELINES FOR FILING AND APPEAL. The policy
20 adopted under Section 26A.001 must:

21 (1) provide at least:

22 (A) for a grievance filed by a parent of or person
23 standing in parental relation to a student enrolled in the school
24 district:

25 (i) 60 days to file a grievance from the
26 date on which the parent or person knew or had reason to know of the
27 facts giving rise to the grievance; or

1 (ii) if the parent or person engaged in
2 informal attempts to resolve the grievance, the later of 90 days to
3 file a grievance from the date described by Subparagraph (i) or 30
4 days to file a grievance from the date on which the district
5 provided information to the parent or person regarding how to file
6 the grievance; and

7 (B) 20 days to file an appeal after the date on
8 which a decision on the grievance was made;

9 (2) for a hearing that is not before the board of
10 trustees of the school district, require:

11 (A) the district to hold a hearing not later than
12 the 10th day after the date on which the grievance or appeal was
13 filed; and

14 (B) a written decision to be made not later than
15 the 20th day after the date on which the hearing was held that
16 includes:

17 (i) any relief or redress to be provided;
18 and

19 (ii) information regarding filing an
20 appeal, including the timeline to appeal under this section and
21 Section 7.057, if applicable; and

22 (3) for a hearing before the board of trustees of the
23 school district, require the board of trustees to:

24 (A) hold a meeting to discuss the grievance not
25 later than the 60th day after the date on which the previous
26 decision on the grievance was made; and

27 (B) make a decision on the grievance not later

1 than the 30th day after the date on which the meeting is held under
2 Paragraph (A).

3 Sec. 26A.003. POSTING OF PROCEDURES AND FORMS. (a) The
4 board of trustees of a school district shall develop, make publicly
5 available in a prominent location on the district's Internet
6 website, and include in the district's student handbook:

7 (1) procedures for resolving grievances;

8 (2) standardized forms for filing a grievance, a
9 notice of appeal, or a request for a hearing under this chapter; and

10 (3) the method by which a grievance may be filed
11 electronically.

12 (b) A school district shall ensure that a grievance may be
13 submitted electronically at the location on the district's Internet
14 website at which the information described by Subsection (a) is
15 available.

16 (c) A school district shall submit and make accessible to
17 the agency the location on the district's Internet website at which
18 the information described by Subsection (a) is available.

19 SECTION 1.16. Section 28.004, Education Code, is amended by
20 adding Subsection (i-2) to read as follows:

21 (i-2) Before a student may be provided with human sexuality
22 instruction, a school district must obtain the written consent of
23 the student's parent. A request for written consent under this
24 subsection:

25 (1) may not be included with any other notification or
26 request for written consent provided to the parent, other than the
27 notice provided under Subsection (i); and

1 (2) must be provided to the parent not later than the
2 14th day before the date on which the human sexuality instruction
3 begins.

4 SECTION 1.17. Section 12A.004(a), Education Code, as
5 amended by this Act, applies to a local innovation plan adopted or
6 renewed before, on, or after the effective date of this Act.

7 SECTION 1.18. (a) Except as provided by Subsection (b) of
8 this section, this article applies beginning with the 2025-2026
9 school year.

10 (b) The changes in law made by this article apply to an
11 appeal filed with the commissioner of education on or after
12 September 1, 2025. An appeal filed with the commissioner before
13 September 1, 2025, is governed by the law in effect on the date the
14 appeal was filed, and the former law is continued in effect for that
15 purpose.

16 ARTICLE 2. REPORTING OF MISCONDUCT AND CHILD ABUSE AND NEGLECT

17 SECTION 2.01. Article 42.018(a), Code of Criminal
18 Procedure, is amended to read as follows:

19 (a) This article applies only to:

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

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

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

27 (C) a felony offense under Chapter 43, Penal

1 Code;

2 (D) a felony offense involving school property;

3 or

4 (E) an offense under the laws of another state or

5 federal law that is equivalent to an offense under Paragraph (A),

6 (B), (C), or (D); or

7 (2) conviction of:

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

9 Code[, ~~if the victim of the offense was under 18 years of age at the~~

10 ~~time the offense was committed]; or~~

11 (B) an offense under the laws of another state or

12 federal law that is equivalent to an offense under Paragraph (A)

13 [~~(3) conviction or deferred adjudication community~~

14 ~~supervision granted on the basis of an offense under Section 43.24,~~

15 ~~Penal Code].~~

16 SECTION 2.02. Subtitle D, Title 2, Education Code, is
17 amended by adding Chapter 22A, and a heading is added to that
18 chapter to read as follows:

19 CHAPTER 22A. EMPLOYEE AND SERVICE PROVIDER MISCONDUCT

20 SECTION 2.03. Chapter 22A, Education Code, as added by this
21 Act, is amended by adding Subchapter A, and a heading is added to
22 that subchapter to read as follows:

23 SUBCHAPTER A. GENERAL PROVISIONS

24 SECTION 2.04. Section 21.006(a), Education Code, is
25 transferred to Subchapter A, Chapter 22A, Education Code, as added
26 by this Act, redesignated as Section 22A.001, Education Code, and
27 amended to read as follows:

1 Sec. 22A.001. DEFINITIONS. ~~[(a)]~~ In this chapter
2 ~~[section]~~:

3 (1) "Abuse" has the meaning assigned by Section
4 261.001, Family Code, and includes any sexual conduct involving ~~[an~~
5 ~~educator and]~~ a student or minor.

6 (2) "Board" means the State Board for Educator
7 Certification.

8 (3) "Educational entity" means a school district,
9 district of innovation, open-enrollment charter school, other
10 charter entity, regional education service center, or shared
11 services arrangement.

12 (4) "Other charter entity" means:

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

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

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

21 (5) "Registry" means the registry of persons who are
22 not eligible to be employed by or act as a service provider for an
23 educational entity maintained under Section 22A.151.

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

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

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

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

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

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

9 SECTION 2.05. Subchapter A, Chapter 22A, Education Code, as
10 added by this Act, is amended by adding Section 22A.002 to read as
11 follows:

12 Sec. 22A.002. CONFIDENTIALITY. (a) Unless disclosure is
13 required by other law and except as provided by Subsection (b), a
14 complaint, statement, recording, note, file, record, memorandum,
15 or report that is received, obtained, or created by the board or
16 agency relating to the review or investigation of an allegation of
17 misconduct involving a person who is an applicant for or holder of a
18 certification or permit issued by the board or for which a person is
19 required to be included in the registry is confidential and not
20 subject to disclosure under Chapter 552, Government Code.

21 (b) Subsection (a) does not prohibit the disclosure of
22 information described by Subsection (a) for purposes of:

23 (1) a report required under Subchapter B, Chapter 21,
24 Subchapter C-1, Chapter 22, or this chapter; or

25 (2) an administrative or other legal proceeding
26 brought under Chapter 2001, Government Code.

