

BILL ANALYSIS

H.B. 2739
By: Meyer
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that, despite recent reforms to combat educator misconduct, disparities in reporting for private schools remain. These disparities have essentially created a loophole whereby an educator who has an inappropriate relationship with a student in a public school district may obtain employment at a private school. H.B. 2739 seeks to bolster these reforms and close the loophole by strengthening requirements relating to reporting of private school educator misconduct.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 2 of this bill and to the commissioner of education and the State Board of Education in SECTION 6 of this bill.

ANALYSIS

H.B. 2739 amends the Code of Criminal Procedure to require the clerk of a court in which a conviction or grant of deferred adjudication for an offense is entered for a person employed by a private school, not later than the fifth day after the date of conviction or grant of deferred adjudication, to provide written notice of that conviction or adjudication to the school's chief administrative officer (CAO).

H.B. 2739 amends the Education Code to require the CAO to notify the State Board for Educator Certification (SBEC) if an educator, including an educator seeking employment:

- has a criminal record and the school obtained the criminal record information by a means other than the Department of Public Safety criminal history clearinghouse; or
- was terminated or resigned and there is evidence that the educator abused or otherwise committed an unlawful act with, was involved in a romantic relationship with, or solicited or engaged in sexual contact with a student or minor.

H.B. 2739 requires the CAO to complete an investigation of an educator that involves evidence that the educator may have engaged in such misconduct, despite the educator's resignation from employment before completion of the investigation. The bill requires the CAO to notify the SBEC in writing in an SBEC-prescribed form not later than the seventh business day after the date the CAO knew or had reason to believe that an educator has a criminal record or was terminated or resigned following an alleged incident of such misconduct and authorizes any person who knows or has reason to believe that an educator engaged in such misconduct to file a

report with the SBEC. The bill provides for certain immunity from civil or criminal liability for a CAO or other person who in good faith files such a report with the SBEC or communicates with the CAO or other school administrator concerning the criminal record of or alleged misconduct by an educator. The bill requires the SBEC to propose rules as necessary to implement these provisions and to provide private schools and public schools equivalent access to these reports and requires the commissioner of education and the State Board of Education, on SBEC recommendation, to adopt rules as necessary to implement these provisions.

H.B. 2739 includes an applicant for certain positions with a private school among the applicants required to submit a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. The bill authorizes the SBEC to take certain administrative or disciplinary action against the educator certificate of, or impose other sanctions against, a person who assists another in obtaining private school employment and who knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

EFFECTIVE DATE

September 1, 2019.