

BILL ANALYSIS

Senate Research Center

S.B. 1476
By: Bettencourt
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the superintendent or director of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement are required to notify State Board for Educator Certification (SBEC) if an educator employed by or seeking employment has a criminal record and obtained the criminal record by a means other than the criminal history clearinghouse.

Reporting is also required if the educator's employment is terminated for things such as an inappropriate relationship with a child, possessing or selling a controlled substance, and other criminal acts.

The issue S.B. 1476 corrects is the confusion that has occurred when superintendents or administrators make a report and then it is found that the allegations against the educator were unfounded.

S.B. 1476 clarifies that a superintendent or administrator does not have to report an educator's alleged incident of misconduct if the educator did not engage in the alleged incident. (Original Author's/Sponsor's Statement of Intent)

S.B. 1476 amends current law relating to the requirement for certain administrators of certain educational entities to report certain educator misconduct to the State Board for Educator Certification.

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 Section 21.006, Education Code, by amending Subsections (b) and (c) and adding Subsection (c-2), as follows:

(b) Creates an exception under Subsection (c-2) to the requirement that the superintendent or director of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement notify the State Board for Educator Certification (SBEC) if:

(1) an educator employed by or seeking employment by the school district, district of innovation, charter school, service center, or shared services arrangement has a criminal record and the school district, district of innovation, charter 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 school district, district of innovation, charter school, service center, or shared services arrangement was terminated and there is evidence that the educator:

(A) abused or otherwise committed an unlawful act with a student or minor;

(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.;

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

(D) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

(E) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;

(3) the educator resigned and there is evidence that the educator engaged in misconduct described by Subdivision (2); or

(4) the educator engaged in conduct that violated the assessment instrument security procedures established under Section 39.0301 (Security in Administration of Assessment Instruments).

(c) Creates an exception under Subsection (c-2) to the requirement that the superintendent or director notify SBEC by filing a report with SBEC not later than the seventh business day after the date the superintendent or director receives a report from a principal under Subsection (b-2) (relating to the requiring the principal of a school district, district of innovation, or open-enrollment charter school campus notifying the superintendent or director of certain events) or knew about an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (b) or an employee's criminal record under Subsection (b)(1).

(c-2) Provides that a superintendent or director is not required to notify SBEC or file a report with SBEC under Subsection (b) or (c) if the superintendent or director:

(1) completes an investigation into an educator's alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1) before the educator's termination of employment or resignation; and

(2) determines the educator did not engage in the alleged incident of misconduct described by Subsection (b)(2)(A) or (A-1).

SECTION 2. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 3. Effective date: upon passage or September 1, 2019.