

1-1 By: Bettencourt, et al. S.B. No. 571
 1-2 (In the Senate - Filed December 12, 2024; February 3, 2025,
 1-3 read first time and referred to Committee on Education K-16;
 1-4 May 5, 2025, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; May 5, 2025,
 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. 571 By: Paxton

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

1-23 relating to the reporting and investigation of certain misconduct
 1-24 and child abuse and neglect; creating a criminal offense.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 ARTICLE 1. REPORTING OF MISCONDUCT

1-27 SECTION 1.01. Article 42.018(a), Code of Criminal
 1-28 Procedure, is amended to read as follows:

1-29 (a) This article applies only to:

1-30 (1) conviction or deferred adjudication community
 1-31 supervision granted on the basis of:

1-32 (A) an offense for which a conviction or grant of
 1-33 deferred adjudication community supervision requires the defendant
 1-34 to register as a sex offender under Chapter 62;

1-35 (B) an offense under Section 21.12 or 43.24,
 1-36 Penal Code;

1-37 (C) a felony offense under Chapter 43, Penal
 1-38 Code;

1-39 (D) a felony offense involving school property;

1-40 or

1-41 (E) an offense under the laws of another state or
 1-42 federal law that is equivalent to an offense under Paragraph (A),
 1-43 (B), (C), or (D); or

1-44 (2) conviction of:

1-45 (A) a felony ~~an~~ offense under Title 5, Penal
 1-46 Code~~, if the victim of the offense was under 18 years of age at the~~
 1-47 ~~time the offense was committed~~; or

1-48 (B) an offense under the laws of another state or
 1-49 federal law that is equivalent to an offense under Paragraph (A)

1-50 ~~[(3) conviction or deferred adjudication community~~
 1-51 ~~supervision granted on the basis of an offense under Section 43.24,~~
 1-52 ~~Penal Code].~~

1-53 SECTION 1.02. Subtitle D, Title 2, Education Code, is
 1-54 amended by adding Chapter 22A, and a heading is added to that
 1-55 chapter to read as follows:

1-56 CHAPTER 22A. EMPLOYEE AND SERVICE PROVIDER MISCONDUCT

1-57 SECTION 1.03. Chapter 22A, Education Code, as added by this
 1-58 Act, is amended by adding Subchapter A, and a heading is added to
 1-59 that subchapter to read as follows:

1-

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 1.04. Section 21.006(a), Education Code, is transferred to Subchapter A, Chapter 22A, Education Code, as added by this Act, redesignated as Section 22A.001, Education Code, and amended to read as follows:

Sec. 22A.001. DEFINITIONS. [~~(a)~~] In this chapter [~~section~~]:

(1) "Abuse" has the meaning assigned by Section 261.001, Family Code, and includes any sexual conduct involving [~~an educator and~~] a student or minor.

(2) "Board" means the State Board for Educator Certification.

(3) "Educational entity" means a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

(4) "Educational provider" means an entity that employs or contracts with a person to provide educational services to a child participating in the education savings account program. The term includes:

(A) a certified educational assistance organization, as defined by Section 29.351, as added by S.B. 2, 89th Legislature, Regular Session, 2025; and

(B) an education service provider or vendor of educational products participating in the education savings account program.

(5) "Education savings account program" means the education savings account program established under Subchapter J, Chapter 29, as added by S.B. 2, 89th Legislature, Regular Session, 2025.

(6) "Other charter entity" means:

(A) a school district operating under a home-rule school district charter adopted under Subchapter B, Chapter 12;

(B) a campus or campus program operating under a charter granted under Subchapter C, Chapter 12; and

(C) an entity that contracts to partner with a school district under Section 11.174(a)(2) to operate a district campus under a charter granted to the entity by the district under Subchapter C, Chapter 12.

(7) "Registry" means the registry of persons who are not eligible to be employed by or act as a service provider for an educational entity maintained under Section 22A.151.

(8) "Service provider" means a person who provides services to an educational entity. The term includes:

(A) a contractor or subcontractor for an educational entity;

(B) a provider of tutoring services for an educational entity;

(C) an entity that has entered into a contract to operate a school district campus under Section 11.174;

(D) a staffing provider for an educational entity; and

(E) a person employed by or under the control of a person described by Paragraph (A), (B), (C), or (D).

SECTION 1.05. Subchapter A, Chapter 22A, Education Code, as added by this Act, is amended by adding Section 22A.002 to read as follows:

Sec. 22A.002. CONFIDENTIALITY. (a) Unless disclosure is required by other law and except as provided by Subsection (b), a complaint from a member of the public, statement, recording, note, file, record, memorandum, or report that is received, obtained, or created by the board or agency relating to the review or investigation of an allegation of misconduct under this chapter involving an employee of or contractor for an educational provider or an educator or employee employed by or a service provider for an educational entity is confidential and not subject to disclosure under Chapter 552, Government Code.

(b) Subsection (a) does not prohibit the disclosure of:

(1) a report required under Section 22A.051, 22A.052,

3-1 22A.301, or 22A.302;

3-2 (2) information described by Subsection (a) for
 3-3 purposes of an administrative or other legal proceeding brought
 3-4 under Chapter 2001, Government Code; or

3-5 (3) information required to be included in the report
 3-6 under Section 22A.251.

3-7 SECTION 1.06. Chapter 22A, Education Code, as added by this
 3-8 Act, is amended by adding Subchapter B, and a heading is added to
 3-9 that subchapter to read as follows:

3-10 SUBCHAPTER B. REQUIRED MISCONDUCT REPORTING

3-11 SECTION 1.07. Sections 21.006(b), (b-1), (b-2), (c), (c-1),
 3-12 (d), (e), (f), (g), (h), (i), (j), and (k), Education Code, are
 3-13 transferred to Subchapter B, Chapter 22A, Education Code, as added
 3-14 by this Act, redesignated as Section 22A.051, Education Code, and
 3-15 amended to read as follows:

3-16 Sec. 22A.051. REQUIREMENT TO REPORT EDUCATOR MISCONDUCT TO
 3-17 BOARD. (a) [~~(b)~~] In addition to the reporting requirement under
 3-18 Section 261.101, Family Code, [~~and except as provided by Subsection~~
 3-19 ~~(c-2),~~] the superintendent or director of an educational entity [~~a~~
 3-20 ~~school district, district of innovation, open-enrollment charter~~
 3-21 ~~school, other charter entity, regional education service center, or~~
 3-22 ~~shared services arrangement]~~ shall notify the board [~~State Board~~
 3-23 ~~for Educator Certification]~~ if:

3-24 (1) an educator employed by or seeking employment by
 3-25 the entity [~~school district, district of innovation, charter~~
 3-26 ~~school, other charter entity, service center, or shared services~~
 3-27 ~~arrangement]~~ has a criminal record and the entity [~~school district,~~
 3-28 ~~district of innovation, charter school, other charter entity,~~
 3-29 ~~service center, or shared services arrangement]~~ obtained
 3-30 information about the educator's criminal record by a means other
 3-31 than the criminal history clearinghouse established under Section
 3-32 411.0845, Government Code;

3-33 (2) an educator's employment at the entity [~~school~~
 3-34 ~~district, district of innovation, charter school, other charter~~
 3-35 ~~entity, service center, or shared services arrangement]~~ was
 3-36 terminated and there is evidence that the educator:

3-37 (A) abused or otherwise committed an unlawful act
 3-38 with a student or minor, including by engaging in conduct that
 3-39 involves physical mistreatment or constitutes a threat of violence
 3-40 to a student or minor and that is not justified under Chapter 9,
 3-41 Penal Code, regardless of whether the conduct resulted in bodily
 3-42 injury;

3-43 (B) [~~(A-1)~~] was involved in or solicited a
 3-44 romantic relationship with or solicited or engaged in sexual
 3-45 contact with a student or minor;

3-46 (C) engaged in inappropriate communications with
 3-47 a student or minor, as defined by board rule;

3-48 (D) failed to maintain appropriate boundaries
 3-49 with a student or minor, as defined by board rule;

3-50 (E) [~~(B)~~] possessed, transferred, sold, or
 3-51 distributed a controlled substance, as defined by Chapter 481,
 3-52 Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

3-53 (F) [~~(C)~~] illegally transferred, appropriated,
 3-54 or expended funds or other property of the entity [~~school district,~~
 3-55 ~~district of innovation, charter school, other charter entity,~~
 3-56 ~~service center, or shared services arrangement];~~

3-57 (G) [~~(D)~~] attempted by fraudulent or
 3-58 unauthorized means to obtain or alter a professional certificate or
 3-59 license for the purpose of promotion or additional compensation; or

3-60 (H) [~~(E)~~] committed a criminal offense or any
 3-61 part of a criminal offense on school property or at a
 3-62 school-sponsored event;

3-63 (3) the educator resigned and there is evidence that
 3-64 the educator engaged in misconduct described by Subdivision (2);

3-65 (4) the superintendent or director becomes aware of
 3-66 evidence that an educator employed by the entity engaged in
 3-67 misconduct described by Subdivision (2)(A), (B), (C), or (D); or

3-68 (5) [~~(4)~~] the educator engaged in conduct that
 3-69 violated the assessment instrument security procedures established

4-1 under Section 39.0301.

4-2 (b) [(b-1)] A superintendent or director of an educational
 4-3 entity [a school district, district of innovation, open-enrollment
 4-4 charter school, other charter entity, regional education service
 4-5 center, or shared services arrangement] shall complete an
 4-6 investigation of an educator that involves evidence that the
 4-7 educator may have engaged in misconduct described by Subsection
 4-8 (a)(2)(A), (B), (C), or (D) [(b)(2)(A) or (A-1)], despite the
 4-9 educator's resignation from employment before completion of the
 4-10 investigation.

4-11 (c) [(b-2)] The principal of a school district, district of
 4-12 innovation, open-enrollment charter school, or other charter
 4-13 entity campus must notify the superintendent or director of the
 4-14 [school] district, [district of innovation, charter] school, or
 4-15 [other charter] entity:

4-16 (1) except as provided by Subdivision (2), not later
 4-17 than the seventh business day after the date:

4-18 (A) [(1)] of an educator's termination of
 4-19 employment or resignation following an alleged incident of
 4-20 misconduct described by Subsection (a) [(b)]; or

4-21 (B) [(2)] the principal knew about an educator's
 4-22 criminal record under Subsection (a)(1); or

4-23 (2) not later than 48 hours after the principal
 4-24 becomes aware of evidence of misconduct described by Subsection
 4-25 (a)(2)(A), (B), (C), or (D) [(b)(1)].

4-26 (d) The [(c) Except as provided by Subsection (c-2), the]
 4-27 superintendent or director must notify the board [State Board for
 4-28 Educator Certification] by filing a report with the board:

4-29 (1) except as provided by Subdivision (2), not later
 4-30 than the seventh business day after the date the superintendent or
 4-31 director:

4-32 (A) receives notice [a report] from a principal
 4-33 under Subsection (c) [(b-2)]; or

4-34 (B) knew about an educator's termination of
 4-35 employment or resignation following an alleged incident of
 4-36 misconduct described by Subsection (a) [(b)] or an educator's
 4-37 [employee's] criminal record under Subsection (a)(1); or

4-38 (2) not later than 48 hours after the superintendent
 4-39 or director:

4-40 (A) receives notice from a principal under
 4-41 Subsection (c); or

4-42 (B) becomes aware of evidence of misconduct
 4-43 described by Subsection (a)(2)(A), (B), (C), or (D) [(b)(1)].

4-44 (e) [(c-1)] The report under Subsection (d) must be [(c)]:

4-45 (1) [must be:
 4-46 [(A)] in writing;

4-47 (2) [and
 4-48 [(B)] in a form prescribed by the board; and

4-49 (3) [(2) may be] filed through the Internet portal
 4-50 developed and maintained by the agency under Section 22A.155 [State
 4-51 Board for Educator Certification under Subsection (g-1)].

4-52 (f) [(d)] The superintendent or director shall notify the
 4-53 board of trustees or governing body of the educational entity
 4-54 [school district, open-enrollment charter school, other charter
 4-55 entity, regional education service center, or shared services
 4-56 arrangement] and the educator of the filing of the report required
 4-57 by Subsection (d) [(e)].

4-58 (g) [(e)] A superintendent, director, or principal of an
 4-59 educational entity [a school district, district of innovation,
 4-60 open-enrollment charter school, other charter entity, regional
 4-61 education service center, or shared services arrangement] who in
 4-62 good faith and while acting in an official capacity files a report
 4-63 with the board [State Board for Educator Certification] under this
 4-64 section or communicates with another superintendent, director, or
 4-65 principal concerning an educator's criminal record or alleged
 4-66 incident of misconduct is immune from civil or criminal liability
 4-67 that might otherwise be incurred or imposed.

4-68 (h) [(f)] The board [State Board for Educator
 4-69 Certification] shall determine whether to impose sanctions,

5-1 including an administrative penalty under Subsection (k) ~~[(i)]~~,
 5-2 against a principal who fails to provide notification to a
 5-3 superintendent or director in violation of Subsection (c) ~~[(b-2)]~~
 5-4 or against a superintendent or director who fails to file a report
 5-5 in violation of Subsection (d) ~~[(e)]~~.

5-6 (i) ~~[(g)]~~ The board ~~[State Board for Educator~~
 5-7 ~~Certification]~~ shall propose rules as necessary to implement this
 5-8 section.

5-9 (j) ~~[(h)]~~ The name of a student or minor who is the victim of
 5-10 abuse or unlawful conduct by an educator must be included in a
 5-11 report filed under this section, but the name of the student or
 5-12 minor is not public information under Chapter 552, Government Code.

