

BACKGROUND

Texas Education Code §21.006 defines the requirement to report misconduct for improper relationships between educators and students. This law covers employees who may or may not be permitted, certified, licensed, or credentialed but are employed in these positions, including charter school and district of innovation employees: teacher, librarian, administrator, school counselor, occupational therapist, physician, school psychologist, marriage and family therapist, speech-language pathologist, teacher intern or trainee, educational aide, educational diagnostician, audiologist, physical therapist, nurse, licensed professional counselor, and social worker.

The Superintendent must report to the State Board for Educator Certification certain acts of misconduct if an employee is terminated. This required notification extends to those employees who *resigned* or were terminated and there is evidence that certain acts of misconduct with students occurred.

ADMINISTRATOR
NOTIFICATION
REQUIREMENTS

- A principal or district administrator must notify, in writing through email, the Superintendent, not SBEC, no later than seven business days after the date of the educator's termination or resignation following an alleged incident of misconduct or after obtaining information about an educator's criminal record.
- A principal or district administrator must also notify, in writing through email, the Superintendent no later than seven business days after the date the principal or administrator knew information about an educator's criminal record regardless of the latter's employment status.
- The Superintendent shall acknowledge, in writing through email, receipt of the above notices from the principal or district administrator.
- The principal or district administrator must always follow the reporting procedures regardless of the awareness the Superintendent may already have regarding the act of misconduct or employee's criminal record.

TITLE IX
INVESTIGATION

- The district's Title IX Coordinator and the Chief Human Resources Officer must be copied on the electronic communication to the Superintendent regarding alleged acts of misconduct so as to initiate a Title IX investigation in accordance with Board Policy FFH (LOCAL). Periodic updates on the progress of the Title IX investigation will be shared with the Superintendent by the district Title IX Coordinator.

EMPLOYEE STANDARDS OF CONDUCT
IMPROPER RELATIONSHIPS WITH STUDENTS

DHB
ADMINISTRATIVE REGULATION

SUPERINTENDENT
REPORTING
REQUIREMENTS

- The Superintendent must report to SBEC, in writing, seven business days after receipt of a report from a principal or district administrator that an employee's termination or resignation was related to misconduct or a criminal record.
- In cases of alleged abuse of a student or an inappropriate relationship with a student, the District's Title IX Coordinator shall assure the alleged victim and parent or guardian that a Title IX investigation will follow Board Policy FFH (LOCAL). This notification shall occur as soon as feasible after the district becomes aware of the allegations of misconduct. In addition to a description of the misconduct, the District must release information to the parent or guardian about the employment status (termination or resignation) of the alleged offender and whether the incident was reported to SBEC.
- The District's principals and directors who report in good faith shall receive immunity, and this immunity extends to communications they may have with other districts' superintendents, directors, and principals about an educator's criminal record or alleged misconduct.

PENALTIES FOR
FAILURE TO
REPORT

- Principals, as well as the Superintendent, are subject to SBEC sanctions for failure to provide timely notice or concealing an employee's alleged incident of misconduct or criminal record to SBEC as required by law. This includes an assessment of an administrative penalty between \$500 and \$10,000 for failure to provide timely notice while failure to report with intent to conceal the criminal record or alleged act of misconduct of an employee is a state jail felony.
- Upon receipt of SBEC notice of an educator's certificate revocation, the District must remove the employee from the campus or administrative office.
- The Board of Trustees or designee must approve the required employment actions against an educator such as suspension without pay, notification that one's employment contract is void, and termination.
- SBEC is authorized to suspend or revoke the certification of an individual or impose other sanctions if that individual helped another person who engaged in sexual misconduct with a minor or student obtain a job in a school district.