

1-1 By: Bettencourt S.B. No. 1476  
 1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read  
 1-3 first time and referred to Committee on Education; March 27, 2019,  
 1-4 reported favorably by the following vote: Yeas 11, Nays 0;  
 1-5 March 27, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the requirement for certain administrators of certain  
 1-22 educational entities to report certain educator misconduct to the  
 1-23 State Board for Educator Certification.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 21.006, Education Code, is amended by  
 1-26 amending Subsections (b) and (c) and adding Subsection (c-2) to  
 1-27 read as follows:

1-28 (b) In addition to the reporting requirement under Section  
 1-29 261.101, Family Code, and except as provided by Subsection (c-2),  
 1-30 the superintendent or director of a school district, district of  
 1-31 innovation, open-enrollment charter school, regional education  
 1-32 service center, or shared services arrangement shall notify the  
 1-33 State Board for Educator Certification if:

1-34 (1) an educator employed by or seeking employment by  
 1-35 the school district, district of innovation, charter school,  
 1-36 service center, or shared services arrangement has a criminal  
 1-37 record and the school district, district of innovation, charter  
 1-38 school, service center, or shared services arrangement obtained  
 1-39 information about the educator's criminal record by a means other  
 1-40 than the criminal history clearinghouse established under Section  
 1-41 411.0845, Government Code;

1-42 (2) an educator's employment at the school district,  
 1-43 district of innovation, charter school, service center, or shared  
 1-44 services arrangement was terminated and there is evidence that the  
 1-45 educator:

1-46 (A) abused or otherwise committed an unlawful act  
 1-47 with a student or minor;

1-48 (A-1) was involved in a romantic relationship  
 1-49 with or solicited or engaged in sexual contact with a student or  
 1-50 minor;

1-51 (B) possessed, transferred, sold, or distributed  
 1-52 a controlled substance, as defined by Chapter 481, Health and  
 1-53 Safety Code, or by 21 U.S.C. Section 801 et seq.;

1-54 (C) illegally transferred, appropriated, or  
 1-55 expended funds or other property of the school district, district  
 1-56 of innovation, charter school, service center, or shared services  
 1-57 arrangement;

1-58 (D) attempted by fraudulent or unauthorized  
 1-59 means to obtain or alter a professional certificate or license for  
 1-60 the purpose of promotion or additional compensation; or

1-61 (E) committed a criminal offense or any part of a

2-1 criminal offense on school property or at a school-sponsored event;  
2-2 (3) the educator resigned and there is evidence that  
2-3 the educator engaged in misconduct described by Subdivision (2); or  
2-4 (4) the educator engaged in conduct that violated the  
2-5 assessment instrument security procedures established under  
2-6 Section 39.0301.

2-7 (c) Except as provided by Subsection (c-2), the [The]  
2-8 superintendent or director must notify the State Board for Educator  
2-9 Certification by filing a report with the board not later than the  
2-10 seventh business day after the date the superintendent or director  
2-11 receives a report from a principal under Subsection (b-2) or knew  
2-12 about an educator's termination of employment or resignation  
2-13 following an alleged incident of misconduct described by Subsection  
2-14 (b) or an employee's criminal record under Subsection (b)(1).

2-15 (c-2) A superintendent or director of a school district,  
2-16 district of innovation, open-enrollment charter school, regional  
2-17 education service center, or shared services arrangement is not  
2-18 required to notify the State Board for Educator Certification or  
2-19 file a report with the board under Subsection (b) or (c) if the  
2-20 superintendent or director:

2-21 (1) completes an investigation into an educator's  
2-22 alleged incident of misconduct described by Subsection (b)(2)(A) or  
2-23 (A-1) before the educator's termination of employment or  
2-24 resignation; and

2-25 (2) determines the educator did not engage in the  
2-26 alleged incident of misconduct described by Subsection (b)(2)(A) or  
2-27 (A-1).

2-28 SECTION 2. This Act applies beginning with the 2019-2020  
2-29 school year.

2-30 SECTION 3. This Act takes effect immediately if it receives  
2-31 a vote of two-thirds of all the members elected to each house, as  
2-32 provided by Section 39, Article III, Texas Constitution. If this  
2-33 Act does not receive the vote necessary for immediate effect, this  
2-34 Act takes effect September 1, 2019.

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