5-13 (k) ~~[(i)]~~ If an educator serving as a superintendent or
 5-14 director is required to file a report under Subsection (d) ~~[(e)]~~ and
 5-15 fails to file the report by the date required by that subsection, or
 5-16 if an educator serving as a principal is required to notify a
 5-17 superintendent or director about an educator's criminal record or
 5-18 alleged incident of misconduct under Subsection (c) ~~[(b-2)]~~ and
 5-19 fails to provide the notice by the date required by that subsection,
 5-20 the board ~~[State Board for Educator Certification]~~ may impose on
 5-21 the educator an administrative penalty of not less than \$500 and not
 5-22 more than \$10,000. The board ~~[State Board for Educator~~
 5-23 ~~Certification]~~ may not renew the certification of an educator
 5-24 against whom an administrative penalty is imposed under this
 5-25 subsection until the penalty is paid.

5-26 (l) ~~[(j)]~~ A superintendent or director required to file a
 5-27 report under Subsection (d) ~~[(e)]~~ commits an offense if the
 5-28 superintendent or director fails to file the report by the date
 5-29 required by that subsection with intent to conceal an educator's
 5-30 criminal record or alleged incident of misconduct described by
 5-31 Subsection (a)(2)(A), (B), (E), (F), (G), or (H). A principal
 5-32 required to notify a superintendent or director about an educator's
 5-33 criminal record or alleged incident of misconduct under Subsection
 5-34 (c) ~~[(b-2)]~~ commits an offense if the principal fails to provide the
 5-35 notice by the date required by that subsection with intent to
 5-36 conceal an educator's criminal record or alleged incident of
 5-37 misconduct described by Subsection (a)(2)(A), (B), (E), (F), (G),
 5-38 or (H). An offense under this subsection is a state jail felony.

5-39 (m) ~~[(k)]~~ The commissioner may review the records of an
 5-40 educational entity ~~[a school district, district of innovation,~~
 5-41 ~~open-enrollment charter school, other charter entity, regional~~
 5-42 ~~education service center, or shared services arrangement]~~ to ensure
 5-43 compliance with the requirement to report misconduct under this
 5-44 section.

5-45 SECTION 1.08. Section 22.093, Education Code, is
 5-46 transferred to Subchapter B, Chapter 22A, Education Code, as added
 5-47 by this Act, redesignated as Section 22A.052, Education Code, and
 5-48 amended to read as follows:

5-49 Sec. 22A.052 [22.093]. REQUIREMENT TO REPORT EMPLOYEE OR
 5-50 SERVICE PROVIDER MISCONDUCT TO AGENCY. (a) ~~[In this section,~~
 5-51 ~~"abuse" has the meaning assigned by Section 261.001, Family Code,~~
 5-52 ~~and includes any sexual conduct involving a student or minor.~~

5-53 ~~[(b)]~~ This section applies to:

5-54 (1) a person who is employed by an educational entity
 5-55 ~~[a school district, district of innovation, open-enrollment~~
 5-56 ~~charter school, other charter entity, regional education service~~
 5-57 ~~center, or shared services arrangement]~~ and who does not hold a
 5-58 certification or permit issued under Subchapter B, Chapter 21; or

5-59 (2) a service provider for an educational entity who
 5-60 has or will have direct contact with students.

5-61 (b) ~~[(e)]~~ In addition to the reporting requirement under
 5-62 Section 261.101, Family Code, the superintendent or director of an
 5-63 educational entity ~~[a school district, district of innovation,~~
 5-64 ~~open-enrollment charter school, other charter entity, regional~~
 5-65 ~~education service center, or shared services arrangement]~~ shall
 5-66 notify the commissioner if the superintendent or director:

5-67 (1) becomes aware of ~~[an employee's employment at the~~
 5-68 ~~school district, district of innovation, charter school, other~~
 5-69 ~~charter entity, service center, or shared services arrangement was~~

6-1 ~~terminated and there is]~~ evidence that a person described by
 6-2 Subsection (a) engaged in misconduct described by Section
 6-3 22A.051(a)(2)(A), (B), (C), or (D) ~~[the employee:~~

6-4 ~~[(A) abused or otherwise committed an unlawful
 6-5 act with a student or minor; or~~

6-6 ~~[(B) was involved in a romantic relationship with
 6-7 or solicited or engaged in sexual contact with a student or minor];
 6-8 or~~

6-9 (2) obtains criminal history record information
 6-10 relating to misconduct described by Subdivision (1) for a person
 6-11 described by Subsection (a) ~~[the employee resigned and there is~~
 6-12 ~~evidence that the employee engaged in misconduct described by~~
 6-13 ~~Subdivision (1)].~~

6-14 (c) ~~[d)]~~ A superintendent or director of an educational
 6-15 entity ~~[a school district, district of innovation, open-enrollment~~
 6-16 ~~charter school, other charter entity, regional education service~~
 6-17 ~~center, or shared services arrangement]~~ shall complete an
 6-18 investigation of a person described by Subsection (a) ~~[an employee]~~
 6-19 that involves evidence that the person ~~[employee]~~ may have engaged
 6-20 in misconduct described by Subsection (b)(1) ~~[(c)(1)(A) or (B)]~~,
 6-21 despite the person's termination of or ~~[employee's]~~ resignation
 6-22 from employment or cessation of services for the entity before
 6-23 completion of the investigation.

6-24 (d) ~~[e)]~~ The principal of a school district, district of
 6-25 innovation, open-enrollment charter school, or other charter
 6-26 entity campus must notify the superintendent or director of the
 6-27 ~~[school]~~ district, ~~[district of innovation, charter]~~ school, or
 6-28 ~~[other charter]~~ entity not later than 48 hours ~~[the seventh~~
 6-29 ~~business day]~~ after the principal becomes aware of evidence of
 6-30 [date of an employee's termination of employment or resignation
 6-31 following] an alleged incident of misconduct described by
 6-32 Subsection (b)(1) ~~[(c)(1)(A) or (B)]~~.

6-33 (e) ~~[f)]~~ The superintendent or director of an educational
 6-34 entity must notify the commissioner by filing a report with the
 6-35 commissioner not later than 48 hours ~~[the seventh business day]~~
 6-36 after the ~~[date the]~~ superintendent or director:

6-37 (1) receives notice ~~[a report]~~ from a principal under
 6-38 Subsection (d);

6-39 (2) ~~[(e) or]~~ knew about the ~~[an employee's]~~
 6-40 termination of ~~[employment]~~ or resignation from employment or
 6-41 cessation of services of a person described by Subsection (a) for
 6-42 the entity following an alleged incident of misconduct described by
 6-43 Subsection (b)(1); or

6-44 (3) becomes aware of evidence of misconduct described
 6-45 by Subsection (b)(1) ~~[(c)(1)(A) or (B)]~~.

6-46 (f) The report under Subsection (e) must be:

6-47 (1) in writing; ~~[and]~~

6-48 (2) in a form prescribed by the commissioner; and

6-49 (3) filed through the Internet portal developed and
 6-50 maintained by the agency under Section 22A.155.

6-51 (g) The superintendent or director shall notify the board of
 6-52 trustees or governing body of the educational entity ~~[school~~
 6-53 ~~district, district of innovation, open-enrollment charter school,~~
 6-54 ~~other charter entity, regional education service center, or shared~~
 6-55 ~~services arrangement]~~ and the person who is the subject of the
 6-56 report required under Subsection (e) ~~[employee]~~ of the filing of
 6-57 the report required by that subsection ~~[Subsection (f)]~~.

6-58 (h) A superintendent or director who in good faith and while
 6-59 acting in an official capacity files a report with the commissioner
 6-60 under Subsection (e) ~~[(f)]~~ or a principal who in good faith and
 6-61 while acting in an official capacity notifies a superintendent or
 6-62 director under Subsection (d) ~~[(e)]~~ is immune from civil or
 6-63 criminal liability that might otherwise be incurred or imposed.

6-64 (i) The commissioner shall refer an educator who fails to
 6-65 file a report in violation of Subsection (e) ~~[(f)]~~ to the board
 6-66 ~~[State Board for Educator Certification]~~, and the board shall
 6-67 determine whether to impose sanctions against the educator.

6-68 (j) The name of a student or minor who is the victim of abuse
 6-69 or unlawful conduct ~~[by an employee]~~ must be included in a report

7-1 filed under this section, but the name of the student or minor is
7-2 not public information under Chapter 552, Government Code.

7-3 (k) A superintendent or director required to file a report
7-4 under Subsection (e) [~~(f)~~] commits an offense if the superintendent
7-5 or director fails to file the report by the date required by that
7-6 subsection with intent to conceal a person's [~~an employee's~~]
7-7 criminal record or alleged incident of misconduct described by
7-8 Section 22A.051(a)(2)(A) or (B). A principal required to notify a
7-9 superintendent or director about a person's [~~an employee's~~] alleged
7-10 incident of misconduct under Subsection (d) [~~(e)~~] commits an
7-11 offense if the principal fails to provide the notice by the date
7-12 required by that subsection with intent to conceal a person's [~~an~~
7-13 ~~employee's~~] alleged incident of misconduct described by Section
7-14 22A.051(a)(2)(A) or (B). An offense under this subsection is a
7-15 state jail felony.

7-16 (l) The commissioner may review the records of an
7-17 educational entity [~~a school district, district of innovation,~~
7-18 ~~open-enrollment charter school, other charter entity, regional~~
7-19 ~~education service center, or shared services arrangement~~] to ensure
7-20 compliance with the requirement to report misconduct under this
7-21 section.

7-22 (m) The commissioner shall adopt rules as necessary to
7-23 implement this section.

7-24 SECTION 1.09. Section 21.0061, Education Code, is
7-25 transferred to Subchapter B, Chapter 22A, Education Code, as added
7-26 by this Act, redesignated as Section 22A.053, Education Code, and
7-27 amended to read as follows:

7-28 Sec. 22A.053 [~~21.0061~~]. NOTICE TO PARENT OR GUARDIAN ABOUT
7-29 [~~EDUCATOR~~] MISCONDUCT. (a) The board of trustees or governing body
7-30 of an educational entity [~~a school district, district of~~
7-31 ~~innovation, open-enrollment charter school, other charter entity,~~
7-32 ~~regional education service center, or shared services arrangement~~]
7-33 shall adopt a policy under which notice is provided to the parent or
7-34 guardian of a student with whom a person employed by or acting as a
7-35 service provider for the entity [~~an educator~~] is alleged to have
7-36 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),
7-37 (C), or (D) [~~Section 21.006(b)(2)(A) or (A-1)~~] informing the parent
7-38 or guardian:

7-39 (1) that the alleged misconduct occurred;
7-40 (2) whether the person [~~educator~~] was terminated
7-41 following an investigation of the alleged misconduct or resigned
7-42 before completion of the investigation; and

7-43 (3) whether a report was submitted to the agency or
7-44 board [~~State Board for Educator Certification~~] concerning the
7-45 alleged misconduct.

7-46 (b) The policy required by this section must require that
7-47 information specified by Subsection (a)(1) be provided as soon as
7-48 feasible after the educational [~~employing~~] entity becomes aware
7-49 that alleged misconduct may have occurred.

7-50 [~~(c) In this section, "other charter entity" has the meaning~~
7-51 ~~assigned by Section 21.006.~~]

7-52 SECTION 1.10. Sections 21.007 and 21.009, Education Code,
7-53 are transferred to Subchapter B, Chapter 22A, Education Code, as
7-54 added by this Act, redesignated as Sections 22A.054 and 22A.055,
7-55 Education Code, respectively, and amended to read as follows:

7-56 Sec. 22A.054 [~~21.007~~]. NOTICE ON CERTIFICATION RECORD OF
7-57 ALLEGED MISCONDUCT; INCLUSION IN REGISTRY. (a) [~~In this section,~~
7-58 ~~"board" means the State Board for Educator Certification.~~]

7-59 [~~(b)~~] The board shall adopt a procedure for placing a notice
7-60 of alleged misconduct on an educator's public certification
7-61 records. The procedure adopted by the board must provide for
7-62 immediate placement of a notice of alleged misconduct on an
7-63 educator's public certification records if the alleged misconduct
7-64 presents a risk to the health, safety, or welfare of a student or
7-65 minor as determined by the board.

7-66 (b) [~~(e)~~] The board must notify:

7-67 (1) an educator in writing when placing a notice of an
7-68 alleged incident of misconduct on the public certification records
7-69 of the educator; and

8-1 (2) the agency for purposes of placing the educator on
 8-2 the registry in accordance with Subsection (c).

8-3 (c) On receiving a notification under Subsection (b), the
 8-4 agency shall immediately place the educator on the registry and
 8-5 include information indicating that the educator is under
 8-6 investigation for alleged misconduct.

8-7 (d) The board must provide an opportunity for an educator to
 8-8 show cause why the notice should not be placed on the educator's
 8-9 public certification records. The board shall propose rules
 8-10 establishing the length of time that a notice may remain on the
 8-11 educator's public certification records before the board must:

8-12 (1) initiate a proceeding to impose a sanction on the
 8-13 educator on the basis of the alleged misconduct; or

8-14 (2) remove the notice from the educator's public
 8-15 certification records.

8-16 (e) If it is determined that the educator has not engaged in
 8-17 the alleged incident of misconduct, the board shall immediately:

8-18 (1) remove the notice from the educator's public
 8-19 certification records; and

8-20 (2) notify the agency to remove the educator from the
 8-21 registry.

8-22 (f) The board shall propose rules necessary to administer
 8-23 this section.

