

1-1 By: Bettencourt S.B. No. 1230  
1-2 (In the Senate - Filed February 27, 2019; March 7, 2019,  
1-3 read first time and referred to Committee on Education;  
1-4 April 2, 2019, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 2, 2019,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1230 By: Bettencourt

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to the reporting of private school educator misconduct.  
1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-25 SECTION 1. Article 42.018, Code of Criminal Procedure, is  
1-26 amended by adding Subsections (c) and (d) to read as follows:  
1-27 (c) Not later than the fifth day after the date a person who  
1-28 is employed by a private school is convicted or granted deferred  
1-29 adjudication on the basis of an offense, the clerk of the court in  
1-30 which the conviction or deferred adjudication is entered shall  
1-31 provide to the chief administrative officer of the private school  
1-32 at which the person is employed written notice of the person's  
1-33 conviction or deferred adjudication, including the offense on which  
1-34 the conviction or deferred adjudication was based.  
1-35 (d) In this article, "private school" has the meaning  
1-36 assigned by Section 5.001, Education Code.  
1-37 SECTION 2. Subchapter A, Chapter 21, Education Code, is  
1-38 amended by adding Section 21.0062 to read as follows:  
1-39 Sec. 21.0062. REQUIREMENT TO REPORT MISCONDUCT: PRIVATE  
1-40 SCHOOLS. (a) In this section:  
1-41 (1) "Abuse" has the meaning assigned by Section  
1-42 261.001, Family Code, and includes any sexual conduct involving a  
1-43 student or minor and private school educator.  
1-44 (2) "Private school educator" means a person employed  
1-45 by or seeking employment in a private school for a position in which  
1-46 the person would be required to hold a certificate issued under  
1-47 Subchapter B if the person were employed by a school district.  
1-48 (b) In addition to the reporting requirement under Section  
1-49 261.101, Family Code, the chief administrative officer of a private  
1-50 school shall notify the State Board for Educator Certification if a  
1-51 private school educator:  
1-52 (1) has a criminal record and the private school  
1-53 obtained information about the educator's criminal record; or  
1-54 (2) was terminated and there is evidence that the  
1-55 educator:  
1-56 (A) abused or otherwise committed an unlawful act  
1-57 with a student or minor; or  
1-58 (B) was involved in a romantic relationship with  
1-59 or solicited or engaged in sexual contact with a student or minor.  
1-60 (c) If there is evidence that a private school educator may

2-1 have engaged in misconduct described by Subsection (b) and the  
2-2 educator resigns from employment before completion of the  
2-3 investigation, the chief administrative officer of the private  
2-4 school shall submit the evidence of misconduct collected to the  
2-5 State Board for Educator Certification.

2-6 (d) The chief administrative officer of the private school  
2-7 must notify the State Board for Educator Certification by filing a  
2-8 report with the board not later than the seventh business day after  
2-9 the date the chief administrative officer knew that a private  
2-10 school educator:

2-11 (1) has a criminal record under Subsection (b)(1); or  
2-12 (2) was terminated following an alleged incident of  
2-13 misconduct described by Subsection (b)(2).

2-14 (e) The report filed under Subsection (d) must be:

2-15 (1) in writing; and  
2-16 (2) in a form prescribed by the board.

2-17 (f) Any person who knows or has reason to believe that a  
2-18 private school educator engaged in the misconduct described by  
2-19 Subsection (b)(2) may file a report with the State Board for  
2-20 Educator Certification under this section.

2-21 (g) A chief administrative officer of a private school or  
2-22 any other person who in good faith files a report with the State  
2-23 Board for Educator Certification under this section or communicates  
2-24 with a chief administrative officer or other administrator of a  
2-25 private school concerning the criminal record of or an alleged  
2-26 incident of misconduct by a private school educator is immune from  
2-27 civil or criminal liability that might otherwise be incurred or  
2-28 imposed.

2-29 (h) The name of a student or minor who is the victim of abuse  
2-30 or unlawful conduct by a private school educator must be included in  
2-31 a report filed under this section, but the name of the student or  
2-32 minor is not public information under Chapter 552, Government Code.

2-33 (i) The State Board for Educator Certification shall  
2-34 propose rules as necessary to implement this section.

2-35 SECTION 3. Section 21.009(a), Education Code, is amended to  
2-36 read as follows:

2-37 (a) An applicant for a position described by Section  
2-38 21.003(a) or (b) with a school district, district of innovation,  
2-39 open-enrollment charter school, private school, regional education  
2-40 service center, or shared services arrangement must submit, using a  
2-41 form adopted by the agency, a pre-employment affidavit disclosing  
2-42 whether the applicant has ever been charged with, adjudicated for,  
2-43 or convicted of having an inappropriate relationship with a minor.

2-44 SECTION 4. Section 21.0581(a), Education Code, is amended  
2-45 to read as follows:

2-46 (a) The board may suspend or revoke a certificate held by a  
2-47 person under this subchapter, impose other sanctions against the  
2-48 person, or refuse to issue a certificate to the person under this  
2-49 subchapter if:

2-50 (1) the person assists another person in obtaining  
2-51 employment at a school district, private school, or open-enrollment  
2-52 charter school, other than by the routine transmission of  
2-53 administrative and personnel files; and

2-54 (2) the person knew that the other person has  
2-55 previously engaged in sexual misconduct with a minor or student in  
2-56 violation of the law.

2-57 SECTION 5. Sections 21.355(c) and (d), Education Code, are  
2-58 amended to read as follows:

2-59 (c) At the request of a school district, ~~[or]~~  
2-60 open-enrollment charter school, or private school at which a  
2-61 teacher or administrator has applied for employment, a school  
2-62 district or an open-enrollment charter school shall ~~[may]~~ give the  
2-63 requesting district or school a document evaluating the performance  
2-64 of a teacher or administrator employed by the school.

2-65 (d) A school district or open-enrollment charter school  
2-66 shall ~~[may]~~ give the agency a document evaluating the performance  
2-67 of a teacher or administrator employed by the district or school for  
2-68 purposes of an investigation conducted by the agency.

2-69 SECTION 6. Article 42.018(c), Code of Criminal Procedure,

3-1 as added by this Act, applies only to a judgment of conviction or  
3-2 order granting deferred adjudication community supervision entered  
3-3 on or after the effective date of this Act.

3-4 SECTION 7. As soon as practicable after the effective date  
3-5 of this Act, the commissioner of education and the State Board of  
3-6 Education, on the recommendation of the State Board for Educator  
3-7 Certification, shall adopt rules as necessary to implement Section  
3-8 21.0062, Education Code, as added by this Act.

3-9 SECTION 8. This Act takes effect September 1, 2019.

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