

BILL ANALYSIS

S.B. 1230
By: Bettencourt
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. S.B. 1230 seeks to bolster these reforms and close the loophole by strengthening requirements relating to the 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 7 of this bill.

ANALYSIS

S.B. 1230 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 against the person if the victim was under 18 years of age at the time of commission or an offense that requires sex offender registration 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).

S.B. 1230 amends the Education Code to require the CAO of a private school to notify the State Board for Educator Certification (SBEC) if a private school educator, including an educator seeking employment:

- has a criminal record and the school obtained information about the private school educator's criminal record; or
- was terminated 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.

S.B. 1230 requires the CAO of a private school, if there is evidence that a private school educator may have engaged in such misconduct and the educator resigns from employment before completion of the investigation, to submit the evidence of misconduct collected to the SBEC. 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 that a private school educator:

- has a criminal record; or
- was terminated following an alleged incident of such misconduct.

The bill authorizes any person who knows or has reason to believe that a private school 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 a CAO or other school administrator concerning the criminal record of or alleged misconduct by a private school educator. The bill requires the name of a student or minor who is the victim of abuse or unlawful conduct by a private school educator to be included in such a report but establishes that the name of the student or minor is not public information under state public information law. The bill requires the SBEC to propose rules as necessary to implement these provisions and requires the commissioner of education and the State Board of Education, on the recommendation of the SBEC, to adopt rules as necessary to implement these provisions.

S.B. 1230 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.

S.B. 1230 revises certain provisions governing the confidentiality of a document evaluating the performance of a teacher or administrator by requiring a school district or an open-enrollment charter school, at the request of a district, school, or private school at which a teacher or administrator has applied for employment, to give the requesting district or school such a document. The bill replaces the authorization for a school district or open-enrollment charter school to give the Texas Education Agency such a document for purposes of an investigation conducted by TEA with a requirement to do so.

EFFECTIVE DATE

September 1, 2019.