8-24 Sec. 22A.055 [21.009]. PRE-EMPLOYMENT OR PRE-SERVICE
 8-25 AFFIDAVIT. (a) A person applying [An applicant] for employment
 8-26 with or who will act as a service provider for an educational entity
 8-27 [a position described by Section 21.003(a) or (b) with a school
 8-28 district, district of innovation, open-enrollment charter school,
 8-29 private school, regional education service center, or shared
 8-30 services arrangement] must submit, using a form adopted by the
 8-31 agency, consent for release of the person's employment records and
 8-32 a pre-employment or pre-service affidavit disclosing whether the
 8-33 person [applicant] has ever been:

8-34 (1) investigated by a law enforcement or child
 8-35 protective services agency for, or charged with, adjudicated for,
 8-36 or convicted of, an offense involving conduct described by Section
 8-37 22A.051(a)(2)(A), (B), (C), or (D);

8-38 (2) investigated by a licensing authority or had a
 8-39 license, certificate, or permit denied, suspended, revoked, or
 8-40 subject to another sanction in this state or another state for
 8-41 conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

8-42 (3) included in the registry;

8-43 (4) employed or is currently employed by or has acted
 8-44 or is currently acting as a service provider for a public or private
 8-45 school; or

8-46 (5) terminated or discharged or has resigned, in lieu
 8-47 of being terminated or discharged, from a public or private school
 8-48 [having an inappropriate relationship with a minor].

8-49 (b) A person [An applicant] who answers affirmatively
 8-50 concerning an action listed under Subsection (a) [inappropriate
 8-51 relationship with a minor] must disclose in the affidavit all
 8-52 relevant facts known to the person pertaining to the matter
 8-53 [charge, adjudication, or conviction], including, if applicable to
 8-54 the action [for a charge], whether the allegation [charge] was
 8-55 determined to be true or false.

8-56 (c) A person or service provider [An applicant] is not
 8-57 precluded from being employed by or providing services to an
 8-58 educational entity based on a disclosed allegation [charge] if the
 8-59 [employing] entity determines based on the information disclosed in
 8-60 the affidavit that the allegation [charge] was false.

8-61 (d) A determination that an employee or person providing
 8-62 services failed to disclose information required to be disclosed by
 8-63 a person [an applicant] under this section is grounds for
 8-64 termination of employment or service.

8-65 (e) An educational entity shall discharge or refuse to hire
 8-66 or allow to act as a service provider for the entity a person
 8-67 against whom a determination has been made under Subsection (d).

8-68 (f) The board [State Board for Educator Certification] may
 8-69 revoke the certificate of an administrator if the board determines

9-1 it is reasonable to believe that the administrator employed a
 9-2 person or accepted services from a service provider ~~[an applicant~~
 9-3 ~~for a position described by Section 21.003(a) or (b)]~~ despite being
 9-4 aware that the person knowingly failed to disclose information
 9-5 required to be disclosed under Subsection (a) ~~[applicant had been~~
 9-6 ~~adjudicated for or convicted of having an inappropriate~~
 9-7 ~~relationship with a minor].~~

9-8 (g) A person commits an offense if the person fails to
 9-9 disclose information required to be disclosed under Subsection (a).
 9-10 An offense under this subsection is a Class B misdemeanor.

9-11 SECTION 1.11. Chapter 22A, Education Code, as added by this
 9-12 Act, is amended by adding Subchapter C, and a heading is added to
 9-13 that subchapter to read as follows:

9-14 SUBCHAPTER C. INVESTIGATION OF MISCONDUCT

9-15 SECTION 1.12. Section 22.094, Education Code, is
 9-16 transferred to Subchapter C, Chapter 22A, Education Code, as added
 9-17 by this Act, redesignated as Section 22A.101, Education Code, and
 9-18 amended to read as follows:

9-19 Sec. 22A.101 [22.094]. NOTICE OF ALLEGED MISCONDUCT;
 9-20 INVESTIGATION; HEARING. (a) This section applies to:

9-21 (1) a [A] person described by Section 22A.052(a)
 9-22 ~~[22.093(b) and]~~ who is:

9-23 (A) the subject of a report that alleges
 9-24 misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

9-25 (B) ~~[22.093(c)(1)(A) or (B) or who is]~~ identified
 9-26 as having engaged in ~~[that]~~ misconduct described by Paragraph (A)
 9-27 using the interagency reportable conduct search engine established
 9-28 under Chapter 810, Health and Safety Code;

9-29 (C) the subject of a complaint alleging
 9-30 misconduct described by Paragraph (A) filed with the agency; or

9-31 (D) the subject of a Department of Family and
 9-32 Protective Services report received by the agency under Section
 9-33 261.406, Family Code; or

9-34 (2) a person employed by or seeking employment in a
 9-35 private school who does not hold a certification or permit issued
 9-36 under Subchapter B, Chapter 21, and who is the subject of a report
 9-37 that alleges misconduct described by Section 22A.301(a).

9-38 (b) A person to whom this section applies ~~[r]~~ is entitled to
 9-39 a hearing on the merits of the allegations of misconduct under the
 9-40 procedures provided by Chapter 2001, Government Code, to contest
 9-41 the allegation in the report, ~~[or]~~ search engine, or complaint.

9-42 (c) ~~[(b)]~~ On receiving a report or complaint ~~[filed under~~
 9-43 ~~Section 22.093(f)]~~ or making an identification described by
 9-44 Subsection (a), the commissioner shall promptly send to the person
 9-45 who is the subject of the report or identification a notice that
 9-46 includes:

9-47 (1) a statement informing the person that the person
 9-48 must request a hearing on the merits of the allegations of
 9-49 misconduct within the period provided by Subsection (d) ~~[(c)]~~;

9-50 (2) a request that the person submit a written
 9-51 response within the period provided by Subsection (d) ~~[(c)]~~ to show
 9-52 cause why the commissioner should not pursue an investigation; and

9-53 (3) a statement informing the person that if the
 9-54 person does not timely submit a written response to show cause as
 9-55 provided by Subdivision (2), the agency shall provide information
 9-56 indicating the person is under investigation in the manner provided
 9-57 by Subsection (e) ~~[(d)]~~.

9-58 (d) ~~[(c)]~~ A person entitled to a hearing under Subsection
 9-59 (b) ~~[(a)]~~ must request a hearing and submit a written response to
 9-60 show cause not later than the 10th day after the date the person
 9-61 receives the notice from the commissioner provided under Subsection
 9-62 (c) ~~[(b)]~~.

9-63 (e) ~~[(d)]~~ If a person who receives notice provided under
 9-64 Subsection (c) ~~[(b)]~~ does not timely submit a written response to
 9-65 show cause why the commissioner should not pursue an investigation,
 9-66 the commissioner shall instruct the agency to make available
 9-67 through the Internet portal developed and maintained by the agency
 9-68 under Section 22A.155 [22.095] information indicating that the
 9-69 person is under investigation for alleged misconduct.

10-1 (f) [(e)] If a person entitled to a hearing under Subsection
 10-2 (b) [(a)] does not request a hearing as provided by Subsection (d)
 10-3 [(e)], the commissioner shall:

10-4 (1) based on the report filed under Section
 10-5 22A.052(e), the complaint alleging misconduct, [22.093(f)] or the
 10-6 identification described by Subsection (a), make a determination
 10-7 whether the person engaged in misconduct; and

10-8 (2) if the commissioner determines that the person
 10-9 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),
 10-10 (C), or (D) [22.093(e)(1)(A) or (B)], instruct the agency to add the
 10-11 person's name to the registry [maintained under Section 22.092].

10-12 (g) [(f)] If a person entitled to a hearing under Subsection
 10-13 (b) [(a)] requests a hearing as provided by Subsection (d) [(e)] and
 10-14 the final decision in that hearing determines that the person
 10-15 engaged in misconduct described by Section 22A.051(a)(2)(A), (B),
 10-16 (C), or (D) [22.093(e)(1)(A) or (B)], the commissioner shall
 10-17 instruct the agency to add the person's name to the registry
 10-18 [maintained under Section 22.092].

10-19 (h) [(g)] If a person entitled to a hearing under Subsection
 10-20 (b) [(a)] requests a hearing as provided by Subsection (d) [(e)] and
 10-21 the final decision in that hearing determines that the person did
 10-22 not engage in misconduct described by Section 22A.051(a)(2)(A),
 10-23 (B), (C), or (D) [22.093(e)(1)(A) or (B)], the commissioner shall
 10-24 instruct the agency to immediately remove from the Internet portal
 10-25 developed and maintained by the agency under Section 22A.155
 10-26 [22.095] the information indicating that the person is under
 10-27 investigation for alleged misconduct.

10-28 (i) [(h)] The commissioner shall adopt rules as necessary
 10-29 to implement this section. In adopting rules, the commissioner
 10-30 shall follow any guidelines adopted by the board regarding
 10-31 sanctions for misconduct described by Section 22A.051(a)(2)(A),
 10-32 (C), or (D).

10-33 SECTION 1.13. Subchapter C, Chapter 22A, Education Code, as
 10-34 added by this Act, is amended by adding Section 22A.102 to read as
 10-35 follows:

10-36 Sec. 22A.102. PRELIMINARY DETERMINATION. To the extent
 10-37 feasible, not later than the 30th day after receipt of a report
 10-38 under Section 22A.051(d), 22A.052(e), 22A.301(c), or 22A.302(c),
 10-39 the board or agency, as applicable, shall, based on a preliminary
 10-40 review of the report, make a determination regarding whether:

10-41 (1) if the person who is the subject of the report is
 10-42 an educator, a notice of alleged misconduct should be placed on the
 10-43 educator's public certification records under Section 22A.054; and

10-44 (2) the person should be placed on the registry under
 10-45 Section 22A.151 with an indication that the person is under
 10-46 investigation for alleged misconduct.

10-47 SECTION 1.14. Section 21.062, Education Code, is
 10-48 transferred to Subchapter C, Chapter 22A, Education Code, as added
 10-49 by this Act, redesignated as Section 22A.103, Education Code, and
 10-50 amended to read as follows:

10-51 Sec. 22A.103 [21.062]. ISSUANCE OF SUBPOENAS. (a) During
 10-52 an investigation by the commissioner of an educator or person who is
 10-53 employed by or providing services to an educational entity for an
 10-54 alleged incident of misconduct, the commissioner may issue a
 10-55 subpoena to compel:

10-56 (1) the attendance of a relevant witness; or

10-57 (2) the production~~[, for inspection or copying,]~~ of
 10-58 relevant evidence that is located in this state.

10-59 (a-1) A response to a subpoena described by Subsection
 10-60 (a)(2) must be submitted through the Internet portal developed and
 10-61 maintained by the agency under Section 22A.155 unless the
 10-62 commissioner authorizes a different method of submission.

10-63 (b) A subpoena may be served personally, electronically, or
 10-64 by certified mail.

10-65 (c) If a person fails to comply with a subpoena, the
 10-66 commissioner, acting through the attorney general, may file suit to
 10-67 enforce the subpoena in a district court in this state. On finding
 10-68 that good cause exists for issuing the subpoena, the court shall
 10-69 order the person to comply with the subpoena. The court may punish

11-1 a person who fails to obey the court order.

11-2 (d) All information and materials subpoenaed or compiled in
11-3 connection with an investigation described by Subsection (a) are
11-4 confidential and not subject to disclosure under Chapter 552,
11-5 Government Code.

11-6 (e) Except as provided by a protective order, and
11-7 notwithstanding Subsection (d), all information and materials
11-8 subpoenaed or compiled in connection with an investigation
11-9 described by Subsection (a) may be used in a disciplinary
11-10 proceeding against a person [~~an educator~~] based on an alleged
11-11 incident of misconduct.

11-12 SECTION 1.15. Subchapter C, Chapter 22A, Education Code, as
11-13 added by this Act, is amended by adding Section 22A.104 to read as
11-14 follows:

11-15 Sec. 22A.104. RESTRICTION ON SURRENDER OF CERTIFICATE OR
11-16 PERMIT PENDING INVESTIGATION. If a person issued a certificate or
11-17 permit under Subchapter B, Chapter 21, attempts to surrender the
11-18 certificate or permit while the board is investigating an
11-19 allegation that the person engaged in misconduct described by
11-20 Section 22A.051(a)(2)(A), (B), (C), or (D), the board may not
11-21 accept the surrender unless the person agrees to be included in the
11-22 registry.

11-23 SECTION 1.16. Chapter 22A, Education Code, as added by this
11-24 Act, is amended by adding Subchapter D, and a heading is added to
11-25 that subchapter to read as follows:

11-26 SUBCHAPTER D. PERSONS NOT ELIGIBLE FOR EMPLOYMENT OR PROVISION OF
11-27 SERVICES

11-28 SECTION 1.17. Section 22.092, Education Code, is
11-29 transferred to Subchapter D, Chapter 22A, Education Code, as added
11-30 by this Act, redesignated as Section 22A.151, Education Code, and
11-31 amended to read as follows:

11-32 Sec. 22A.151 [22.092]. REGISTRY OF PERSONS NOT ELIGIBLE FOR
11-33 EMPLOYMENT IN OR PROVISION OF SERVICES TO EDUCATIONAL ENTITIES
11-34 [PUBLIC SCHOOLS]. (a) The agency shall maintain and make available
11-35 through the Internet portal developed and maintained by the agency
11-36 under Section 22A.155 [22.095] a registry of persons who are not
11-37 eligible to be employed by or act as a service provider for an
11-38 educational entity [~~a school district, district of innovation,~~
11-39 ~~open-enrollment charter school, other charter entity, regional~~
11-40 ~~education service center, or shared services arrangement].~~

11-41 (b) An educational entity [~~A school district, district of~~
11-42 ~~innovation, open-enrollment charter school, other charter entity,~~
11-43 ~~regional education service center, or shared services arrangement]~~
11-44 shall discharge or refuse to hire, or terminate or refuse to accept
11-45 services from, a person listed on the registry [~~maintained under~~
11-46 ~~this section~~].