27 SECTION 2.06. Chapter 22A, Education Code, as added by this

1 Act, is amended by adding Subchapter B, and a heading is added to
2 that subchapter to read as follows:

3 SUBCHAPTER B. REQUIRED MISCONDUCT REPORTING

4 SECTION 2.07. Sections 21.006(b), (b-1), (b-2), (c), (c-1),
5 (c-2), (d), (e), (f), (g), (g-1), (h), (i), (j), and (k), Education
6 Code, are transferred to Subchapter B, Chapter 22A, Education Code,
7 as added by this Act, redesignated as Section 22A.051, Education
8 Code, and amended to read as follows:

9 Sec. 22A.051. REQUIREMENT TO REPORT EDUCATOR MISCONDUCT TO

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

17 (1) an educator employed by or seeking employment by
18 the entity [~~school district, district of innovation, charter~~
19 ~~school, other charter entity, service center, or shared services~~
20 ~~arrangement~~] has a criminal record and the entity [~~school district,~~
21 ~~district of innovation, charter school, other charter entity,~~
22 ~~service center, or shared services arrangement~~] obtained
23 information about the educator's criminal record by a means other
24 than the criminal history clearinghouse established under Section
25 411.0845, Government Code;

26 (2) an educator's employment at the entity [~~school~~
27 ~~district, district of innovation, charter school, other charter~~

1 ~~entity, service center, or shared services arrangement]~~ was
2 terminated and there is evidence that the educator:

3 (A) abused or otherwise committed an unlawful act
4 with a student or minor, including by engaging in conduct that
5 involves physical mistreatment or constitutes a threat of violence
6 to a student or minor and that is not justified under Chapter 9,
7 Penal Code, regardless of whether the conduct resulted in bodily
8 injury;

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

12 (C) engaged in inappropriate communications with
13 a student or minor;

14 (D) failed to maintain appropriate boundaries
15 with a student or minor;

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

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

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

26 (H) [~~E~~] committed a criminal offense or any
27 part of a criminal offense on school property or at a

1 school-sponsored event;

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

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

7 (5) [(4)] the educator engaged in conduct that
8 violated the assessment instrument security procedures established
9 under Section 39.0301.

10 (b) [(b-1)] A superintendent or director of an educational
11 entity [~~a school district, district of innovation, open-enrollment~~
12 ~~charter school, other charter entity, regional education service~~
13 ~~center, or shared services arrangement~~] shall complete an
14 investigation of an educator that involves evidence that the
15 educator may have engaged in misconduct described by Subsection
16 (a)(2)(A), (B), (C), or (D) [~~(b)(2)(A) or (A-1)]~~, despite the
17 educator's resignation from employment before completion of the
18 investigation.

19 (c) [(b-2)] The principal of a school district, district of
20 innovation, open-enrollment charter school, or other charter
21 entity campus must notify the superintendent or director of the
22 [~~school~~] district, [~~district of innovation, charter~~] school, or
23 [~~other charter~~] entity:

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

26 (A) [(1)] of an educator's termination of
27 employment or resignation following an alleged incident of

1 misconduct described by Subsection (a) [~~(b)~~]; or
2 (B) [~~(2)~~] the principal knew about an educator's
3 criminal record under Subsection (a)(1); or
4 (2) not later than 48 hours after the principal
5 becomes aware of evidence of misconduct described by Subsection
6 (a)(2)(A), (B), (C), or (D) [~~(b)(1)~~].

7 (d) [~~(e)~~] Except as provided by Subsection (f) [~~(e-2)~~], the
8 superintendent or director must notify the board [~~State Board for~~
9 ~~Educator Certification~~] by filing a report with the board:

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

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

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

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

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

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

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

26 (1) [~~must be:~~
27 [~~(A)~~] in writing;

1 (2) [~~and~~
2 [~~(B)~~] in a form prescribed by the board; and
3 (3) [~~(2) may be~~] filed through the Internet portal
4 developed and maintained by the agency under Section 22A.155 [~~State~~
5 ~~Board for Educator Certification under Subsection (g-1)~~].

6 (f) [~~(c-2)~~] A superintendent or director of an educational
7 entity [~~a school district, district of innovation, open-enrollment~~
8 ~~charter school, regional education service center, or shared~~
9 ~~services arrangement~~] is not required to notify the board [~~State~~
10 ~~Board for Educator Certification~~] or file a report with the board
11 under Subsection (a) [~~(b)~~] or (d) [~~(c)~~] if the superintendent or
12 director has reasonable cause to believe the educator who is
13 alleged to have engaged in the misconduct is deceased [+

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

18 [~~(2) determines the educator did not engage in the~~
19 ~~alleged incident of misconduct described by Subsection (b)(2)(A) or~~
20 ~~(A-1)~~].

21 (g) [~~(d)~~] The superintendent or director shall notify the
22 board of trustees or governing body of the educational entity
23 [~~school district, open-enrollment charter school, other charter~~
24 ~~entity, regional education service center, or shared services~~
25 ~~arrangement~~] and the educator of the filing of the report required
26 by Subsection (d) [~~(c)~~].

27 (h) [~~(e)~~] A superintendent, director, or principal of an

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

10 (i) [~~(f)~~] The board [~~State Board for Educator~~
11 ~~Certification~~] shall determine whether to impose sanctions,
12 including an administrative penalty under Subsection (l) [~~(i)~~],
13 against a principal who fails to provide notification to a
14 superintendent or director in violation of Subsection (c) [~~(b-2)~~]
15 or against a superintendent or director who fails to file a report
16 in violation of Subsection (d) [~~(e)~~].

17 (j) [~~(g)~~] The board [~~State Board for Educator~~
18 ~~Certification~~] shall propose rules as necessary to implement this
19 section.

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

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

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

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

27 (n) [~~(k)~~] The commissioner may review the records of an

1 educational entity [~~a school district, district of innovation,~~
2 ~~open-enrollment charter school, other charter entity, regional~~
3 ~~education service center, or shared services arrangement~~] to ensure
4 compliance with the requirement to report misconduct under this
5 section.

6 SECTION 2.08. Section 22.093, Education Code, is
7 transferred to Subchapter B, Chapter 22A, Education Code, as added
8 by this Act, redesignated as Section 22A.052, Education Code, and
9 amended to read as follows:

10 Sec. 22A.052 [~~22.093~~]. REQUIREMENT TO REPORT EMPLOYEE OR
11 SERVICE PROVIDER MISCONDUCT TO AGENCY. (a) [~~In this section,~~
12 ~~"abuse" has the meaning assigned by Section 261.001, Family Code,~~
13 ~~and includes any sexual conduct involving a student or minor.~~

14 [(b)] This section applies to:

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

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

22 (b) [(c)] In addition to the reporting requirement under
23 Section 261.101, Family Code, the superintendent or director of an
24 educational entity [~~a school district, district of innovation,~~
25 ~~open-enrollment charter school, other charter entity, regional~~
26 ~~education service center, or shared services arrangement~~] shall
27 notify the commissioner if the superintendent or director:

1 (1) becomes aware of [~~an employee's employment at the~~
2 ~~school district, district of innovation, charter school, other~~
3 ~~charter entity, service center, or shared services arrangement was~~
4 ~~terminated and there is~~] evidence that a person described by
5 Subsection (a) engaged in misconduct described by Section
6 22A.051(a)(2)(A), (B), (C), or (D) [~~the employee:~~

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

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

12 (2) obtained criminal history record information
13 relating to misconduct described by Subdivision (1) for a person
14 described by Subsection (a) [~~the employee resigned and there is~~
15 ~~evidence that the employee engaged in misconduct described by~~
16 ~~Subdivision (1)]].~~

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

27 (d) [~~(e)~~] The principal of a school district, district of

1 innovation, open-enrollment charter school, or other charter
2 entity campus must notify the superintendent or director of the
3 ~~[school]~~ district, ~~[district of innovation, charter]~~ school, or
4 ~~[other charter]~~ entity not later than 48 hours ~~[the seventh~~
5 ~~business day]~~ after the principal becomes aware of evidence of
6 ~~[date of an employee's termination of employment or resignation~~
7 ~~following]~~ an alleged incident of misconduct described by
8 Subsection (b)(1) ~~[(c)(1)(A) or (B)]~~.

