

<b>DATE:</b>	<b>August 15, 2019</b>
<b>SUBJECT:</b>	<b>Changes to Reporting Requirements and Creation of the Registry of Persons Ineligible to Work in Public Schools</b>
<b>CATEGORY:</b>	<b>Informational</b>
<b>NEXT STEPS:</b>	<b>Share with appropriate staff</b>

The 86th Texas Legislative Session brought important statutory changes to the requirements for public and private school administrators to report employee misconduct to TEA and created a registry of persons ineligible to work in public schools.

### **Reporting Requirements**

Effective September 1, 2019, superintendents or directors of school districts, districts of innovation, charter schools, regional education service centers, and shared services arrangements are required to report to the commissioner when resigns or is terminated and there is evidence that the employee:

- Abused or otherwise committed an unlawful act with a student or minor

Principals are required to report to superintendents within 72 hours of resigning or being terminated following an incident of misconduct to the commissioner within seven business days after the superintendent or principal from a principal or otherwise knows that the employee has committed an act. Administrators who report in good faith receive immunity from civil liability under Texas Education Code §22.093(h). Administrators who fail to report may face SBEC and to criminal liability, a state jail felony under Texas Education Code §22.093(i). TEA will be developing a new internet portal to allow superintendents to report incidents securely, confidentially, and efficiently.

The new Texas Education Code §21.0062 also requires a private school to notify SBEC if a private school educator is involved in an incident of misconduct. More information about private school reporting is posted to the TEA website and discussed in the TEA web

## **Due Process**

After a superintendent reports a non-certified employee to the commissioner, the employee will be given an opportunity to respond and to request a hearing. If the employee does not show cause why TEA should not investigate the allegations in the report, the employee is identified on the TEA website as being under investigation. TEA will then investigate the allegations raised in the report from the superintendent. After the investigation and hearing are complete, the commissioner will make a final determination regarding the allegations. If the commissioner finds that the evidence does not support the allegations, the employee's name will be removed from the TEA website. If the commissioner determines the allegations are true, the employee's name will be added to the registry of persons ineligible to work in public schools, which will be available on the TEA website.

## **Do Not Hire Registry**

The registry of persons ineligible to work in public schools will be comprised of:

- Non-certified employees reported by superintendents or directors of public schools and adjudicated by the commissioner, as described above;
- Previously certified educators from which the SBEC has revoked educator certificates for being involved in a romantic relationship with a student or a former student.

an investigation before the educator resigns or is terminated and determines that the educator did not engage in the alleged misconduct.

Thank you for your attention to these matters.

David Rodriguez

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