11-47 (c) An educational entity may not allow a person who is
11-48 listed on the registry to act as a service provider for the entity.

11-49 (d) The registry [~~maintained under this section~~] must list
11-50 the following persons as not eligible to be employed by or act as a
11-51 service provider for an educational entity [~~public schools~~]:

11-52 (1) a person determined by the agency under Section
11-53 22.0832 as a person who would not be eligible for educator
11-54 certification under Subchapter B, Chapter 21;

11-55 (2) a person determined by the agency to be not
11-56 eligible for employment based on the person's criminal history
11-57 record information review, as provided by Section 22.0833;

11-58 (3) a person who is not eligible for employment based
11-59 on criminal history record information received by the agency under
11-60 Section 22A.201(b) [~~21.058(b)~~];

11-61 (4) a person whose certification or permit, or
11-62 application for a certification or permit, issued under Subchapter
11-63 B, Chapter 21, is denied or revoked by the board and who has not been
11-64 issued a certificate or permit under that subchapter subsequent to
11-65 that denial or revocation [~~State Board for Educator Certification~~
11-66 ~~on a finding that the person engaged in misconduct described by~~
11-67 ~~Section 21.006(b)(2)(A) or (A-1)]]; [~~and~~]~~

11-68 (5) a person whose certification or permit issued
11-69 under Subchapter B, Chapter 21, is suspended by the board for a

12-1 reason other than under Section 21.105(c), 21.160(c), or 21.210(c)
 12-2 for the period of the suspension;

12-3 (6) a person who is determined by the commissioner
 12-4 under Section 22A.101 [22.094] to have engaged in misconduct
 12-5 described by Section 22A.051(a)(2)(A), (B), (C), or (D); and

12-6 (7) a person temporarily included in the registry
 12-7 under Section 22A.152 or 22A.153 for the term of the placement
 12-8 [22.093(c)(1)(A) or (B)].

12-9 (e) The registry must include information indicating
 12-10 whether a person's listing in the registry expires. A prohibition
 12-11 applicable to a person included in the registry no longer applies to
 12-12 a person whose listing in the registry has expired and, if
 12-13 applicable, whose certification or permit under Subchapter B,
 12-14 Chapter 21, has been reinstated.

12-15 (f) [~~(d)~~] The agency shall provide equivalent access to the
 12-16 registry [~~maintained under this section~~] to:

12-17 (1) private schools;

12-18 (2) educational entities [~~public schools~~]; [~~and~~]

12-19 (3) nonprofit teacher organizations approved by the
 12-20 commissioner for the purpose of participating in the tutoring
 12-21 program established under Section 33.913;

12-22 (4) entities that have entered into a contract to
 12-23 operate a school district campus under Section 11.174; and

12-24 (5) service providers for an educational entity that
 12-25 are authorized by the entity to access the registry.

12-26 (g) Each school year, the superintendent or director of an
 12-27 educational entity shall certify to the commissioner that the
 12-28 entity has complied with this section. If feasible, the
 12-29 commissioner by rule shall consolidate the requirement under this
 12-30 subsection with other reporting requirements applicable to the
 12-31 entity.

12-32 (h) [~~(e)~~] The commissioner [~~agency~~] shall adopt rules as
 12-33 necessary to implement this section.

12-34 SECTION 1.18. Subchapter D, Chapter 22A, Education Code, as
 12-35 added by this Act, is amended by adding Sections 22A.152, 22A.153,
 12-36 and 22A.154 to read as follows:

12-37 Sec. 22A.152. TEMPORARY INCLUSION IN REGISTRY BASED ON
 12-38 CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE. (a) The
 12-39 commissioner shall temporarily include a person in the registry if
 12-40 the commissioner, based on evidence or information presented to the
 12-41 commissioner regarding a complaint alleging misconduct by the
 12-42 person, determines that the person's continued employment at or
 12-43 provision of services to an educational entity constitutes a
 12-44 continuing and imminent threat to the public welfare.

12-45 (b) A person may be temporarily included in the registry
 12-46 without notice or hearing on the complaint alleging the person's
 12-47 misconduct if:

12-48 (1) proceedings for a hearing before the State Office
 12-49 of Administrative Hearings are initiated simultaneously with the
 12-50 temporary inclusion; and

12-51 (2) a hearing is held as soon as possible under this
 12-52 chapter and Chapter 2001, Government Code.

12-53 (c) The State Office of Administrative Hearings shall hold a
 12-54 preliminary hearing not later than the 17th day after the date of
 12-55 the temporary inclusion to determine whether probable cause exists
 12-56 that the person's employment at or provision of services to an
 12-57 educational entity constitutes a continuing and imminent threat to
 12-58 the public welfare. The probable cause hearing shall be conducted
 12-59 as a de novo hearing.

12-60 (d) The State Office of Administrative Hearings shall hold a
 12-61 final hearing on the matter not later than the 61st day after the
 12-62 date of the temporary inclusion.

12-63 (e) The commissioner by rule shall adopt procedures for the
 12-64 temporary inclusion of a person in the registry under this section.

12-65 Sec. 22A.153. TEMPORARY INCLUSION IN REGISTRY FOR CERTAIN
 12-66 ARRESTS. (a) The commissioner shall temporarily include a person
 12-67 who is employed by or acting as a service provider for an
 12-68 educational entity in the registry if the person is arrested for an
 12-69 offense listed under Section 22A.201(a).

13-1 (b) Before temporarily including a person described by
 13-2 Subsection (a) in the registry, the commissioner must verify that
 13-3 the person arrested for an offense described by that subsection is
 13-4 the same person who is employed by or acting as a service provider
 13-5 for an educational entity.

13-6 (c) An inclusion in the registry under this section remains
 13-7 in effect until the final disposition of the case.

13-8 (d) Sections 22A.152(b), (c), and (d) apply to a temporary
 13-9 inclusion in the registry under this section.

13-10 (e) The commissioner shall adopt rules to implement this
 13-11 section, including rules regarding evidence that serves as proof of
 13-12 final disposition of a case.

13-13 Sec. 22A.154. REPORTING TO LAW ENFORCEMENT. (a) In this
 13-14 section, "law enforcement agency" means:

- 13-15 (1) the Department of Public Safety;
- 13-16 (2) the police department of a municipality;
- 13-17 (3) the sheriff's office of a county; or
- 13-18 (4) a constable's office of a county.

13-19 (b) The agency shall refer to an appropriate law enforcement
 13-20 agency any allegation of misconduct that results in the inclusion
 13-21 of a person in the registry that has not already been referred to a
 13-22 law enforcement agency.

13-23 (c) The agency shall refer any allegation of misconduct to
 13-24 an appropriate law enforcement agency if the agency believes the
 13-25 allegation includes evidence of criminal conduct.

13-26 (d) The agency shall maintain a record of each allegation of
 13-27 misconduct referred to a law enforcement agency under this section.

13-28 SECTION 1.19. Sections 22.095 and 22.096, Education Code,
 13-29 are transferred to Subchapter D, Chapter 22A, Education Code, as
 13-30 added by this Act, redesignated as Sections 22A.155 and 22A.156,
 13-31 Education Code, respectively, and amended to read as follows:

13-32 Sec. 22A.155 [22.095]. INTERNET PORTAL. (a) The agency
 13-33 shall develop and maintain an Internet portal through which:

13-34 (1) a report required under Section 22A.051(d),
 13-35 22A.052(e), 22A.301(c), or 22A.302(c) is [22.093(f) may be]
 13-36 confidentially and securely filed; and

13-37 (2) the agency makes available:

13-38 (A) the registry of persons who are not eligible
 13-39 to be employed by or act as service providers for educational
 13-40 entities [in public schools] as described by Section 22A.151
 13-41 [22.092]; and

13-42 (B) information indicating that a person is under
 13-43 investigation for alleged misconduct in accordance with Section
 13-44 22A.101(e) [22.094(d)], provided that the agency must provide the
 13-45 information through a procedure other than the registry [described
 13-46 under Paragraph (A)].

13-47 (b) The Internet portal must comply with any requirements
 13-48 adopted by the board for filing reports under Sections 22A.051 and
 13-49 22A.301.

13-50 Sec. 22A.156 [22.096]. COMPLIANCE MONITORING; AGENCY
 13-51 INVESTIGATION AND REVIEW. (a) The agency shall periodically
 13-52 [conduct site visits and] review the records of educational
 13-53 entities [school districts, districts of innovation,
 13-54 open-enrollment charter schools, other charter entities, regional
 13-55 education service centers, and shared services arrangements] to
 13-56 ensure compliance with Section 22A.151(b) [22.092(b)].

13-57 (b) The agency shall review the investigations conducted by
 13-58 educational entities involving allegations of misconduct described
 13-59 by Section 22A.051(a)(2)(A), (B), (C), or (D) to ensure that the
 13-60 investigations are conducted using appropriate investigative
 13-61 protocols, including when cooperating with a law enforcement agency
 13-62 or the Department of Family and Protective Services in accordance
 13-63 with the policy adopted under Section 38.004. If the agency
 13-64 determines that an educational entity failed to follow appropriate
 13-65 investigative protocols, the commissioner may authorize a special
 13-66 investigation under Section 39.003.

13-67 (c) The agency may directly investigate allegations of
 13-68 misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D),
 13-69 regardless of whether a report or complaint was filed with the

14-1 agency.

14-2 SECTION 1.20. Section 22.085, Education Code, is
14-3 transferred to Subchapter D, Chapter 22A, Education Code, as added
14-4 by this Act, redesignated as Section 22A.157, Education Code, and
14-5 amended to read as follows:

14-6 Sec. 22A.157 [~~22.085~~]. EMPLOYEES AND APPLICANTS CONVICTED
14-7 OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR
14-8 CERTAIN OFFENSES. (a) An educational entity [~~A school district,~~
14-9 ~~open-enrollment charter school, or shared services arrangement~~]
14-10 shall discharge or refuse to hire an employee or applicant for
14-11 employment if the entity [~~district, school, or shared services~~
14-12 ~~arrangement~~] obtains information through a criminal history record
14-13 information review that the employee or applicant has been:

14-14 (1) convicted of or placed on deferred adjudication
14-15 community supervision for an offense described by Section
14-16 22A.201(a)(1) [~~for which a defendant is required to register as a~~
14-17 ~~sex offender under Chapter 62, Code of Criminal Procedure~~]; or

14-18 (2) convicted of an [~~+~~
14-19 [~~(A) a felony~~] offense described by Section
14-20 22A.201(a)(2) [~~under Title 5, Penal Code, if the victim of the~~
14-21 ~~offense was under 18 years of age at the time the offense was~~
14-22 ~~committed, or~~

14-23 [~~(B) an offense under the laws of another state~~
14-24 ~~or federal law that is equivalent to an offense under Subdivision~~
14-25 ~~(1) or Paragraph (A)]].~~

14-26 (b) Subsection (a) does not apply if the employee or
14-27 applicant for employment committed an offense under Title 5, Penal
14-28 Code and:

14-29 (1) the date of the offense is more than 30 years
14-30 before:

14-31 (A) the effective date of S.B. No. 9, Acts of the
14-32 80th Legislature, Regular Session, 2007, in the case of a person
14-33 employed by a school district, open-enrollment charter school, or
14-34 shared services arrangement as of that date; or

14-35 (B) the date the person's employment will begin,
14-36 in the case of a person applying for employment with a school
14-37 district, open-enrollment charter school, or shared services
14-38 arrangement after the effective date of S.B. No. 9, Acts of the 80th
14-39 Legislature, Regular Session, 2007; and

14-40 (2) the employee or applicant for employment satisfied
14-41 all terms of the court order entered on conviction.

14-42 (c) An educational entity [~~A school district,~~
14-43 ~~open-enrollment charter school, or shared services arrangement~~]
14-44 may not allow a person who is an employee of or applicant for
14-45 employment by a qualified school contractor or an entity that
14-46 contracts with the entity [~~district, school, or shared services~~
14-47 ~~arrangement~~] to serve [~~at the district or school or~~] for the entity
14-48 [~~shared services arrangement~~] if the entity [~~district, school, or~~
14-49 ~~shared services arrangement~~] obtains information described by
14-50 Subsection (a) through a criminal history record information review
14-51 concerning the employee or applicant. An educational entity [~~A~~
14-52 ~~school district, open-enrollment charter school, or shared~~
14-53 ~~services arrangement~~] must ensure that an entity that the
14-54 educational entity [~~district, school, or shared services~~
14-55 ~~arrangement~~] contracts with for services has obtained all criminal
14-56 history record information as required by Section 22.0834.

14-57 (d) An educational entity or [~~A school district,~~
14-58 ~~open-enrollment charter school,~~] private school[, ~~regional~~
14-59 ~~education service center, or shared services arrangement~~] may
14-60 discharge an employee if the entity [~~district~~] or school obtains
14-61 information of the employee's conviction of a felony or of a
14-62 misdemeanor involving moral turpitude that the employee did not
14-63 disclose to the board [~~State Board for Educator Certification~~] or
14-64 the entity or [~~district,~~] school[, ~~service center, or shared~~
14-65 ~~services arrangement~~]. An employee discharged under this section
14-66 is considered to have been discharged for misconduct for purposes
14-67 of Section 207.044, Labor Code.

