

BILL ANALYSIS

Senate Research Center
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S.B. 1058
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Education
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Based on the Sunset Advisory Commission's findings, certain educator certification licensing provisions do not follow model licensing and enforcement practices, hindering the ability of the Texas Education Agency (TEA) to provide consistent regulation and to take enforcement action as needed to protect the public.

For example, there are loopholes in the requirements for reporting educator misconduct that have allowed certain instances of sexual misconduct by school personnel with students to go unreported.

S.B. 1058 addresses the following:

- Requires charter school directors to meet the same certified educator misconduct reporting and investigation requirements as superintendents.
- Requires superintendents and charter school directors to report any termination or resignation based on a determination that the certified educator solicited or engaged in sexual conduct or was involved in a romantic relationship with a student or minor.
- Clarifies that superintendents and charter school directors must report terminations or resignations of certified educators within seven days of knowing.
- Requires superintendents and charter school directors to complete an investigation of a certified educator if they have evidence that an educator solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

If enacted, this bill would tighten the superintendent reporting requirements of educator misconduct, increasing TEA's ability to pursue failure to report cases to the State Board for Educator Certification. It would also end the duplication of reporting criminal histories obtained through the Department of Public Safety of the State of Texas Clearinghouse.

As proposed, S.B. 1058 amends current law relating to the reporting of criminal history record information of educators and other public school employees who engage in certain misconduct.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 21.006(b), (b-1), (c), and (d), Education Code, as follows:

- (b) Requires the superintendent or director of a school district, open-enrollment charter school, regional education service center, or shared services arrangement, in addition to the reporting requirement under Section 261.101 (Persons Required to Report; Time to Report), Family Code, to notify the State Board for Educator Certification (SBEC) if, rather than requires the superintendent or director of a school district, open-enrollment

charter school, regional education service center, or shared services arrangement, in addition to the reporting requirement under Section 261.101 to notify SBEC if the superintendent or director has reasonable cause to believe that:

(1) an educator employed by or seeking employment by the district, school, service center, or shared services arrangement has a criminal record and the district, school, service center, or shared services arrangement obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established under Section 411.0845 (Criminal History Clearinghouse), Government Code;

(2) an educator's employment at the district, school, service center, or shared services arrangement was terminated based on evidence, rather than a determination, that the educator:

(A) Makes no change to this paragraph;

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

(B) possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, or by 21 U.S.C. Section 801 et seq., rather than possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq., and its subsequent amendments;

(C) illegally transferred, appropriated, or expended funds or other property of the district, school, service center, or shared services arrangement;

(D) and (E) Makes no change to these paragraphs;

(3) the educator resigned and there is evidence that the educator engaged in misconduct described by Subdivision (2), rather than the educator resigned and reasonable evidence supports a recommendation by the superintendent or director to terminate the educator based on a determination that the educator engaged in misconduct described by Subdivision (2); or

(4) Makes no change to this subdivision.

(b-1) Requires a superintendent or director of a school district or open-enrollment charter school to complete an investigation of an educator that is based on evidence, rather than is based on reasonable cause to believe, that the educator may have engaged in misconduct described by Subsection (b)(2)(A) or (A-1), despite the educator's resignation from district or school employment before completion of the investigation.

(c) Requires the superintendent or director to notify SBEC by filing a report with SBEC not later than the seventh day after the date the superintendent or director knew or should have known, rather than first learns, about an employee's criminal record under Subsection (b)(1) or a termination of employment or resignation following an alleged incident of misconduct described by Subsection (b). Requires that the report:

(1) and (2) Makes no change to these subdivisions.

(d) Requires the superintendent or director to notify the board of trustees or governing body of the school district, open-enrollment charter school, regional education service center, or shared services arrangement and the educator of the filing of the report required by Subsection (c).

SECTION 2. Amends Section 22.087, Education Code, as follows:

Sec. 22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR CERTIFICATION. Requires the superintendent of a school district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement to promptly notify SBEC in writing if:

(1) Creates this subdivision from existing text; and

(2) the person obtained the information by a means other than the criminal history clearinghouse established under Section 411.0845, Government Code.

SECTION 3. Effective date: September 1, 2015.