9 (e) ~~[(f)]~~ The superintendent or director of an educational
10 entity must notify the commissioner by filing a report with the
11 commissioner not later than 48 hours ~~[the seventh business day]~~
12 after the ~~[date the]~~ superintendent or director:

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

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

20 (3) became aware of evidence of misconduct described
21 by Subsection (b)(1) ~~[(c)(1)(A) or (B)]~~.

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

23 (1) in writing; ~~[and]~~

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

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

27 (g) A superintendent or director of an educational entity is

1 not required to notify the agency or file a report with the agency
2 under Subsection (b) or (e) if the superintendent or director has
3 reasonable cause to believe that the person who is alleged to have
4 engaged in misconduct is deceased.

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

11 (i) [~~(h)~~] A superintendent or director who in good faith and
12 while acting in an official capacity files a report with the
13 commissioner under Subsection (e) [~~(f)~~] or a principal who in good
14 faith and while acting in an official capacity notifies a
15 superintendent or director under Subsection (d) [~~(e)~~] is immune
16 from civil or criminal liability that might otherwise be incurred
17 or imposed.

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

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

26 (l) [~~(k)~~] A superintendent or director required to file a
27 report under Subsection (e) [~~(f)~~] commits an offense if the

1 superintendent or director fails to file the report by the date
2 required by that subsection with intent to conceal a person's [~~an~~
3 ~~employee's~~] criminal record or alleged incident of misconduct
4 described by Section 22A.051(a)(2)(A) or (B). A principal
5 required to notify a superintendent or director about a person's
6 [~~an employee's~~] alleged incident of misconduct under Subsection (d)
7 [~~(e)~~] commits an offense if the principal fails to provide the
8 notice by the date required by that subsection with intent to
9 conceal a person's [~~an employee's~~] alleged incident of misconduct
10 described by Section 22A.051(a)(2)(A) or (B). An offense under
11 this subsection is a state jail felony.

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

18 (n) [~~(m)~~] The commissioner shall adopt rules as necessary
19 to implement this section.

20 SECTION 2.09. Section 21.0061, Education Code, is
21 transferred to Subchapter B, Chapter 22A, Education Code, as added
22 by this Act, redesignated as Section 22A.053, Education Code, and
23 amended to read as follows:

24 Sec. 22A.053 [~~21.0061~~]. NOTICE TO PARENT OR GUARDIAN ABOUT
25 [~~EDUCATOR~~] MISCONDUCT. (a) The board of trustees or governing body
26 of an educational entity [~~a school district, district of~~
27 ~~innovation, open-enrollment charter school, other charter entity,~~

1 ~~regional education service center, or shared services arrangement]~~
2 shall adopt a policy under which notice is provided to the parent or
3 guardian of a student with whom a person employed by or acting as a
4 service provider for the entity [~~an educator~~] is alleged to have
5 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),
6 (C), or (D) [~~Section 21.006(b)(2)(A) or (A-1)~~] informing the parent
7 or guardian:

8 (1) that the alleged misconduct occurred;

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

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

15 (b) The policy required by this section must require that
16 information specified by Subsection (a)(1) be provided as soon as
17 feasible after the educational [~~employing~~] entity becomes aware
18 that alleged misconduct may have occurred.

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

21 SECTION 2.10. Sections 21.007 and 21.009, Education Code,
22 are transferred to Subchapter B, Chapter 22A, Education Code, as
23 added by this Act, redesignated as Sections 22A.054 and 22A.055,
24 Education Code, and amended to read as follows:

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

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

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

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

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

14 (c) On receiving a notification under Subsection (b), the
15 agency shall immediately place the educator on the registry and
16 include information indicating that the educator is under
17 investigation for alleged misconduct.

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

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

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

27 (e) If it is determined that the educator has not engaged in

1 the alleged incident of misconduct, the board shall immediately
2 remove:

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

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

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

9 Sec. 22A.055 [~~21.009~~]. PRE-EMPLOYMENT OR PRE-SERVICE
10 AFFIDAVIT. (a) A person applying [~~An applicant~~] for employment
11 with or who will act as a service provider for an educational entity
12 [~~a position described by Section 21.003(a) or (b) with a school~~
13 ~~district, district of innovation, open-enrollment charter school,~~
14 ~~private school, regional education service center, or shared~~
15 ~~services arrangement] must submit, using a form adopted by the
16 agency, consent for release of the person's employment records and
17 a pre-employment or pre-service affidavit disclosing whether the
18 person [~~applicant~~] has ever been:~~

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

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

27 (3) included in the registry;

1 (4) employed or is currently employed by or has acted
2 or is currently acting as a service provider for a public or private
3 school; and

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

7 (b) A person [~~An applicant~~] who answers affirmatively
8 concerning an action listed under Subsection (a) [~~inappropriate~~
9 ~~relationship with a minor~~] must disclose in the affidavit all
10 relevant facts known to the person pertaining to the matter
11 [charge, adjudication, or conviction], including, if applicable to
12 the action [~~for a charge~~], whether the allegation [~~charge~~] was
13 determined to be true or false.

14 (c) A person or service provider [~~An applicant~~] is not
15 precluded from being employed by or providing services to an
16 educational entity based on a disclosed allegation [~~charge~~] if the
17 [~~employing~~] entity determines based on the information disclosed in
18 the affidavit that the allegation [~~charge~~] was false.

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

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

26 (f) The board [~~State Board for Educator Certification~~] may
27 revoke the certificate of an administrator if the board determines

1 it is reasonable to believe that the administrator employed a
2 person or accepted services from a service provider [~~an applicant~~
3 ~~for a position described by Section 21.003(a) or (b)] despite being
4 aware that the person knowingly failed to disclose information
5 required to be disclosed under Subsection (a) [~~applicant had been~~
6 ~~adjudicated for or convicted of having an inappropriate~~
7 ~~relationship with a minor]~~.~~

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

11 SECTION 2.11. Chapter 22A, Education Code, as added by this
12 Act, is amended by adding Subchapter C, and a heading is added to
13 that subchapter to read as follows:

14 SUBCHAPTER C. INVESTIGATION OF MISCONDUCT

15 SECTION 2.12. Section 22.094, Education Code, is
16 transferred to Subchapter C, Chapter 22A, Education Code, as added
17 by this Act, redesignated as Section 22A.101, Education Code, and
18 amended to read as follows:

19 Sec. 22A.101 [~~22.094~~]. NOTICE OF ALLEGED MISCONDUCT;
20 INVESTIGATION; HEARING. (a) This section applies to a [A] person
21 described by Section 22A.052(a) [~~22.093(b) and~~] who is:

22 (1) the subject of a report that alleges misconduct
23 described by Section 22A.051(a)(2);

24 (2) [~~22.093(c)(1)(A) or (B) or who is~~] identified as
25 having engaged in [~~that~~] misconduct described by Subdivision (1)
26 using the interagency reportable conduct search engine established
27 under Chapter 810, Health and Safety Code; or

1 (3) the subject of a complaint alleging misconduct
2 described by Subdivision (1) filed with the agency.

3 (b) A person to whom this section applies [7] is entitled to
4 a hearing on the merits of the allegations of misconduct under the
5 procedures provided by Chapter 2001, Government Code, to contest
6 the allegation in the report, ~~[or]~~ search engine, or complaint.