14-68 (e) The board [~~State Board for Educator Certification~~] may
14-69 impose a sanction on an educator who does not discharge an employee

15-1 or refuse to hire an applicant for employment if the educator knows
15-2 or should have known, through a criminal history record information
15-3 review, that the employee or applicant has been:

15-4 (1) convicted of or placed on deferred adjudication
15-5 community supervision for an offense described by Subsection
15-6 (a)(1); or

15-7 (2) convicted of an offense described by Subsection
15-8 (a)(2).

15-9 (f) Each school year, the superintendent of a school
15-10 district or chief operating officer of an open-enrollment charter
15-11 school shall certify to the commissioner that the district or
15-12 school has complied with this section.

15-13 SECTION 1.21. Chapter 22A, Education Code, as added by this
15-14 Act, is amended by adding Subchapter E, and a heading is added to
15-15 that subchapter to read as follows:

15-16 SUBCHAPTER E. DENIAL OR REVOCATION OF EDUCATOR CERTIFICATION FOR
15-17 MISCONDUCT

15-18 SECTION 1.22. Section 21.058, Education Code, is
15-19 transferred to Subchapter E, Chapter 22A, Education Code, as added
15-20 by this Act, redesignated as Section 22A.201, Education Code, and
15-21 amended to read as follows:

15-22 Sec. 22A.201 [21.058]. DENIAL OR REVOCATION OF CERTIFICATE
15-23 AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF OR PLACEMENT
15-24 ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN
15-25 OFFENSES. (a) The procedures described by this section
15-26 [~~Subsections (b) and (c)~~] apply only to:

15-27 (1) conviction of or placement on deferred
15-28 adjudication community supervision for:

15-29 (A) an offense for which a defendant is required
15-30 to register as a sex offender under Chapter 62, Code of Criminal
15-31 Procedure;

15-32 (B) an offense under Section 21.12 or 43.24,
15-33 Penal Code;

15-34 (C) a felony offense under Chapter 43, Penal
15-35 Code;

15-36 (D) a felony offense involving school property;
15-37 or

15-38 (E) an offense under the laws of another state or
15-39 federal law that is equivalent to an offense under Paragraph (A),
15-40 (B), (C), or (D); or

15-41 (2) conviction of:
15-42 (A) a felony offense under Title 5, Penal Code [~~if the victim of the offense was under 18 years of age at the time~~
15-43 ~~the offense was committed~~]; or

15-44 (B) an offense under the laws of another state or
15-45 federal law that is equivalent to an offense under Paragraph (A)

15-46 [~~(3) conviction of or placement on deferred~~
15-47 ~~adjudication community supervision for an offense under Section~~
15-48 ~~43.24, Penal Code].~~

15-49 (b) Notwithstanding Section 21.041(b)(7), not later than
15-50 the fifth day after the date the board receives notice under Article
15-51 42.018, Code of Criminal Procedure, of the conviction or placement
15-52 on deferred adjudication community supervision of a person who
15-53 holds a certificate under Subchapter B, Chapter 21 [~~this~~
15-54 ~~subchapter~~], the board shall:

15-55 (1) revoke the certificate held by the person; and

15-56 (2) provide to the person, to the agency, and to any
15-57 school district or open-enrollment charter school employing the
15-58 person at the time of revocation written notice of:

15-59 (A) the revocation; and

15-60 (B) the basis for the revocation.

15-61 (c) A school district or open-enrollment charter school
15-62 that receives notice under Subsection (b) of the revocation of a
15-63 person's certificate issued under Subchapter B, Chapter 21, [~~this~~
15-64 ~~subchapter~~] shall:

15-65 (1) immediately remove the person whose certificate
15-66 has been revoked from campus or from an administrative office, as
15-67 applicable, to prevent the person from having any contact with a
15-68 student; and
15-69

16-1 (2) for a ~~[if the]~~ person ~~[is]~~ employed under a
 16-2 probationary, continuing, or term contract under Chapter 21 ~~[this~~
 16-3 ~~chapter]~~, with the approval of the board of trustees or governing
 16-4 body or a designee of the board or governing body:

16-5 (A) suspend the person without pay;
 16-6 (B) provide the person with written notice that
 16-7 the person's contract is void as provided by Subsection (e)
 16-8 ~~[(c-2)]~~; and

16-9 (C) terminate the employment of the person as
 16-10 soon as practicable.

16-11 (d) ~~[(c-1)]~~ If a school district or open-enrollment charter
 16-12 school becomes aware that a person employed by the district or
 16-13 school under a probationary, continuing, or term contract under
 16-14 Chapter 21 ~~[this chapter]~~ has been convicted of or received
 16-15 deferred adjudication for a felony offense, and the person is not
 16-16 subject to Subsection (c), the district or school may, with the
 16-17 approval of the board of trustees or governing body or a designee of
 16-18 the board of trustees or governing body:

16-19 (1) suspend the person without pay;
 16-20 (2) provide the person with written notice that the
 16-21 person's contract is void as provided by Subsection (e) ~~[(c-2)]~~;
 16-22 and

16-23 (3) terminate the employment of the person as soon as
 16-24 practicable.

16-25 (e) ~~[(c-2)]~~ A person's probationary, continuing, or term
 16-26 contract under Chapter 21 is void if, with the approval of the board
 16-27 of trustees or governing body or a designee of the board or
 16-28 governing body, the school district or open-enrollment charter
 16-29 school takes action under Subsection (c)(2)(B) or (d)(2)
 16-30 ~~[(c-1)(2)]~~.

16-31 (f) The board or a school district may not issue a
 16-32 certificate or permit under Subchapter B, Chapter 21, to a person
 16-33 who has been convicted of or placed on deferred adjudication for an
 16-34 offense described by Subsection (a)(1) or who has been convicted of
 16-35 an offense described by Subsection (a)(2) [(d) A person whose
 16-36 certificate is revoked under Subsection (b) may reapply for a
 16-37 certificate in accordance with board rules].

16-38 (g) ~~[(e)]~~ Action taken by a school district or
 16-39 open-enrollment charter school under Subsection (c) or (d) ~~[(c-1)]~~
 16-40 is not subject to appeal under this chapter, and the notice and
 16-41 hearing requirements of this chapter do not apply to the action.

16-42 SECTION 1.23. Subchapter E, Chapter 22A, Education Code, as
 16-43 added by this Act, is amended by adding Sections 22A.202 and 22A.203
 16-44 to read as follows:

16-45 Sec. 22A.202. TEMPORARY SUSPENSION OF CERTIFICATION OR
 16-46 PERMIT BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE.

16-47 (a) The board shall temporarily suspend an educator's
 16-48 certification or permit issued under Subchapter B, Chapter 21, if
 16-49 the board, based on evidence or information presented to the board
 16-50 regarding a complaint alleging misconduct by the educator,
 16-51 determines, by a majority vote of the board or of a five-person
 16-52 committee of board members designated by the board, that the
 16-53 educator's continued certification or permit issuance constitutes
 16-54 a continuing and imminent threat to the public welfare.

16-55 (b) Notwithstanding Chapter 551, Government Code, the board
 16-56 or a committee described by Subsection (a) may hold a meeting by
 16-57 telephone conference call if the board or committee determines that
 16-58 immediate action is required and convening the board or committee
 16-59 at one location would be inconvenient for any member of the board or
 16-60 committee.

16-61 (c) An educator's certification or permit may be
 16-62 temporarily suspended under this section without notice or hearing
 16-63 on the complaint alleging the educator's misconduct if:

16-64 (1) proceedings for a hearing before the State Office
 16-65 of Administrative Hearings are initiated simultaneously with the
 16-66 temporary suspension; and

16-67 (2) a hearing is held as soon as possible under this
 16-68 chapter and Chapter 2001, Government Code.

16-69 (d) The State Office of Administrative Hearings shall hold a

17-1 preliminary hearing not later than the 17th day after the date of
 17-2 the temporary suspension to determine whether probable cause exists
 17-3 that the educator's certification or permit issuance constitutes a
 17-4 continuing and imminent threat to the public welfare. The probable
 17-5 cause hearing shall be conducted as a de novo hearing.

17-6 (e) The State Office of Administrative Hearings shall hold a
 17-7 final hearing on the matter not later than the 61st day after the
 17-8 date of the temporary suspension.

17-9 (f) The board shall propose rules adopting procedures for
 17-10 the temporary suspension of an educator's certification or permit
 17-11 under this section.

17-12 Sec. 22A.203. TEMPORARY SUSPENSION OF CERTIFICATION OR
 17-13 PERMIT FOR CERTAIN ARRESTS. (a) The board shall temporarily
 17-14 suspend an educator's certification or permit issued under
 17-15 Subchapter B, Chapter 21, if the educator is arrested for an offense
 17-16 listed under Section 22A.201(a).

17-17 (b) Before suspending an educator's certification or permit
 17-18 under Subsection (a), the board or a five-person committee of board
 17-19 members designated by the board must verify that the person
 17-20 arrested for an offense described by that subsection is the same
 17-21 person who holds a certification or permit issued under Subchapter
 17-22 B, Chapter 21, by the board.

17-23 (c) A suspension under this section remains in effect until
 17-24 the final disposition of the case.

17-25 (d) Sections 22A.202(c), (d), and (e) apply to a suspension
 17-26 under this section.

17-27 (e) The board shall propose rules to implement this section,
 17-28 including rules regarding evidence that serves as proof of final
 17-29 disposition of a case.

17-30 SECTION 1.24. Chapter 22A, Education Code, as added by this
 17-31 Act, is amended by adding Subchapter F to read as follows:

17-32 SUBCHAPTER F. OTHER REPORTING REQUIREMENTS

17-33 Sec. 22A.251. REPORT BY AGENCY. (a) The agency, in
 17-34 cooperation with the board, shall, on a quarterly basis, post on the
 17-35 agency's Internet website a report on educator, employee,
 17-36 contractor, and service provider misconduct reported under this
 17-37 chapter.

17-38 (b) The report under Subsection (a) must be disaggregated by
 17-39 type of misconduct and include:

17-40 (1) the number of reports of alleged misconduct,
 17-41 categorized by the source of the report and whether the person who
 17-42 is the subject of the report holds a certification or permit issued
 17-43 under Subchapter B, Chapter 21;

17-44 (2) the number of preliminary reviews under Section
 17-45 22A.102 that resulted in a formal investigation;

17-46 (3) the number of preliminary reviews under Section
 17-47 22A.102 that did not result in a formal investigation, categorized
 17-48 by reason for disposition;

17-49 (4) the number of formal investigations, categorized
 17-50 by disposition;

17-51 (5) the number of individuals sanctioned by the board
 17-52 or placed on the registry following a formal investigation; and

17-53 (6) any other information as determined by the board
 17-54 or commissioner.

17-55 SECTION 1.25. Chapter 22A, Education Code, as added by this
 17-56 Act, is amended by adding Subchapter G, and a heading is added to
 17-57 that subchapter to read as follows:

17-58 SUBCHAPTER G. REQUIRED MISCONDUCT REPORTING: PRIVATE SCHOOLS AND
 17-59 EDUCATIONAL PROVIDERS

17-60 SECTION 1.26. Section 21.0062, Education Code, is
 17-61 transferred to Subchapter G, Chapter 22A, Education Code, as added
 17-62 by this Act, redesignated as Section 22A.301, Education Code, and
 17-63 amended to read as follows:

17-64 Sec. 22A.301 [21.0062]. REQUIREMENT TO REPORT MISCONDUCT:
 17-65 PRIVATE SCHOOLS. (a) ~~[In this section:~~

17-66 ~~[(1) "Abuse" has the meaning assigned by Section~~
 17-67 ~~261.001, Family Code, and includes any sexual conduct involving a~~
 17-68 ~~student or minor and private school educator.~~

17-69 ~~[(2) "Private school educator" means a person employed~~

18-1 ~~by or seeking employment in a private school for a position in which~~
 18-2 ~~the person would be required to hold a certificate issued under~~
 18-3 ~~Subchapter B if the person were employed by a school district.~~

18-4 ~~[(b)] In addition to the reporting requirement under~~
 18-5 ~~Section 261.101, Family Code, the chief administrative officer of a~~
 18-6 ~~private school shall notify the board [State Board for Educator~~
 18-7 ~~Certification] if the chief administrative officer becomes aware of~~
 18-8 ~~evidence that a person employed by or seeking employment in a~~
 18-9 ~~private school engaged in misconduct described by Section~~
 18-10 ~~22A.051(a)(2)(A), (B), (C), or (D) [educator:~~

18-11 ~~[(1) has a criminal record and the private school~~
 18-12 ~~obtained information about the educator's criminal record; or~~

18-13 ~~[(2) was terminated and there is evidence that the~~
 18-14 ~~educator:~~

18-15 ~~[(A) abused or otherwise committed an unlawful~~
 18-16 ~~act with a student or minor; or~~

18-17 ~~[(B) was involved in a romantic relationship with~~
 18-18 ~~or solicited or engaged in sexual contact with a student or minor].~~

18-19 ~~(b) [(e)] If there is evidence that a private school~~
 18-20 ~~employee [educator] may have engaged in misconduct described by~~
 18-21 ~~Subsection (a) [(b)] and the employee [educator] resigns from~~
 18-22 ~~employment before completion of the investigation, the chief~~
 18-23 ~~administrative officer of the private school shall submit the~~
 18-24 ~~evidence of misconduct collected to the board [State Board for~~
 18-25 ~~Educator Certification].~~

18-26 ~~(c) [(d)] The chief administrative officer of the private~~
 18-27 ~~school must notify the board [State Board for Educator~~
 18-28 ~~Certification] by filing a report with the board not later than 48~~
 18-29 ~~hours after the chief administrative officer becomes aware of~~
 18-30 ~~evidence of [not later than the seventh business day after the date~~
 18-31 ~~the chief administrative officer knew that a private school~~
 18-32 ~~educator:~~

