

BILL ANALYSIS

Senate Research Center
78R7876 CAS-D

S.B. 1109
By: Shapiro
Education
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As Filed

DIGEST AND PURPOSE

Currently, some school district have failed to report convictions of certified educators in a timely fashion. A recent comparison of the Department of Public Safety's registered sex offenders found 67 certified educators previously unknown to the State Board of Educator Certification (SBEC). As proposed, S.B. 1109 requires the SBEC to be notified if a certified educator is convicted of a crime that caused or could cause harm to a child; requires that the educator's certificate be revoked once notification of the conviction is received; and requires that the convicted educator be removed from any contact with children immediately and the educator's contract be terminated as soon as possible.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21B, Education Code, by adding Section 21.058, as follows:

Sec. 21.058. REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF CERTAIN OFFENSES. (a) Provides that this section applies only to a conviction of an offense under Title 5 (Offense Against the Person), Penal Code, or an offense on conviction of which the defendant is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, and if the victim of the offense is under 18 years of age.

(b) Requires the State Board for Educator Certification (SBEC) to take certain actions, by the fifth day after the date it receives notice under Article 42.018, Code of Criminal Procedure, of the conviction of a person who holds a certificate under this subchapter, notwithstanding Section 21.041(7).

(c) Requires a school district or open-enrollment charter school that receives notice under Subsection (b) of revocation of certificate issued under this subchapter to take certain actions.

SECTION 2. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.018, as follows:

Art. 42.018. NOTICE PROVIDED BY CLERK OF COURT. (a) Provides that this section applies only to a conviction of an offense under Title 5 (Offense Against the Person), Penal Code, or an offense on conviction of which the defendant is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, and if the victim of the offense is under 18 years of age.

(b) Requires the clerk of the court in which the conviction is entered to provide to the

SBEC a written notice of the person's conviction, by the fifth day after the date a person who holds a certificate issued under Chapter 21B (Certification of Educators), Education Code, is convicted. Requires the notice to include the offense on which the conviction was based.

SECTION 3. Effective date: upon passage or September 1, 2003.