7 (c) [del(b)] On receiving a report filed under Section
8 22A.052(e) or a complaint alleging misconduct described by
9 Subsection (a)(1) [22.093(f)] or making an identification
10 described by Subsection (a), the commissioner shall promptly send
11 to the person who is the subject of the report or identification a
12 notice that includes:

13 (1) a statement informing the person that the person
14 must request a hearing on the merits of the allegations of
15 misconduct within the period provided by Subsection (d) [~~(e)~~];

16 (2) a request that the person submit a written
17 response within the period provided by Subsection (d) [~~(e)~~] to show
18 cause why the commissioner should not pursue an investigation; and

19 (3) a statement informing the person that if the
20 person does not timely submit a written response to show cause as
21 provided by Subdivision (2), the agency shall provide information
22 indicating the person is under investigation in the manner provided
23 by Subsection (e) [~~(d)~~].

24 (d) [~~(e)~~] A person entitled to a hearing under Subsection
25 (b) [~~(a)~~] must request a hearing and submit a written response to
26 show cause not later than the 10th day after the date the person
27 receives the notice from the commissioner provided under Subsection

1 (c) [~~(b)~~].

2 (e) [~~(d)~~] If a person who receives notice provided under
3 Subsection (c) [~~(b)~~] does not timely submit a written response to
4 show cause why the commissioner should not pursue an investigation,
5 the commissioner shall instruct the agency to make available
6 through the Internet portal developed and maintained by the agency
7 under Section 22A.155 [~~22.095~~] information indicating that the
8 person is under investigation for alleged misconduct.

9 (f) [~~(e)~~] If a person entitled to a hearing under Subsection
10 (b) [~~(a)~~] does not request a hearing as provided by Subsection (d)
11 [~~(c)~~], the commissioner shall:

12 (1) based on the report filed under Section 22A.052(e)
13 [~~22.093(f)~~], the complaint alleging misconduct, or the
14 identification described by Subsection (a), make a determination
15 whether the person engaged in misconduct; and

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

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

27 (h) [~~(g)~~] If a person entitled to a hearing under Subsection

1 (b) [~~(a)~~] requests a hearing as provided by Subsection (d) [~~(c)~~] and
2 the final decision in that hearing determines that the person did
3 not engage in misconduct described by Section 22A.051(a)(2)(A),
4 (B), (C), or (D) [~~22.093(c)(1)(A) or (B)~~], the commissioner shall
5 instruct the agency to immediately remove from the Internet portal
6 developed and maintained by the agency under Section 22A.155
7 [~~22.095~~] the information indicating that the person is under
8 investigation for alleged misconduct.

9 (i) [~~(h)~~] The commissioner shall adopt rules as necessary
10 to implement this section. In adopting rules, the commissioner
11 shall follow any guidelines adopted by the board regarding
12 sanctions for misconduct described by Section 22A.051(a)(2)(A),
13 (C), or (D).

14 SECTION 2.13. Subchapter C, Chapter 22A, Education Code, as
15 added by this Act, is amended by adding Section 22A.102 to read as
16 follows:

17 Sec. 22A.102. PRELIMINARY DETERMINATION. To the extent
18 feasible, not later than the 30th day after receipt of a report
19 under Section 22A.051(d) or 22A.052(e), the board or agency, as
20 applicable, shall, based on a preliminary review of the report,
21 make a determination regarding whether the person who is the
22 subject of the report engaged in the alleged misconduct.

23 SECTION 2.14. Section 21.062, Education Code, is
24 transferred to Subchapter C, Chapter 22A, Education Code, as added
25 by this Act, redesignated as Section 22A.103, Education Code, and
26 amended to read as follows:

27 Sec. 22A.103 [~~21.062~~]. ISSUANCE OF SUBPOENAS. (a) During

1 an investigation by the commissioner of an educator or person who is
2 employed by or providing services to an educational entity for an
3 alleged incident of misconduct, the commissioner may issue a
4 subpoena to compel:

- 5 (1) the attendance of a relevant witness; or
6 (2) the production[~~, for inspection or copying,~~] of
7 relevant evidence that is located in this state.

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

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

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

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

24 (e) Except as provided by a protective order, and
25 notwithstanding Subsection (d), all information and materials
26 subpoenaed or compiled in connection with an investigation
27 described by Subsection (a) may be used in a disciplinary

1 proceeding against a person [~~an educator~~] based on an alleged
2 incident of misconduct.

3 SECTION 2.15. Subchapter C, Chapter 22A, Education Code, as
4 added by this Act, is amended by adding Section 22A.104 to read as
5 follows:

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

14 SECTION 2.16. Chapter 22A, Education Code, as added by this
15 Act, is amended by adding Subchapter D, and a heading is added to
16 that subchapter to read as follows:

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

19 SECTION 2.17. Section 22.092, Education Code, is
20 transferred to Subchapter D, Chapter 22A, Education Code, as added
21 by this Act, redesignated as Section 22A.151, Education Code, and
22 amended to read as follows:

23 Sec. 22A.151 [~~22.092~~]. REGISTRY OF PERSONS NOT ELIGIBLE
24 FOR EMPLOYMENT IN OR PROVISION OF SERVICES TO EDUCATIONAL ENTITIES
25 [~~PUBLIC SCHOOLS~~]. (a) The agency shall maintain and make available
26 through the Internet portal developed and maintained by the agency
27 under Section 22A.155 [~~22.095~~] a registry of persons who are not

1 eligible to be employed by or act as a service provider for an
2 educational entity [~~a school district, district of innovation,~~
3 ~~open-enrollment charter school, other charter entity, regional~~
4 ~~education service center, or shared services arrangement~~].

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

11 (c) An educational entity may not allow a person who is
12 listed on the registry to:

- 13 (1) act as a service provider for the entity; or
14 (2) be present at an event sponsored by the entity.

15 (d) The registry [~~maintained under this section~~] must list
16 the following persons as not eligible to be employed by or act as a
17 service provider for an educational entity [~~public schools~~]:

18 (1) a person determined by the agency under Section
19 22.0832 as a person who would not be eligible for educator
20 certification under Subchapter B, Chapter 21;

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

24 (3) a person who is not eligible for employment based
25 on criminal history record information received by the agency under
26 Section 22A.201(b) [~~21.058(b)~~];

27 (4) a person whose certification or permit, or

1 application for a certification or permit, issued under Subchapter
2 B, Chapter 21, is denied or revoked by the board and who has not been
3 issued a certificate or permit under that subchapter subsequent to
4 that denial or revocation [~~State Board for Educator Certification~~
5 ~~on a finding that the person engaged in misconduct described by~~
6 ~~Section 21.006(b)(2)(A) or (A-1)]]; [and]~~

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

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

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

16 (8) subject to Subsection (e), a person who is
17 determined by the State Board for Educator Certification to have
18 engaged in electioneering under Section 22B.003; and

19 (9) subject to Subsection (e), a person who is
20 determined by the commissioner under Section 22B.005 or by another
21 governmental body to have engaged in electioneering under Section
22 22B.003 [~~22.093(c)(1)(A) or (B)]].~~

23 (e) The agency shall remove a person included in the
24 registry under Subsection (d)(8) or (9) not later than:

25 (1) the third anniversary of the date on which the
26 person was included in the registry under the applicable
27 subdivision if the person was the superintendent or director of an

1 educational entity at the time the person was included in the
2 registry; or

3 (2) the first anniversary of the date on which the
4 person was included in the registry under the applicable
5 subdivision if the person held a position other than a position
6 described by Subdivision (1) of this subsection at the time the
7 person was included in the registry.