18-33 ~~[(1) has a criminal record under Subsection (b)(1); or~~
 18-34 ~~[(2) was terminated following] an alleged incident of~~
 18-35 ~~misconduct described by Subsection (a) [(b)(2)].~~

18-36 ~~(d) [(e)] The report filed under Subsection (c) [(d)] must~~
 18-37 ~~be:~~

18-38 ~~(1) in writing; [and]~~
 18-39 ~~(2) in a form prescribed by the board; and~~
 18-40 ~~(3) filed through the Internet portal developed and~~
 18-41 ~~maintained by the agency under Section 22A.155.~~

18-42 ~~(e) [(f)] Any person who knows or has reason to believe that~~
 18-43 ~~a person employed by or seeking employment in a private school~~
 18-44 ~~[educator] engaged in the misconduct described by Subsection (a)~~
 18-45 ~~[(b)(2)] may file a report with the board [State Board for Educator~~
 18-46 ~~Certification] under this section.~~

18-47 ~~(f) [(g)] A chief administrative officer of a private~~
 18-48 ~~school or any other person who in good faith files a report with the~~
 18-49 ~~board [State Board for Educator Certification] under this section~~
 18-50 ~~or communicates with a chief administrative officer or other~~
 18-51 ~~administrator of a private school concerning [the criminal record~~
 18-52 ~~of or] an alleged incident of misconduct by a person employed by or~~
 18-53 ~~seeking employment in a private school [educator] is immune from~~
 18-54 ~~civil or criminal liability that might otherwise be incurred or~~
 18-55 ~~imposed.~~

18-56 ~~(g) [(h)] The name of a student or minor who is the victim of~~
 18-57 ~~abuse or unlawful conduct by a person employed by or seeking~~
 18-58 ~~employment in a private school [educator] must be included in a~~
 18-59 ~~report filed under this section, but the name of the student or~~
 18-60 ~~minor is not public information under Chapter 552, Government Code.~~

18-61 ~~(h) [(i)] The board [State Board for Educator~~
 18-62 ~~Certification] shall propose rules as necessary to implement this~~
 18-63 ~~section.~~

18-64 SECTION 1.27. Subchapter G, Chapter 22A, Education Code, as
 18-65 added by this Act, is amended by adding Section 22A.302 to read as
 18-66 follows:

18-67 Sec. 22A.302. REQUIREMENT FOR COMPTROLLER TO REPORT
 18-68 EDUCATIONAL PROVIDER MISCONDUCT TO AGENCY AND BOARD. (a) This
 18-69 section applies to a person who is employed by or contracts with an

19-1 educational provider to provide educational services to a child
 19-2 participating in the education savings account program.

19-3 (b) In addition to the reporting requirement under Section
 19-4 261.101, Family Code, the comptroller shall notify the board and
 19-5 the commissioner if the comptroller:

19-6 (1) becomes aware of evidence that a person described
 19-7 by Subsection (a) engaged in misconduct described by Section
 19-8 22A.051(a)(2)(A), (B), (C), or (D); or

19-9 (2) obtains criminal history record information
 19-10 relating to misconduct described by Subdivision (1) for a person
 19-11 described by Subsection (a).

19-12 (c) The comptroller must notify the board and the
 19-13 commissioner by filing a report with the board and the commissioner
 19-14 not later than 48 hours after the comptroller:

19-15 (1) knew about the termination or resignation from
 19-16 employment or cessation of service of a person described by
 19-17 Subsection (a) by the person's educational provider following an
 19-18 alleged incident of misconduct described by Subsection (b)(1); or

19-19 (2) becomes aware of evidence of misconduct described
 19-20 by Subsection (b)(1).

19-21 (d) The report under Subsection (c) must be:

19-22 (1) in writing;

19-23 (2) in a form prescribed by the commissioner; and

19-24 (3) filed through the Internet portal developed and
 19-25 maintained by the agency under Section 22A.155.

19-26 (e) The comptroller shall notify the person who is the
 19-27 subject of the report required under Subsection (c) and the
 19-28 person's educational provider of the filing of the report.

19-29 (f) The name of a student or minor who is the victim of abuse
 19-30 or unlawful conduct must be included in a report filed under this
 19-31 section, but the name of the student or minor is not public
 19-32 information under Chapter 552, Government Code.

19-33 (g) The comptroller shall require an educational provider,
 19-34 as a condition of participating in the education savings account
 19-35 program, to provide information, in the manner and form prescribed
 19-36 by the comptroller, necessary for the comptroller to comply with
 19-37 this section.

19-38 (h) The board shall propose rules and the commissioner shall
 19-39 adopt rules as necessary to implement this section.

19-40 SECTION 1.28. Section 39.003(a), Education Code, is amended
 19-41 to read as follows:

19-42 (a) The commissioner may authorize special investigations
 19-43 to be conducted:

19-44 (1) when excessive numbers of absences of students
 19-45 eligible to be tested on state assessment instruments are
 19-46 determined;

19-47 (2) when excessive numbers of allowable exemptions
 19-48 from the required state assessment instruments are determined;

19-49 (3) in response to complaints submitted to the agency
 19-50 with respect to alleged violations of civil rights or other
 19-51 requirements imposed on the state by federal law or court order;

19-52 (4) in response to established compliance reviews of
 19-53 the district's financial accounting practices and state and federal
 19-54 program requirements;

19-55 (5) when extraordinary numbers of student placements
 19-56 in disciplinary alternative education programs, other than
 19-57 placements under Sections 37.006 and 37.007, are determined;

19-58 (6) in response to an allegation involving a conflict
 19-59 between members of the board of trustees or between the board and
 19-60 the district administration if it appears that the conflict
 19-61 involves a violation of a role or duty of the board members or the
 19-62 administration clearly defined by this code;

19-63 (7) when excessive numbers of students in special
 19-64 education programs under Subchapter A, Chapter 29, are assessed
 19-65 through assessment instruments developed or adopted under Section
 19-66 39.023(b);

19-67 (8) in response to an allegation regarding or an
 19-68 analysis using a statistical method result indicating a possible
 19-69 violation of an assessment instrument security procedure

20-1 established under Section 39.0301, including for the purpose of
 20-2 investigating or auditing a school district under that section;
 20-3 (9) when a significant pattern of decreased academic
 20-4 performance has developed as a result of the promotion in the
 20-5 preceding two school years of students who did not perform
 20-6 satisfactorily as determined by the commissioner under Section
 20-7 39.0241(a) on assessment instruments administered under Section
 20-8 39.023(a), (c), or (l);
 20-9 (10) when excessive numbers of students eligible to
 20-10 enroll fail to complete an Algebra II course or any other advanced
 20-11 course as determined by the commissioner;
 20-12 (11) when resource allocation practices as evaluated
 20-13 under Section 39.0821 indicate a potential for significant
 20-14 improvement in resource allocation;
 20-15 (12) when a disproportionate number of students of a
 20-16 particular demographic group is graduating with a particular
 20-17 endorsement under Section 28.025(c-1);
 20-18 (13) when an excessive number of students is
 20-19 graduating with a particular endorsement under Section
 20-20 28.025(c-1);
 20-21 (14) in response to a complaint submitted to the
 20-22 agency with respect to alleged inaccurate data that is reported
 20-23 through the Public Education Information Management System (PEIMS)
 20-24 or through other reports required by state or federal law or rule or
 20-25 court order and that is used by the agency to make a determination
 20-26 relating to public school accountability, including accreditation,
 20-27 under this chapter;
 20-28 (15) when 10 percent or more of the students
 20-29 graduating in a particular school year from a particular high
 20-30 school campus are awarded a diploma based on the determination of an
 20-31 individual graduation committee under Section 28.0258;
 20-32 (16) when a school district for any reason fails to:
 20-33 (A) produce, at the request of the agency,
 20-34 evidence or an investigation report relating to a person [~~an~~
 20-35 ~~educator~~] who is under investigation by the State Board for
 20-36 Educator Certification or the agency; or
 20-37 (B) timely submit a report required under Chapter
 20-38 22A regarding a person who is required to be reported to the State
 20-39 Board for Educator Certification or the agency under that chapter;
 20-40 or
 20-41 (17) as the commissioner otherwise determines
 20-42 necessary.

20-43 SECTION 1.29. Section 261.001, Family Code, is amended by
 20-44 amending Subdivision (1) and adding Subdivision (3-a) to read as
 20-45 follows:
 20-46 (1) "Abuse" includes the following acts or omissions
 20-47 by a person:
 20-48 (A) mental or emotional injury to a child that
 20-49 results in an observable and material impairment in the child's
 20-50 growth, development, or psychological functioning;
 20-51 (B) causing or permitting the child to be in a
 20-52 situation in which the child sustains a mental or emotional injury
 20-53 that results in an observable and material impairment in the
 20-54 child's growth, development, or psychological functioning;
 20-55 (C) physical injury that results in substantial
 20-56 harm to the child, or the genuine threat of substantial harm from
 20-57 physical injury to the child, including an injury that is at
 20-58 variance with the history or explanation given and excluding an
 20-59 accident or reasonable discipline by a parent, guardian, or
 20-60 managing or possessory conservator that does not expose the child
 20-61 to a substantial risk of harm;
 20-62 (D) failure to make a reasonable effort to
 20-63 prevent an action by another person that results in physical injury
 20-64 that results in substantial harm to the child;
 20-65 (E) sexual conduct harmful to a child's mental,
 20-66 emotional, or physical welfare, including conduct that constitutes
 20-67 the offense of continuous sexual abuse of young child or disabled
 20-68 individual under Section 21.02, Penal Code, indecency with a child
 20-69 under Section 21.11, Penal Code, improper relationship between

21-1 educator and student under Section 21.12, Penal Code, sexual
 21-2 assault under Section 22.011, Penal Code, or aggravated sexual
 21-3 assault under Section 22.021, Penal Code;

21-4 (F) failure to make a reasonable effort to
 21-5 prevent sexual conduct harmful to a child;

21-6 (G) compelling or encouraging the child to engage
 21-7 in sexual conduct as defined by Section 43.01, Penal Code,
 21-8 including compelling or encouraging the child in a manner that
 21-9 constitutes an offense of trafficking of persons under Section
 21-10 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under
 21-11 Section 43.021, Penal Code, or compelling prostitution under
 21-12 Section 43.05(a)(2), Penal Code;

21-13 (H) causing, permitting, encouraging, engaging
 21-14 in, or allowing the photographing, filming, or depicting of the
 21-15 child if the person knew or should have known that the resulting
 21-16 photograph, film, or depiction of the child is obscene as defined by
 21-17 Section 43.21, Penal Code, or pornographic;

21-18 (I) the current use by a person of a controlled
 21-19 substance as defined by Chapter 481, Health and Safety Code, in a
 21-20 manner or to the extent that the use results in physical, mental, or
 21-21 emotional injury to a child;

21-22 (J) causing, expressly permitting, or
 21-23 encouraging a child to use a controlled substance as defined by
 21-24 Chapter 481, Health and Safety Code;

21-25 (K) causing, permitting, encouraging, engaging
 21-26 in, or allowing a sexual performance by a child as defined by
 21-27 Section 43.25, Penal Code;

21-28 (L) knowingly causing, permitting, encouraging,
 21-29 engaging in, or allowing a child to be trafficked in a manner
 21-30 punishable as an offense under Section 20A.02(a)(5), (6), (7), or
 21-31 (8), Penal Code, or the failure to make a reasonable effort to
 21-32 prevent a child from being trafficked in a manner punishable as an
 21-33 offense under any of those sections; or

21-34 (M) forcing or coercing a child to enter into a
 21-35 marriage.

21-36 (3-a) "Law enforcement agency" means:

21-37 (A) the Department of Public Safety;

21-38 (B) the police department of a municipality;

21-39 (C) the sheriff's office of a county; or

21-40 (D) a constable's office of a county.

21-41 SECTION 1.30. Sections 261.101(b) and (d), Family Code, are
 21-42 amended to read as follows:

21-43 (b) If a professional has reasonable cause to believe that a
 21-44 child has been abused or neglected or may be abused or neglected, or
 21-45 that a child is a victim of an offense under Section 21.11, Penal
 21-46 Code, and the professional has reasonable cause to believe that the
 21-47 child has been abused as defined by Section 261.001, the
 21-48 professional shall make a report not later than the 24th [~~48th~~] hour
 21-49 after the hour the professional first has reasonable cause to
 21-50 believe that the child has been or may be abused or neglected or is a
 21-51 victim of an offense under Section 21.11, Penal Code. A
 21-52 professional may not delegate to or rely on another person to make
 21-53 the report. In this subsection, "professional" means an individual
 21-54 who is licensed or certified by the state or who is an employee of a
 21-55 facility licensed, certified, or operated by the state and who, in
 21-56 the normal course of official duties or duties for which a license
 21-57 or certification is required, has direct contact with children.
 21-58 The term includes teachers, nurses, doctors, day-care employees,
 21-59 employees of a clinic or health care facility that provides
 21-60 reproductive services, juvenile probation officers, and juvenile
 21-61 detention or correctional officers.

21-62 (d) Unless waived in writing by the person making the
 21-63 report, the identity of an individual making a report under this
 21-64 chapter is confidential and may be disclosed only:

21-65 (1) as provided by Section 261.201; [~~or~~]

21-66 (2) to a law enforcement officer for the purposes of
 21-67 conducting a criminal investigation of the report; or

21-68 (3) to the Texas Education Agency or the State Board
 21-69 for Educator Certification, on request by the agency or board, for

22-1 the purposes of:

- 22-2 (A) conducting an investigation of the report;
 22-3 (B) conducting an investigation of an allegation
 22-4 that a person failed to submit a report as required under this
 22-5 chapter; or
 22-6 (C) compliance monitoring or conducting an
 22-7 investigation or review of an investigation under Section 22A.156,
 22-8 Education Code.

