

# KEEPING UP WITH SBEC LAWS, REGULATIONS, AND PROCEDURES

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## CONTEXT FOR THE NEW LAWS



Video Clip

## CONTEXT FOR THE NEW LAWS

- **Senator Hinojosa, who amended HB 1783 to modify Superintendent reporting requirements:**
- “Based on Sunset Advisory Commission's findings, certain educator certification licensing provisions did not follow model licensing and enforcement practices, hindering TEA's ability to provide consistent regulation and to take enforcement action as needed to protect the public. There were loopholes in the requirements for reporting educator misconduct that allowed certain instances of sexual misconduct by school personnel with students to go unreported... This bill tightens the superintendent reporting requirements of educator misconduct, increasing TEA's ability to pursue failure to report cases to SBEC. It also ends the duplication of reporting criminal histories obtained through the DPS Clearinghouse.”

## CRIMINAL HISTORY REPORTING

- **HB 1783 was amended to modify the Superintendents' reporting requirements found in Sections 21.006 and 22.087 of Education Code to say that SBEC must be notified not later than the seventh day after the Superintendent:**
  - “obtained information about an educator's criminal record by means other than” the DPS FACT clearinghouse, or
  - “knew” (~~first learned~~) about an educator's criminal record
- **How do “obtained information” and “knew” differ from “first learned?”**
- **Does this mean any source of reported criminal history?**
- **Practical implications of this requirement?**

## TERMINATION/RESIGNATION REPORTING

- **HB 1783 also amends Superintendents' standard for reporting an educator's resignation or termination for reportable conduct. Education Code Sections 21.006 and 22.087.**
- **Must report not later than the seventh day after the Superintendent "knew" (~~first learned~~) about:**
  - Educator terminated based on "evidence" (~~a determination~~) the educator engaged in reportable conduct, OR
  - Educator resigned and "there is" (~~reasonable~~) evidence (~~supports a recommendation by the superintendent or director to terminate the educator based on a determination~~) that the educator engaged in reportable conduct
- **What is "evidence?"**
- **How is "knew" different from "first learned?"**
- **Does this eliminate a requirement to report after "first learned about an alleged incident of misconduct" when there is no end of employment?**
- **What if the educator is non-renewed?**
- **Practical implications of this new reporting standard?**

## REPORTABLE CONDUCT

- **An educator employed by or seeking employment with the district has a reported criminal history and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by Texas Department of Public Safety;**
- **The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.**
- **The educator was terminated based on evidence, or resigned and there is evidence that, the employee:**
  - (A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor;
  - (A-1) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;
  - (B) possessed, transferred, sold, or distributed a controlled substance;
  - (C) illegally transferred, appropriated, or expended funds, or other property of the district;
  - (D) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation; or,
  - (E) committed a crime, any part of such crime having occurred on school property or at a school-sponsored event.

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