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

14 (g) [~~(d)~~] The agency shall provide equivalent access to the
15 registry [~~maintained under this section~~] to:

- 16 (1) private schools;
- 17 (2) educational entities [~~public schools~~]; [~~and~~]
- 18 (3) nonprofit teacher organizations approved by the
19 commissioner for the purpose of participating in the tutoring
20 program established under Section 33.913;
- 21 (4) entities that have entered into a contract to
22 operate a school district campus under Section 11.174; and
- 23 (5) service providers for an educational entity that
24 are authorized by the entity to access the registry.

25 (h) Each school year, the superintendent or director of an
26 educational entity shall certify to the commissioner that the
27 entity has complied with this section. If feasible, the

1 commissioner by rule shall consolidate the requirement under this
2 subsection with other reporting requirements applicable to the
3 entity.

4 (i) [~~e~~] The commissioner [agency] shall adopt rules as
5 necessary to implement this section.

6 SECTION 2.18. Subchapter D, Chapter 22A, Education Code, as
7 added by this Act, is amended by adding Sections 22A.152, 22A.153,
8 and 22A.154 to read as follows:

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

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

20 (1) proceedings for a hearing before the State Office
21 of Administrative Hearings are initiated simultaneously with the
22 temporary inclusion; and

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

25 (c) The State Office of Administrative Hearings shall hold a
26 preliminary hearing not later than the 17th day after the date of
27 the temporary inclusion to determine whether probable cause exists

1 that the person's employment at or provision of services to an
2 educational entity constitutes a continuing and imminent threat to
3 the public welfare. The probable cause hearing shall be conducted
4 as a de novo hearing.

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

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

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

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

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

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

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

27 Sec. 22A.154. REPORTING TO LAW ENFORCEMENT. (a) The agency

1 shall refer to an appropriate local law enforcement agency any
2 allegation of misconduct that results in the inclusion of a person
3 in the registry that has not already been referred to a local law
4 enforcement agency.

5 (b) The agency may refer any allegation of misconduct to an
6 appropriate local law enforcement agency if the agency believes the
7 allegation includes evidence of criminal conduct.

8 (c) The agency shall maintain a record of each allegation of
9 misconduct referred to a local law enforcement agency under this
10 section.

11 SECTION 2.19. Sections 22.095 and 22.096, Education Code,
12 are transferred to Subchapter D, Chapter 22A, Education Code, as
13 added by this Act, redesignated as Sections 22A.155 and 22A.156,
14 Education Code, and amended to read as follows:

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

17 (1) a report required under Section 22A.051(d),
18 22A.052(e), or 22A.301(d) [~~22.093(f)~~] may be confidentially and
19 securely filed; and

20 (2) the agency makes available:

21 (A) the registry of persons who are not eligible
22 to be employed by or act as service providers for educational
23 entities [~~in public schools~~] as described by Section 22A.151
24 [~~22.092~~]; and

25 (B) information indicating that a person is under
26 investigation for alleged misconduct in accordance with Section
27 22A.101(e) [~~22.094(d)~~], provided that the agency must provide the

1 information through a procedure other than the registry [~~described~~
2 ~~under Paragraph (A)~~].

3 (b) The Internet portal must comply with any requirements
4 adopted by the board for filing reports under Sections 22A.051 and
5 22A.301.

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

13 (b) The agency shall review the investigations conducted by
14 educational entities involving allegations of misconduct described
15 by Section 22A.051(a)(2)(A), (B), (C), or (D) to ensure that the
16 investigations are conducted using appropriate investigative
17 protocols, including when cooperating with a law enforcement agency
18 or the Department of Family and Protective Services in accordance
19 with the policy adopted under Section 38.004. If the agency
20 determines that an educational entity failed to follow appropriate
21 investigative protocols, the commissioner may authorize a special
22 investigation under Section 39.003.

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

27 SECTION 2.20. Section 22.085, Education Code, is

1 transferred to Subchapter D, Chapter 22A, Education Code, as added
2 by this Act, redesignated as Section 22A.157, Education Code, and
3 amended to read as follows:

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

12 (1) convicted of or placed on deferred adjudication
13 community supervision for an offense described by Section
14 22A.201(a)(1) [~~for which a defendant is required to register as a~~
15 ~~sex offender under Chapter 62, Code of Criminal Procedure~~]; or

16 (2) convicted of an [~~+~~
17 [~~(A) a felony~~] offense described by Section
18 22A.201(a)(2) [~~under Title 5, Penal Code, if the victim of the~~
19 ~~offense was under 18 years of age at the time the offense was~~
20 ~~committed, or~~

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

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

27 (1) the date of the offense is more than 30 years

1 before:

2 (A) the effective date of S.B. No. 9, Acts of the
3 80th Legislature, Regular Session, 2007, in the case of a person
4 employed by a school district, open-enrollment charter school, or
5 shared services arrangement as of that date; or

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

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

13 (c) An educational entity [~~A school district,~~
14 ~~open-enrollment charter school, or shared services arrangement~~]
15 may not allow a person who is an employee of or applicant for
16 employment by a qualified school contractor or an entity that
17 contracts with the entity [~~district, school, or shared services~~
18 ~~arrangement~~] to serve [~~at the district or school or~~] for the entity
19 [~~shared services arrangement~~] if the entity [~~district, school, or~~
20 ~~shared services arrangement~~] obtains information described by
21 Subsection (a) through a criminal history record information review
22 concerning the employee or applicant. An educational entity [~~A~~
23 ~~school district, open-enrollment charter school, or shared~~
24 ~~services arrangement~~] must ensure that an entity that the
25 educational entity [~~district, school, or shared services~~
26 ~~arrangement~~] contracts with for services has obtained all criminal
27 history record information as required by Section 22.0834.

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

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

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

20 (2) convicted of an offense described by Subsection
21 (a)(2).

22 (f) Each school year, the superintendent of a school
23 district or chief operating officer of an open-enrollment charter
24 school shall certify to the commissioner that the district or
25 school has complied with this section.

26 SECTION 2.21. Chapter 22A, Education Code, as added by this
27 Act, is amended by adding Subchapter E, and a heading is added to

1 that subchapter to read as follows:

2 SUBCHAPTER E. DENIAL OR REVOCATION OF EDUCATOR CERTIFICATION FOR
3 MISCONDUCT

4 SECTION 2.22. Section 21.058, Education Code, is
5 transferred to Subchapter E, Chapter 22A, Education Code, as added
6 by this Act, redesignated as Section 22A.201, Education Code, and
7 amended to read as follows:

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

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

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

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

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

22 (D) a felony offense involving school property;
23 or

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

27 (2) conviction of:

1 (A) a felony offense under Title 5, Penal Code~~[7~~
2 ~~if the victim of the offense was under 18 years of age at the time~~
3 ~~the offense was committed]~~; or

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

6 [~~(3) conviction of or placement on deferred~~
7 ~~adjudication community supervision for an offense under Section~~
8 ~~43.24, Penal Code]~~.

9 (b) Notwithstanding Section 21.041(b)(7), not later than
10 the fifth day after the date the board receives notice under Article
11 42.018, Code of Criminal Procedure, of the conviction or placement
12 on deferred adjudication community supervision of a person who
13 holds a certificate under Subchapter B, Chapter 21 [~~this~~
14 ~~subchapter~~], the board shall:

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

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

19 (A) the revocation; and

20 (B) the basis for the revocation.