22-9 SECTION 1.31. Section 261.103(a), Family Code, is amended
 22-10 to read as follows:

22-11 (a) Except as provided by Subsections (b) and (c) and
 22-12 Section 261.405, a report shall be made to:

- 22-13 (1) a [~~any local or state~~] law enforcement agency;
 22-14 (2) the department; or
 22-15 (3) the state agency that operates, licenses,
 22-16 certifies, or registers the facility in which the alleged abuse or
 22-17 neglect occurred.

22-18 SECTION 1.32. Sections 261.104(b) and (d), Family Code, are
 22-19 amended to read as follows:

22-20 (b) If the individual making a report of child abuse or
 22-21 neglect uses the toll-free telephone number the department operates
 22-22 for reporting child abuse or neglect and the individual is
 22-23 unwilling to provide the information described by Subsection
 22-24 (a)(4), the department representative receiving the report shall
 22-25 notify the individual that:

- 22-26 (1) the department is not authorized to accept an
 22-27 anonymous report of abuse or neglect;
 22-28 (2) the individual may report the abuse or neglect by
 22-29 making a report to a [~~any local or state~~] law enforcement agency;
 22-30 and

22-31 (3) the identity of an individual making a report
 22-32 under this subchapter is confidential and may be disclosed only:

- 22-33 (A) as provided by Section 261.201; [~~or~~]
 22-34 (B) to a law enforcement officer for the purposes
 22-35 of conducting a criminal investigation of the report; or
 22-36 (C) to the Texas Education Agency or the State
 22-37 Board for Educator Certification, on request by the agency or
 22-38 board, for the purposes of:

22-39 (i) conducting an investigation of the
 22-40 report;

22-41 (ii) conducting an investigation of an
 22-42 allegation that a person failed to submit a report as required under
 22-43 this chapter; or

22-44 (iii) compliance monitoring or conducting
 22-45 an investigation or review of an investigation under Section
 22-46 22A.156, Education Code.

22-47 (d) If a report of abuse or neglect is made orally, the
 22-48 department or [~~local or state~~] law enforcement agency receiving the
 22-49 report shall:

- 22-50 (1) notify the individual making the report that:
 22-51 (A) the report is being recorded; and
 22-52 (B) making a false report is a criminal offense
 22-53 under Section 261.107 punishable as a state jail felony or a third
 22-54 degree felony; and
 22-55 (2) make an audio recording of the report.

22-56 SECTION 1.33. Sections 261.105(a), (b), and (d), Family
 22-57 Code, are amended to read as follows:

22-58 (a) All reports received by a [~~local or state~~] law
 22-59 enforcement agency that allege abuse or neglect by a person
 22-60 responsible for a child's care, custody, or welfare shall be
 22-61 referred immediately to the department.

22-62 (b) The department shall immediately notify the appropriate
 22-63 [~~state or local~~] law enforcement agency of any report it receives,
 22-64 other than a report from a law enforcement agency, that concerns the
 22-65 suspected abuse or neglect of a child or death of a child from abuse
 22-66 or neglect.

22-67 (d) If the department initiates an investigation and
 22-68 determines that the abuse or neglect does not involve a person
 22-69 responsible for the child's care, custody, or welfare, the

23-1 department shall refer the report to the appropriate [a] law
 23-2 enforcement agency for further investigation. If the department
 23-3 determines that the abuse or neglect involves an employee of a
 23-4 public or private elementary or secondary school, [~~and that the~~
 23-5 ~~child is a student at the school,~~] the department shall [~~orally~~]
 23-6 notify, in writing, the superintendent of the school district, the
 23-7 director of the open-enrollment charter school, or the chief
 23-8 executive officer of the private school in which the employee is
 23-9 employed about the investigation. The written notice required by
 23-10 this subsection may be provided by e-mail to the official e-mail
 23-11 address of the appropriate official, if that e-mail address is
 23-12 publicly available.

23-13 SECTION 1.34. Sections 261.301(a) and (c), Family Code, are
 23-14 amended to read as follows:

23-15 (a) With assistance from the appropriate [~~state or local~~]
 23-16 law enforcement agency as provided by this section, the department
 23-17 shall make a prompt and thorough investigation of a report of child
 23-18 abuse or neglect allegedly committed by a person responsible for a
 23-19 child's care, custody, or welfare. The investigation shall be
 23-20 conducted without regard to any pending suit affecting the
 23-21 parent-child relationship.

23-22 (c) The department is not required to investigate a report
 23-23 that alleges child abuse, neglect, or exploitation by a person
 23-24 other than a person responsible for a child's care, custody, or
 23-25 welfare. The appropriate [~~state or local~~] law enforcement agency
 23-26 shall investigate that report if the agency determines an
 23-27 investigation should be conducted.

23-28 SECTION 1.35. Section 261.304(a), Family Code, is amended
 23-29 to read as follows:

23-30 (a) If an individual makes an anonymous report of child
 23-31 abuse or neglect by a person responsible for a child's care,
 23-32 custody, or welfare to a [~~local or state~~] law enforcement agency and
 23-33 the agency refers the report to the department, the department
 23-34 shall conduct a preliminary investigation to determine whether
 23-35 there is any evidence to corroborate the report.

23-36 SECTION 1.36. Section 261.308, Family Code, is amended by
 23-37 adding Subsection (f) to read as follows:

23-38 (f) The department shall release information required to be
 23-39 released to the Texas Education Agency or the State Board for
 23-40 Educator Certification under Subsection (d) or (e) by submitting
 23-41 the information through the Internet portal developed and
 23-42 maintained by the agency under Section 22A.155, Education Code.

23-43 SECTION 1.37. Section 261.402(b), Family Code, is amended
 23-44 to read as follows:

23-45 (b) A state agency shall immediately notify the appropriate
 23-46 [~~state or local~~] law enforcement agency of any report the agency
 23-47 receives, other than a report from a law enforcement agency, that
 23-48 concerns the suspected abuse, neglect, or exploitation of a child
 23-49 or the death of a child from abuse or neglect. If the state agency
 23-50 finds evidence indicating that a child may have been abused,
 23-51 neglected, or exploited, the agency shall report the evidence to
 23-52 the appropriate law enforcement agency.

23-53 SECTION 1.38. Section 261.406(b), Family Code, is amended
 23-54 to read as follows:

23-55 (b) The department shall send a copy of the completed report
 23-56 of the department's investigation to the Texas Education Agency or,
 23-57 in the case of a private school, the school's chief executive
 23-58 officer. On request, the department shall provide a copy of the
 23-59 completed report of the department's investigation to the State
 23-60 Board for Educator Certification, the local school board or the
 23-61 school's governing body, the superintendent of the school district,
 23-62 the public school principal or director, or the chief executive
 23-63 officer of the private school, unless the principal, director, or
 23-64 chief executive officer is alleged to have committed the abuse or
 23-65 neglect, for appropriate action. On request, the department shall
 23-66 provide a copy of the report of investigation to the parent,
 23-67 managing conservator, or legal guardian of a child who is the
 23-68 subject of the investigation and to the person alleged to have
 23-69 committed the abuse or neglect. The report of investigation shall

24-1 be edited to protect the identity of the persons who made the report
 24-2 of abuse or neglect unless the Texas Education Agency or State Board
 24-3 for Educator Certification requests the identity of the persons who
 24-4 made the report under Section 261.101(d)(3). Except as otherwise
 24-5 provided by this subsection, Section 261.201(b) applies to the
 24-6 release of the report relating to the investigation of abuse or
 24-7 neglect under this section and to the identity of the person who
 24-8 made the report of abuse or neglect.

24-9 ARTICLE 2. CONFORMING CHANGES

24-10 SECTION 2.01. Section 7.028(a), Education Code, is amended
 24-11 to read as follows:

24-12 (a) Except as provided by Section 22A.051(m) [~~21.006(k)~~],
 24-13 22A.052(1) [~~22.093(1)~~], 22A.156 [~~22.096~~], 28.006, 29.001(5),
 24-14 29.010(a), 33.006(h), 37.1083, 37.1084, 38.003, or 39.003, the
 24-15 agency may monitor compliance with requirements applicable to a
 24-16 process or program provided by a school district, campus, program,
 24-17 or school granted charters under Chapter 12, including the process
 24-18 described by Subchapter F, Chapter 11, or a program described by
 24-19 Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A,
 24-20 Chapter 37, only as necessary to ensure:

- 24-21 (1) compliance with federal law and regulations;
- 24-22 (2) financial accountability, including compliance
 24-23 with grant requirements;
- 24-24 (3) data integrity for purposes of:
 24-25 (A) the Public Education Information Management
 24-26 System (PEIMS); and
 24-27 (B) accountability under Chapters 39 and 39A; and
- 24-28 (4) qualification for funding under Chapter 48.

24-29 SECTION 2.02. Section 12.0271, Education Code, is amended
 24-30 to read as follows:

24-31 Sec. 12.0271. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR
 24-32 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [OR]
 24-33 APPLICANTS, OR SERVICE PROVIDERS. A home-rule school district
 24-34 commits a material violation of the school district's charter if
 24-35 the school district fails to comply with the duty to discharge or
 24-36 refuse to hire, or terminate or refuse to accept services from,
 24-37 certain employees, [~~or~~] applicants for employment, or service
 24-38 providers under Section 22A.151 or 22A.157, as applicable [~~22.085~~
 24-39 ~~or 22.092~~].

24-40 SECTION 2.03. Section 12.0631, Education Code, is amended
 24-41 to read as follows:

24-42 Sec. 12.0631. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR
 24-43 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [OR]
 24-44 APPLICANTS, OR SERVICE PROVIDERS. A campus or campus program
 24-45 granted a charter under this subchapter commits a material
 24-46 violation of its charter if the campus or program fails to comply
 24-47 with the duty to discharge or refuse to hire, or terminate or refuse
 24-48 to accept services from, certain employees, [~~or~~] applicants for
 24-49 employment, or service providers under Section 12.1059, 22A.151, or
 24-50 22A.157, as applicable [~~22.085, or 22.092~~].

24-51 SECTION 2.04. Section 12.104(b), Education Code, is amended
 24-52 to read as follows:

- 24-53 (b) An open-enrollment charter school is subject to:
 24-54 (1) a provision of this title establishing a criminal
 24-55 offense;
- 24-56 (2) the provisions in Chapter 554, Government Code;
 24-57 and
- 24-58 (3) a prohibition, restriction, or requirement, as
 24-59 applicable, imposed by this title or a rule adopted under this
 24-60 title, relating to:
 24-61 (A) the Public Education Information Management
 24-62 System (PEIMS) to the extent necessary to monitor compliance with
 24-63 this subchapter as determined by the commissioner;
- 24-64 (B) criminal history records under Subchapter C,
 24-65 Chapter 22;
- 24-66 (C) reading instruments and accelerated reading
 24-67 instruction programs under Section 28.006;
- 24-68 (D) accelerated instruction under Section
 24-69 28.0211;

25-1 (E) high school graduation requirements under
25-2 Section 28.025;
25-3 (F) special education programs under Subchapter
25-4 A, Chapter 29;
25-5 (G) bilingual education under Subchapter B,
25-6 Chapter 29;
25-7 (H) prekindergarten programs under Subchapter E
25-8 or E-1, Chapter 29, except class size limits for prekindergarten
25-9 classes imposed under Section 25.112, which do not apply;
25-10 (I) extracurricular activities under Section
25-11 33.081;
25-12 (J) discipline management practices or behavior
25-13 management techniques under Section 37.0021;
25-14 (K) health and safety under Chapter 38;
25-15 (L) the provisions of Subchapter A, Chapter 39;
25-16 (M) public school accountability and special
25-17 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
25-18 39, and Chapter 39A;
25-19 (N) the requirement under Section 22A.051 or
25-20 22A.052 [~~21.006~~] to report [~~an educator's~~] misconduct;
25-21 (O) intensive programs of instruction under
25-22 Section 28.0213;
25-23 (P) the right of a school employee to report a
25-24 crime, as provided by Section 37.148;
25-25 (Q) bullying prevention policies and procedures
25-26 under Section 37.0832;
25-27 (R) the right of a school under Section 37.0052
25-28 to place a student who has engaged in certain bullying behavior in a
25-29 disciplinary alternative education program or to expel the student;
25-30 (S) the right under Section 37.0151 to report to
25-31 local law enforcement certain conduct constituting assault or
25-32 harassment;
25-33 (T) a parent's right to information regarding the
25-34 provision of assistance for learning difficulties to the parent's
25-35 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);
25-36 (U) establishment of residency under Section
25-37 25.001;
25-38 (V) school safety requirements under Sections
25-39 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,
25-40 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and
25-41 37.2071 and Subchapter J, Chapter 37;
25-42 (W) the early childhood literacy and mathematics
25-43 proficiency plans under Section 11.185;
25-44 (X) the college, career, and military readiness
25-45 plans under Section 11.186; and
25-46 (Y) parental options to retain a student under
25-47 Section 28.02124.

