

BILL ANALYSIS

Senate Research Center

S.B. 1488
By: Ogden
Education
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DIGEST AND PURPOSE

Currently, Texas law does not require a superintendent or director of a school district, open-enrollment charter school, regional educational service center, or shared services arrangement, to notify the State Board for Educator Certification (SBEC) if an educator abuses or otherwise commits an unlawful act with a student or minor. This hampers SBEC's ability to prevent such an educator from relocating and gaining employment in another school district. As proposed, S.B. 1488 requires a superintendent or director of a school district, open-enrollment charter school, regional educational service center, or shared services arrangement, who has cause to believe that an educator abused or otherwise committed an unlawful act with a student or minor to notify SBEC of the termination of the educator's employment, or the educator's resignation in lieu of termination. This bill also requires school districts to include information on this requirement in staff development programs. S.B. 1488 requires the Department of Protective and Regulatory Services (DPRS) to orally notify a school superintendent or school director if DPRS investigates a public primary or secondary school employee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board for Educator Certification in SECTION 1 (Section 21.006, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21A, Education Code, by adding Section 21.006, as follows:

Sec. 21.006. REPORT OF TERMINATION OR RESIGNATION BASED ON SUSPECTED ABUSE. (a) Defines "abuse."

(b) Requires the superintendent or director of a school district, open-enrollment charter school, regional educational service center, or shared services arrangement, who has cause to believe that an educator abused or otherwise committed an unlawful act with a student or minor to notify the State Board for Educator Certification (SBEC) of the termination of the educator's employment or the educator's resignation in lieu of termination, in addition to the reporting requirement under Section 261.101 (Persons Required to Report; Time to Report).

(c) Requires the superintendent or director to notify SBEC by filing a report that meets certain criteria, not later than the seventh day after the date the employment of an educator described in Subsection (b) was terminated or resigned in lieu of termination.

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

(e) Exempts from civil or criminal liability that might otherwise be incurred, a

superintendent or director who, acting in an official capacity and in good faith, files a report with SBEC under this section.

(f) Requires SBEC to adopt rules to implement this section.

SECTION 2. Amends Section 21.451(a), Education Code, to include in the list of required content of staff development provided by a school district, the requirement under Section 21.006 (Report of Termination or Resignation Based on Suspected Abuse) that a superintendent who has cause to believe that an educator abused or otherwise committed an unlawful act with a student or minor notify SBEC of the termination of the educator's employment, or the educator's resignation in lieu of termination.

SECTION 3. Amends Section 261.105(d), Family Code, to require the Department of Protective and Regulatory Services (DPRS), if DPRS determines the abuse or neglect involves an employee of a public primary or secondary school, to orally notify the superintendent of the school district or director of the school in which the employee is employed, about the investigation.

SECTION 4. Provides that this Act applies beginning with the 2003-2004 school year.

SECTION 5. Effective date: upon passage or September 1, 2003.