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

25 (1) immediately remove the person whose certificate
26 has been revoked from campus or from an administrative office, as
27 applicable, to prevent the person from having any contact with a

1 student; and

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

6 (A) suspend the person without pay;

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

10 (C) terminate the employment of the person as
11 soon as practicable.

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

20 (1) suspend the person without pay;

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

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

26 (e) [~~(c-2)~~] A person's probationary, continuing, or term
27 contract under Chapter 21 is void if, with the approval of the board

1 of trustees or governing body or a designee of the board or
 2 governing body, the school district or open-enrollment charter
 3 school takes action under Subsection (c)(2)(B) or (d)(2)
 4 [~~(c-1)(2)~~].

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

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

16 SECTION 2.23. Subchapter E, Chapter 22A, Education Code, as
 17 added by this Act, is amended by adding Sections 22A.202 and 22A.203
 18 to read as follows:

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

21 (a) The board may, by a majority vote of the board or of a
 22 five-person committee of board members designated by the board,
 23 temporarily suspend an educator's certification or permit issued
 24 under Subchapter B, Chapter 21, if the board, based on evidence or
 25 information presented to the board regarding a complaint alleging
 26 misconduct by the educator, determines that the educator's
 27 continued certification or permit issuance constitutes a

1 continuing and imminent threat to the public welfare.

2 (b) Notwithstanding Chapter 551, Government Code, the board
3 or a committee described by Subsection (a) may hold a meeting by
4 telephone conference call if the board or committee determines that
5 immediate action is required and convening the board or committee
6 at one location would be inconvenient for any member of the board or
7 committee.

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

11 (1) proceedings for a hearing before the State Office
12 of Administrative Hearings are initiated simultaneously with the
13 temporary suspension; and

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

16 (d) The State Office of Administrative Hearings shall hold a
17 preliminary hearing not later than the 17th day after the date of
18 the temporary suspension to determine whether probable cause exists
19 that the educator's certification or permit issuance constitutes a
20 continuing and imminent threat to the public welfare. The probable
21 cause hearing shall be conducted as a de novo hearing.

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

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

1 Sec. 22A.203. TEMPORARY SUSPENSION OF CERTIFICATION OR
2 PERMIT FOR CERTAIN ARRESTS. (a) The board may, by a majority vote
3 of the board or of a five-person committee of board members
4 designated by the board, temporarily suspend an educator's
5 certification or permit issued under Subchapter B, Chapter 21, if
6 the educator is arrested for an offense listed under Section
7 22A.201(a).

8 (b) Before suspending an educator's certification or permit
9 under Subsection (a), the board or committee, as applicable, must
10 verify that the person arrested for an offense described by that
11 subsection is the same person who holds a certification or permit
12 issued under Subchapter B, Chapter 21, by the board.

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

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

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

20 SECTION 2.24. Chapter 22A, Education Code, as added by this
21 Act, is amended by adding Subchapter F to read as follows:

22 SUBCHAPTER F. OTHER REPORTING REQUIREMENTS

23 Sec. 22A.251. REPORT BY AGENCY. The agency, in cooperation
24 with the board, shall, on a quarterly basis, post on the agency's
25 Internet website a report on employee and service provider
26 misconduct reported under this chapter. The report must be
27 disaggregated by type of misconduct.

1 SECTION 2.25. Chapter 22A, Education Code, as added by this
2 Act, is amended by adding Subchapter G, and a heading is added to
3 that subchapter to read as follows:

4 SUBCHAPTER G. REQUIRED MISCONDUCT REPORTING: PRIVATE SCHOOLS

5 SECTION 2.26. Section 21.0062, Education Code, is
6 transferred to Subchapter G, Chapter 22A, Education Code, as added
7 by this Act, redesignated as Section 22A.301, Education Code, and
8 amended to read as follows:

9 Sec. 22A.301 [21.0062]. REQUIREMENT TO REPORT MISCONDUCT:
10 PRIVATE SCHOOLS. (a) In this section, "private [+

11 ~~[(1) "Abuse" has the meaning assigned by Section~~
12 ~~261.001, Family Code, and includes any sexual conduct involving a~~
13 ~~student or minor and private school educator.~~

14 ~~[(2) "Private]~~ school educator" means a person
15 employed by or seeking employment in a private school for a position
16 in which the person would be required to hold a certificate issued
17 under Subchapter B, Chapter 21, if the person were employed by a
18 school district.

19 (b) In addition to the reporting requirement under Section
20 261.101, Family Code, the chief administrative officer of a private
21 school shall notify the board [~~State Board for Educator~~
22 ~~Certification~~] if:

23 (1) a private school educator [+

24 ~~(1)] has a criminal record and the private school~~

25 obtained information about the educator's criminal record; or

26 (2) the chief administrative officer becomes aware of
27 evidence that a private school educator engaged in misconduct

1 described by Section 22A.051(a)(2)(A), (B), (C), or (D) ~~[was~~
2 ~~terminated and there is evidence that the educator:~~

3 ~~[(A) abused or otherwise committed an unlawful~~
4 ~~act with a student or minor; or~~

5 ~~[(B) was involved in a romantic relationship with~~
6 ~~or solicited or engaged in sexual contact with a student or minor].~~

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

13 (d) The chief administrative officer of the private school
14 must notify the board ~~[State Board for Educator Certification]~~ by
15 filing a report with the board:

16 (1) not later than the seventh business day after the
17 date the chief administrative officer knew that a private school
18 educator ~~[~~

19 ~~(1)]~~ has a criminal record under Subsection (b)(1);
20 or

21 (2) not later than 48 hours after the chief
22 administrative officer becomes aware of evidence of ~~[was terminated~~
23 ~~following]~~ an alleged incident of misconduct described by
24 Subsection (b)(2).

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

26 (1) in writing; ~~[and]~~

27 (2) in a form prescribed by the board; and

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

3 (f) Any person who knows or has reason to believe that a
4 private school educator engaged in the misconduct described by
5 Subsection (b)(2) may file a report with the board [~~State Board for~~
6 ~~Educator Certification~~] under this section.

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

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

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

21 SECTION 2.27. Section 39.003(a), Education Code, is amended
22 to read as follows:

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

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

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

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

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

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

12 (6) in response to an allegation involving a conflict
13 between members of the board of trustees or between the board and
14 the district administration if it appears that the conflict
15 involves a violation of a role or duty of the board members or the
16 administration clearly defined by this code;

17 (7) when excessive numbers of students in special
18 education programs under Subchapter A, Chapter 29, are assessed
19 through assessment instruments developed or adopted under Section
20 39.023(b);

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

26 (9) when a significant pattern of decreased academic
27 performance has developed as a result of the promotion in the

1 preceding two school years of students who did not perform
2 satisfactorily as determined by the commissioner under Section
3 39.0241(a) on assessment instruments administered under Section
4 39.023(a), (c), or (l);

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

8 (11) when resource allocation practices as evaluated
9 under Section 39.0821 indicate a potential for significant
10 improvement in resource allocation;

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

14 (13) when an excessive number of students is
15 graduating with a particular endorsement under Section
16 28.025(c-1);

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

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

1 (16) when a school district for any reason fails to:
2 (A) produce, at the request of the agency,
3 evidence or an investigation report relating to a person [~~an~~
4 ~~educator~~] who is under investigation by the State Board for
5 Educator Certification or the agency; or
6 (B) timely submit a report required under Chapter
7 22A regarding a person who is required to be reported to the State
8 Board for Educator Certification or the agency under that chapter;
9 [~~or~~]

10 (17) in response to an alleged violation of Section
11 22B.003; or

12 (18) as the commissioner otherwise determines
13 necessary.

