

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1488
By: Ogden
Education
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Committee Report (Substituted)

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. C.S.S.B. 1488 requires a superintendent or director of a school district, open-enrollment charter school, regional educational service center, or shared services arrangement, to file a report with SBEC if a superintendent or director has reason to believe that an educator has engaged in certain incidents of misconduct. This bill also requires school districts to include information on this requirement in staff development programs. C.S.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

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

SECTION BY SECTION ANALYSIS

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

Sec. 21.006. REQUIREMENT TO REPORT MISCONDUCT. (a) Defines "abuse."

(b) Requires, in addition to the reporting requirement under Section 261.101 (Persons Required to Report; Time to Report), Family Code, the 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 the superintendent or director has 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;
- (2) an educator's employment at the district, school, service center, or shared services arrangement, was terminated based on certain incidents of misconduct; or
- (3) 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).

(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 superintendent or director first learns about an alleged incident of misconduct described in Subsection (b).

(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 propose 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 training 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 has engaged in an alleged incident of misconduct as described by Section 21.006(b) report the alleged misconduct to SBEC.

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.

SUMMARY OF COMMITTEE CHANGES

Differs from the original in the relating clause by relating the bill to the misconduct of a person who is employed by, or seeking employment by, certain educational organizations, rather than to the abuse of a child by such an employee.

Differs from the original in SECTION 1 by changing the section title to Requirement to Report Misconduct, from Report of Termination or Resignation Based on Suspected Abuse; by redefining "abuse"; and by requiring a superintendent or director to report to the State Board for Education Certification (SBEC), under certain circumstances rather than terminating, or accepting a resignation from an educator under certain circumstances, including any history related to abuse of a student or minor.

Differs from the original in SECTION 1 by requiring that the superintendent or director file a report with the SBEC not later than the seventh day after the date the superintendent or director first learns about an alleged incident of misconduct, rather than after the termination or resignation of an educator, and by conforming the bill to legislative drafting standards.

Differs from the original in SECTION 1 by replacing language referring to termination with language referring to filing a report; by requiring SBEC to propose, rather than adopt, rules; and by conforming the bill to legislative drafting standards.