25-48 SECTION 2.05. Section 12.1059, Education Code, is amended
25-49 to read as follows:
25-50 Sec. 12.1059. REQUIREMENTS FOR EMPLOYMENT OF CERTAIN
25-51 EMPLOYEES. A person may not be employed by or serve as a teacher,
25-52 librarian, educational aide, administrator, or school counselor
25-53 for an open-enrollment charter school unless:
25-54 (1) the person has been approved by the agency
25-55 following a review of the person's national criminal history record
25-56 information as provided by Section 22.0832; and
25-57 (2) the school has confirmed that the person is not
25-58 included in the registry under Section 22A.151 [~~22.092~~].

25-59 SECTION 2.06. Section 12.1151, Education Code, is amended
25-60 to read as follows:
25-61 Sec. 12.1151. FAILURE TO DISCHARGE OR REFUSE TO HIRE OR
25-62 TERMINATE OR REFUSE SERVICES FROM CERTAIN EMPLOYEES, [~~OR~~]
25-63 APPLICANTS, OR SERVICE PROVIDERS. An open-enrollment charter
25-64 school commits a material violation of the school's charter if the
25-65 school fails to comply with the duty to discharge or refuse to hire,
25-66 or terminate or refuse to accept services from, certain employees,
25-67 [~~or~~] applicants for employment, or service providers under Section
25-68 12.1059, 22A.151, or 22A.157, as applicable [~~22.085, or 22.092~~].

25-69 SECTION 2.07. Section 12.252(b), Education Code, is amended

26-1 to read as follows:

26-2 (b) An adult education program operated under a charter
26-3 granted under this subchapter is subject to:

26-4 (1) a provision of this title establishing a criminal
26-5 offense; and

26-6 (2) a prohibition, restriction, or requirement, as
26-7 applicable, imposed by this title or a rule adopted under this
26-8 title, relating to:

26-9 (A) the Public Education Information Management
26-10 System (PEIMS) to the extent necessary as determined by the
26-11 commissioner to monitor compliance with this subchapter and, as
26-12 applicable, Subchapter D;

26-13 (B) criminal history records under Subchapter C,
26-14 Chapter 22;

26-15 (C) high school graduation requirements under
26-16 Section 28.025, to the extent applicable to a program participant;

26-17 (D) special education programs under Subchapter
26-18 A, Chapter 29;

26-19 (E) bilingual education under Subchapter B,
26-20 Chapter 29;

26-21 (F) health and safety under Chapter 38;

26-22 (G) the requirement under Section 22A.051 or
26-23 22A.052 [~~21.006~~] to report [~~an educator's~~] misconduct; and

26-24 (H) the right of an employee to report a crime, as
26-25 provided by Section 37.148.

26-26 SECTION 2.08. Section 12A.008(b-1), Education Code, is
26-27 amended to read as follows:

26-28 (b-1) The commissioner may terminate a district's
26-29 designation as a district of innovation if the district fails to
26-30 comply with the duty to discharge or refuse to hire certain
26-31 employees or applicants for employment under Section 12.1059,
26-32 applicable to the district under Section 12A.004(a)(1), or Section
26-33 22A.151 or 22A.157 [~~22.085 or 22.092~~].

26-34 SECTION 2.09. Section 21.054(e), Education Code, is amended
26-35 to read as follows:

26-36 (e) Continuing education requirements for a principal must
26-37 provide that not more than 25 percent of the training required every
26-38 five years include instruction regarding:

26-39 (1) effective and efficient management, including:

26-40 (A) collecting and analyzing information;

26-41 (B) making decisions and managing time; and

26-42 (C) supervising student discipline and managing
26-43 behavior;

26-44 (2) recognizing early warning indicators that a
26-45 student may be at risk of dropping out of school;

26-46 (3) digital learning, digital teaching, and
26-47 integrating technology into campus curriculum and instruction;

26-48 (4) effective implementation of a comprehensive
26-49 school counseling program under Section 33.005;

26-50 (5) mental health programs addressing a mental health
26-51 condition;

26-52 (6) educating diverse student populations, including:

26-53 (A) students who are educationally
26-54 disadvantaged;

26-55 (B) emergent bilingual students; and

26-56 (C) students at risk of dropping out of school;

26-57 and

26-58 (7) preventing, recognizing, and reporting any sexual
26-59 conduct between an educator and student that is prohibited under
26-60 Section 21.12, Penal Code, or for which reporting is required under
26-61 Section 22A.051 [~~21.006~~] of this code.

26-62 SECTION 2.10. Section 21.0585, Education Code, is amended
26-63 to read as follows:

26-64 Sec. 21.0585. NOTICE TO AGENCY REGARDING REVOCATION OF
26-65 CERTIFICATE OR PERMIT FOR CERTAIN MISCONDUCT. The board shall
26-66 promptly notify the agency for purposes of Section 22A.151 [~~22.092~~]
26-67 if the board revokes a certificate or permit of a person on a
26-68 finding that the person engaged in misconduct described by Section
26-69 22A.051(a)(2)(A), (B), (C), or (D) [~~21.006(b)(2)(A) or (A-1)~~].

27-1 SECTION 2.11. Section 22.0815(a), Education Code, is
 27-2 amended to read as follows:

27-3 (a) In this section, "other charter entity" has the meaning
 27-4 assigned by Section 22A.001 [21.006].

27-5 SECTION 2.12. Section 22.0825(a), Education Code, is
 27-6 amended to read as follows:

27-7 (a) In this section, "other charter entity" has the meaning
 27-8 assigned by Section 22A.001 [21.006].

27-9 SECTION 2.13. Section 22.0833(g), Education Code, is
 27-10 amended to read as follows:

27-11 (g) A school district, open-enrollment charter school, or
 27-12 shared services arrangement shall provide the agency with the name
 27-13 of a person to whom this section applies. The agency shall obtain
 27-14 all criminal history record information of the person through the
 27-15 criminal history clearinghouse as provided by Section 411.0845,
 27-16 Government Code. The agency shall examine the criminal history
 27-17 record information of the person and notify the district, school,
 27-18 or shared services arrangement if the person may not be hired or
 27-19 must be discharged as provided by Section 22A.157 [22.085].

27-20 SECTION 2.14. Section 22.0834(o), Education Code, is
 27-21 amended to read as follows:

27-22 (o) A school district, charter school, regional education
 27-23 service center, commercial transportation company, education
 27-24 shared services arrangement, or qualified school contractor,
 27-25 contracting entity, or subcontracting entity may not permit an
 27-26 employee to whom Subsection (a) applies to provide services at a
 27-27 school if the employee has been convicted of a felony or misdemeanor
 27-28 offense that would prevent a person from being employed under
 27-29 Section 22A.157(a) [22.085(a)].

27-30 SECTION 2.15. Section 22.0836(g), Education Code, is
 27-31 amended to read as follows:

27-32 (g) A school district, open-enrollment charter school, or
 27-33 shared services arrangement shall provide the agency with the name
 27-34 of a person to whom this section applies. The agency shall obtain
 27-35 all criminal history record information of the person through the
 27-36 criminal history clearinghouse as provided by Section 411.0845,
 27-37 Government Code. The agency shall examine the criminal history
 27-38 record information and certification records of the person and
 27-39 notify the district, school, or shared services arrangement if the
 27-40 person:

27-41 (1) may not be hired or must be discharged as provided
 27-42 by Section 22A.157 [22.085]; or

27-43 (2) may not be employed as a substitute teacher
 27-44 because the person's educator certification has been revoked or is
 27-45 suspended.

27-46 SECTION 2.16. Section 33.913(b), Education Code, is amended
 27-47 to read as follows:

27-48 (b) To participate in the program as a tutor, a person must:

27-49 (1) be an active or retired teacher;

27-50 (2) apply for the position in a manner specified by the
 27-51 nonprofit organization;

27-52 (3) designate in the application whether the person
 27-53 plans to provide tutoring:

27-54 (A) for compensation, on a volunteer basis, or
 27-55 both; and

27-56 (B) in person, online, or both; and

27-57 (4) not be included in the registry of persons not
 27-58 eligible for employment by a public school under Section 22A.151
 27-59 [22.092].

27-60 SECTION 2.17. Section 39.0302(a), Education Code, is
 27-61 amended to read as follows:

27-62 (a) During an agency investigation or audit of a school
 27-63 district under Section 39.0301(e) or (f), a special investigation
 27-64 under Section 39.003(a)(8) or (14), a compliance review under
 27-65 Section 22A.051(m), 22A.052(l) [21.006(k), 22.093(l)], or 22A.156
 27-66 [22.096], or an investigation by the State Board for Educator
 27-67 Certification of an educator for an alleged violation of an
 27-68 assessment instrument security procedure established under Section
 27-69 39.0301(a), the commissioner may issue a subpoena to compel the

28-1 attendance of a relevant witness or the production, for inspection
 28-2 or copying, of relevant evidence that is located in this state.

28-3 SECTION 2.18. Section 810.003(a), Health and Safety Code,
 28-4 is amended to read as follows:

28-5 (a) The department, in collaboration with each
 28-6 participating state agency, shall establish an interagency
 28-7 reportable conduct search engine for persons to search information
 28-8 on reportable conduct in accordance with this chapter and rules
 28-9 adopted under this chapter maintained by:

28-10 (1) the Department of Family and Protective Services
 28-11 in the central registry established under Section 261.002, Family
 28-12 Code;

28-13 (2) the Health and Human Services Commission in the
 28-14 employee misconduct registry established under Chapter 253;

28-15 (3) the Texas Education Agency in the registry
 28-16 established under Section 22A.151 [~~22.092~~], Education Code; and

28-17 (4) the Texas Juvenile Justice Department in the
 28-18 integrated certification information system and in any informal
 28-19 list the Texas Juvenile Justice Department maintains.

28-20 SECTION 2.19. Section 810.004(b), Health and Safety Code,
 28-21 is amended to read as follows:

28-22 (b) In addition to the eligible individuals described by
 28-23 Subsection (a), each participating state agency shall designate
 28-24 additional users who are eligible to access the search engine and
 28-25 may require those users to determine whether an individual has
 28-26 engaged in reportable conduct. The additional designated users may
 28-27 include controlling persons, hiring managers, or administrators
 28-28 of:

28-29 (1) licensed or certified long-term care providers,
 28-30 including:

28-31 (A) home and community support services agencies
 28-32 licensed under Chapter 142;

28-33 (B) nursing facilities licensed under Chapter
 28-34 242;

28-35 (C) assisted living facilities licensed under
 28-36 Chapter 247;

28-37 (D) prescribed pediatric extended care centers
 28-38 licensed under Chapter 248A;

28-39 (E) intermediate care facilities for individuals
 28-40 with an intellectual disability licensed under Chapter 252;

28-41 (F) state supported living centers, as defined by
 28-42 Section 531.002; and

28-43 (G) day activity and health services facilities
 28-44 licensed under Chapter 103, Human Resources Code;

28-45 (2) providers under a Section 1915(c) waiver program,
 28-46 as defined by Section 521.0001 [~~531.001~~], Government Code;

28-47 (3) juvenile probation departments and registered
 28-48 juvenile justice facilities;

28-49 (4) independent school districts, districts of
 28-50 innovation, open-enrollment charter schools, other charter
 28-51 entities, as defined by Section 22A.001 [~~21.006~~], Education Code,
 28-52 regional education service centers, education shared services
 28-53 arrangements, or any other educational entity or provider that is
 28-54 authorized to access the registry established under Section 22A.151
 28-55 [~~22.092~~], Education Code;

28-56 (5) private schools that:

28-57 (A) offer a course of instruction for students in
 28-58 this state in one or more grades from prekindergarten through grade
 28-59 12; and

28-60 (B) are:

28-61 (i) accredited by an organization
 28-62 recognized by the Texas Education Agency or the Texas Private
 28-63 School Accreditation Commission;

28-64 (ii) listed in the database of the National
 28-65 Center for Education Statistics of the United States Department of
 28-66 Education; or

28-67 (iii) otherwise authorized by Texas
 28-68 Education Agency rule to access the search engine; and

28-69 (6) nonprofit teacher organizations approved by the

29-1 commissioner of education for the purpose of participating in the
29-2 tutoring program established under Section 33.913, Education Code.

29-3 SECTION 2.20. The following provisions of the Education
29-4 Code are repealed:

- 29-5 (1) the heading to Section 21.006;
- 29-6 (2) Sections 21.006(c-2) and (g-1);
- 29-7 (3) the heading to Subchapter C-1, Chapter 22; and
- 29-8 (4) Section 22.091.

29-9 ARTICLE 3. TRANSITION; EFFECTIVE DATE

29-10 SECTION 3.01. (a) Except as provided by Subsection (b) of
29-11 this section, this Act applies beginning with the 2025-2026 school
29-12 year.

29-13 (b) Section 22A.302, Education Code, as added by this Act,
29-14 applies beginning with the 2026-2027 school year.

29-15 SECTION 3.02. To the extent of any conflict, this Act
29-16 prevails over another Act of the 89th Legislature, Regular Session,
29-17 2025, relating to nonsubstantive additions to and corrections in
29-18 enacted codes.

29-19 SECTION 3.03. Sections 22A.051 and 22A.052, Education Code,
29-20 as transferred, redesignated, and amended by this Act, apply only
29-21 to an offense committed on or after September 1, 2025. An offense
29-22 committed before September 1, 2025, is governed by the law in effect
29-23 on the date the offense was committed, and the former law is
29-24 continued in effect for that purpose. For purposes of this section,
29-25 an offense was committed before September 1, 2025, if any element of
29-26 the offense occurred before that date.

29-27 SECTION 3.04. This Act takes effect immediately if it
29-28 receives a vote of two-thirds of all the members elected to each
29-29 house, as provided by Section 39, Article III, Texas Constitution.
29-30 If this Act does not receive the vote necessary for immediate
29-31 effect, this Act takes effect September 1, 2025.

29-32 * * * * *