14 SECTION 2.28. Section 261.001, Family Code, is amended by
15 amending Subdivision (1) and adding Subdivision (3-a) to read as
16 follows:

17 (1) "Abuse" includes the following acts or omissions
18 by a person:

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

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

26 (C) physical injury that results in substantial
27 harm to the child, or the genuine threat of substantial harm from

1 physical injury to the child, including an injury that is at
2 variance with the history or explanation given and excluding an
3 accident or reasonable discipline by a parent, guardian, or
4 managing or possessory conservator that does not expose the child
5 to a substantial risk of harm;

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

9 (E) sexual conduct harmful to a child's mental,
10 emotional, or physical welfare, including conduct that constitutes
11 the offense of continuous sexual abuse of young child or disabled
12 individual under Section 21.02, Penal Code, indecency with a child
13 under Section 21.11, Penal Code, improper relationship between
14 educator and student under Section 21.12, Penal Code, sexual
15 assault under Section 22.011, Penal Code, or aggravated sexual
16 assault under Section 22.021, Penal Code;

17 (F) failure to make a reasonable effort to
18 prevent sexual conduct harmful to a child;

19 (G) compelling or encouraging the child to engage
20 in sexual conduct as defined by Section 43.01, Penal Code,
21 including compelling or encouraging the child in a manner that
22 constitutes an offense of trafficking of persons under Section
23 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under
24 Section 43.021, Penal Code, or compelling prostitution under
25 Section 43.05(a)(2), Penal Code;

26 (H) causing, permitting, encouraging, engaging
27 in, or allowing the photographing, filming, or depicting of the

1 child if the person knew or should have known that the resulting
2 photograph, film, or depiction of the child is obscene as defined by
3 Section 43.21, Penal Code, or pornographic;

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

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

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

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

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

22 (3-a) "Law enforcement agency" means:

23 (A) the Department of Public Safety;

24 (B) the police department of a municipality;

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

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

27 SECTION 2.29. 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 2.30. 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.

27 (d) If a report of abuse or neglect is made orally, the

1 department or [~~local or state~~] law enforcement agency receiving the
2 report shall:

3 (1) notify the individual making the report that:

4 (A) the report is being recorded; and

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

8 (2) make an audio recording of the report.

9 SECTION 2.31. Sections 261.105(a), (b), and (d), Family
10 Code, are amended to read as follows:

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

15 (b) The department shall immediately notify the appropriate
16 [~~state or local~~] law enforcement agency of any report it receives,
17 other than a report from a law enforcement agency, that concerns the
18 suspected abuse or neglect of a child or death of a child from abuse
19 or neglect.

20 (d) If the department initiates an investigation and
21 determines that the abuse or neglect does not involve a person
22 responsible for the child's care, custody, or welfare, the
23 department shall refer the report to the appropriate [a] law
24 enforcement agency for further investigation. If the department
25 determines that the abuse or neglect involves an employee of a
26 public or private elementary or secondary school, [~~and that the~~
27 ~~child is a student at the school,~~] the department shall [~~orally~~]

1 notify, in writing, the superintendent of the school district, the
2 director of the open-enrollment charter school, or the chief
3 executive officer of the private school in which the employee is
4 employed about the investigation. The written notice required by
5 this subsection may be provided by e-mail to the official e-mail
6 address of the appropriate official, if that e-mail address is
7 publicly available.

8 SECTION 2.32. Sections 261.301(a) and (c), Family Code, are
9 amended to read as follows:

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

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

23 SECTION 2.33. Section 261.304(a), Family Code, is amended
24 to read as follows:

25 (a) If an individual makes an anonymous report of child
26 abuse or neglect by a person responsible for a child's care,
27 custody, or welfare to a [~~local or state~~] law enforcement agency and

1 the agency refers the report to the department, the department
2 shall conduct a preliminary investigation to determine whether
3 there is any evidence to corroborate the report.

4 SECTION 2.34. Section 261.308, Family Code, is amended by
5 adding Subsection (f) to read as follows:

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

11 SECTION 2.35. Section 261.402(b), Family Code, is amended
12 to read as follows:

13 (b) A state agency shall immediately notify the appropriate
14 ~~[state or local]~~ law enforcement agency of any report the agency
15 receives, other than a report from a law enforcement agency, that
16 concerns the suspected abuse, neglect, or exploitation of a child
17 or the death of a child from abuse or neglect. If the state agency
18 finds evidence indicating that a child may have been abused,
19 neglected, or exploited, the agency shall report the evidence to
20 the appropriate law enforcement agency.

21 SECTION 2.36. This article applies beginning with the
22 2025-2026 school year.

23 SECTION 2.37. Sections 22A.051 and 22A.052, Education Code,
24 as transferred, redesignated, and amended by this article, apply
25 only to an offense committed on or after September 1, 2025. An
26 offense committed before September 1, 2025, is governed by the law
27 in effect on the date the offense was committed, and the former law

1 is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before September 1, 2025, if any
3 element of the offense occurred before that date.

4 ARTICLE 3. CONFORMING CHANGES

5 SECTION 3.01. Section 7.028(a), Education Code, is amended
6 to read as follows:

7 (a) Except as provided by Section 22A.051(n) [~~21.006(k)~~],
8 22A.052(m) [~~22.093(1)~~], 22A.156 [~~22.096~~], 28.006, 29.001(5),
9 29.010(a), 33.006(h), 37.1083, 37.1084, 38.003, or 39.003, the
10 agency may monitor compliance with requirements applicable to a
11 process or program provided by a school district, campus, program,
12 or school granted charters under Chapter 12, including the process
13 described by Subchapter F, Chapter 11, or a program described by
14 Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A,
15 Chapter 37, only as necessary to ensure:

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

24 SECTION 3.02. Section 12.0271, Education Code, is amended
25 to read as follows:

26 Sec. 12.0271. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR
27 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [~~OR~~]

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

8 SECTION 3.03. Section 12.0631, Education Code, is amended
9 to read as follows:

10 Sec. 12.0631. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR
11 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [~~OR~~]
12 APPLICANTS, OR SERVICE PROVIDERS. A campus or campus program
13 granted a charter under this subchapter commits a material
14 violation of its charter if the campus or program fails to comply
15 with the duty to discharge or refuse to hire, or terminate or refuse
16 to accept services from, certain employees, [~~or~~] applicants for
17 employment, or service providers under Section 12.1059, 22A.151, or
18 22A.157, as applicable [~~22.085, or 22.092~~].

19 SECTION 3.04. Section 12.104(b), Education Code, is amended
20 to read as follows:

- 21 (b) An open-enrollment charter school is subject to:
- 22 (1) a provision of this title establishing a criminal
23 offense;
- 24 (2) the provisions in Chapter 554, Government Code;
25 and
- 26 (3) a prohibition, restriction, or requirement, as
27 applicable, imposed by this title or a rule adopted under this

1 title, relating to:

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

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

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

9 (D) accelerated instruction under Section
10 28.0211;

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

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

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

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

20 (I) extracurricular activities under Section
21 33.081;

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

24 (K) health and safety under Chapter 38;

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

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

1 39, and Chapter 39A;

2 (N) the requirement under Section 22A.051 or
3 22A.052 [~~21.006~~] to report [~~an educator's~~] misconduct;

4 (O) intensive programs of instruction under
5 Section 28.0213;

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

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

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

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

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

19 (U) establishment of residency under Section
20 25.001;

21 (V) school safety requirements under Sections
22 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,
23 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and
24 37.2071 and Subchapter J, Chapter 37;

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

27 (X) the college, career, and military readiness

1 plans under Section 11.186; and

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

4 SECTION 3.05. Section 12.1059, Education Code, is amended
5 to read as follows:

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

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

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

15 SECTION 3.06. Section 12.1151, Education Code, is amended
16 to read as follows:

17 Sec. 12.1151. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR
18 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [OR]
19 APPLICANTS, OR SERVICE PROVIDERS. An open-enrollment charter
20 school commits a material violation of the school's charter if the
21 school fails to comply with the duty to discharge or refuse to hire,
22 or terminate or refuse to accept services from, certain employees,
23 [or] applicants for employment, or service providers under Section
24 12.1059, 22A.151, or 22A.157, as applicable [~~22.085, or 22.092~~].

25 SECTION 3.07. Section 12.252(b), Education Code, is amended
26 to read as follows:

27 (b) An adult education program operated under a charter

1 granted under this subchapter is subject to:

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

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

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

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

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

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

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

19 (F) health and safety under Chapter 38;

20 (G) the requirement under Section 22A.051 or
21 22A.052 [~~21.006~~] to report [~~an educator's~~] misconduct; and

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

24 SECTION 3.08. Section 12A.008(b-1), Education Code, is
25 amended to read as follows:

26 (b-1) The commissioner may terminate a district's
27 designation as a district of innovation if the district fails to

1 comply with the duty to discharge or refuse to hire certain
2 employees or applicants for employment under Section 12.1059,
3 applicable to the district under Section 12A.004(a)(1), or Section
4 22A.151 or 22A.157 [~~22.085 or 22.092~~].

5 SECTION 3.09. Section 21.054(e), Education Code, is amended
6 to read as follows:

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

- 10 (1) effective and efficient management, including:
 - 11 (A) collecting and analyzing information;
 - 12 (B) making decisions and managing time; and
 - 13 (C) supervising student discipline and managing
14 behavior;
- 15 (2) recognizing early warning indicators that a
16 student may be at risk of dropping out of school;
- 17 (3) digital learning, digital teaching, and
18 integrating technology into campus curriculum and instruction;
- 19 (4) effective implementation of a comprehensive
20 school counseling program under Section 33.005;
- 21 (5) mental health programs addressing a mental health
22 condition;
- 23 (6) educating diverse student populations, including:
 - 24 (A) students who are educationally
25 disadvantaged;
 - 26 (B) emergent bilingual students; and
 - 27 (C) students at risk of dropping out of school;

1 and

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

6 SECTION 3.10. Section 21.0585, Education Code, is amended
7 to read as follows:

8 Sec. 21.0585. NOTICE TO AGENCY REGARDING REVOCATION OF
9 CERTIFICATE OR PERMIT FOR CERTAIN MISCONDUCT. The board shall
10 promptly notify the agency for purposes of Section 22A.151 [~~22.092~~]
11 if the board revokes a certificate or permit of a person on a
12 finding that the person engaged in misconduct described by Section
13 22A.051(a)(2)(A), (B), (C), or (D) [~~21.006(b)(2)(A) or (A-1)~~].

14 SECTION 3.11. Section 22.0815(a), Education Code, is
15 amended to read as follows:

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

18 SECTION 3.12. Section 22.0825(a), Education Code, is
19 amended to read as follows:

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

22 SECTION 3.13. Section 22.0833(g), Education Code, is
23 amended to read as follows:

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

1 criminal history clearinghouse as provided by Section 411.0845,
2 Government Code. The agency shall examine the criminal history
3 record information of the person and notify the district, school,
4 or shared services arrangement if the person may not be hired or
5 must be discharged as provided by Section 22A.157 [~~22.085~~].

6 SECTION 3.14. Section 22.0834(o), Education Code, is
7 amended to read as follows:

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

16 SECTION 3.15. Section 22.0836(g), Education Code, is
17 amended to read as follows:

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

27 (1) may not be hired or must be discharged as provided

1 by Section 22A.157 [~~22.085~~]; or

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

5 SECTION 3.16. Section 33.913(b), Education Code, is amended
6 to read as follows:

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

8 (1) be an active or retired teacher;

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

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

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

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

16 (4) not be included in the registry of persons not
17 eligible for employment by a public school under Section 22A.151
18 [~~22.092~~].

19 SECTION 3.17. Section 39.0302(a), Education Code, is
20 amended to read as follows:

21 (a) During an agency investigation or audit of a school
22 district under Section 39.0301(e) or (f), a special investigation
23 under Section 39.003(a)(8) or (14), a compliance review under
24 Section 22A.051(n), 22A.052(m) [~~21.006~~(k), ~~22.093~~(1)], or 22A.156
25 [~~22.096~~], or an investigation by the State Board for Educator
26 Certification of an educator for an alleged violation of an
27 assessment instrument security procedure established under Section

1 39.0301(a), the commissioner may issue a subpoena to compel the
2 attendance of a relevant witness or the production, for inspection
3 or copying, of relevant evidence that is located in this state.

4 SECTION 3.18. Section 810.003(a), Health and Safety Code,
5 is amended to read as follows:

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

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

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

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

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

21 SECTION 3.19. Section 810.004(b), Health and Safety Code,
22 is amended to read as follows:

23 (b) In addition to the eligible individuals described by
24 Subsection (a), each participating state agency shall designate
25 additional users who are eligible to access the search engine and
26 may require those users to determine whether an individual has
27 engaged in reportable conduct. The additional designated users may

1 include controlling persons, hiring managers, or administrators
2 of:

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

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

7 (B) nursing facilities licensed under Chapter
8 242;

9 (C) assisted living facilities licensed under
10 Chapter 247;

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

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

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

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

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

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

23 (4) independent school districts, districts of
24 innovation, open-enrollment charter schools, other charter
25 entities, as defined by Section 22A.001 [~~21.006~~], Education Code,
26 regional education service centers, education shared services
27 arrangements, or any other educational entity or provider that is

1 authorized to access the registry established under Section 22A.151
2 [~~22.092~~], Education Code;

3 (5) private schools that:

4 (A) offer a course of instruction for students in
5 this state in one or more grades from prekindergarten through grade
6 12; and

7 (B) are:

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

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

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

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

19 SECTION 3.20. The following provisions of the Education
20 Code are repealed:

21 (1) the heading to Section 21.006;

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

23 (3) Section 22.091.

24 ARTICLE 4. TRANSITION; SEVERABILITY; EFFECTIVE DATE

25 SECTION 4.01. To the extent of any conflict, this Act
26 prevails over another Act of the 89th Legislature, Regular Session,
27 2025, relating to nonsubstantive additions to and corrections in

1 enacted codes.

2 SECTION 4.02. It is the intent of the legislature that every
3 provision, section, subsection, sentence, clause, phrase, or word
4 in this Act, and every application of the provisions in this Act to
5 each person or entity, is severable from each other. If any
6 application of any provision in this Act to any person, group of
7 persons, or circumstances is found by a court to be invalid for any
8 reason, the remaining applications of that provision to all other
9 persons and circumstances shall be severed and may not be affected.

10 SECTION 4.03. This Act takes effect immediately if it
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect September 1, 2025.