

BILL ANALYSIS

Senate Research Center
78R11150 CAS-D

C.S.S.B. 1109
By: Shapiro
Education
4/5/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, some school districts 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, C.S.S.B. 1109 requires SBEC to be notified if a certified educator is convicted of a felony or an offense on conviction of which a defendant is required to register as a sex offender and the victim is under 18 years of age; 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 a felony 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.
- (d) Authorizes a person whose certificate is revoked under Subsection (b) to reapply for a certificate in accordance with board rules.

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 or deferred adjudication granted on the basis 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 or deferred adjudication is entered to provide to SBEC a written notice of the person's conviction, not later than the fifth day after the date a person who holds a certificate issued under Chapter 21B (Certification of Educators), Education Code, is convicted or granted deferred adjudication on the basis of an offense. Requires the notice to include the offense on which the conviction or deferred adjudication was based.

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

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from original in proposed Section 21.058, Education Code, by providing that the section applies only to conviction of a felony offense under Title 5, Penal Code, rather than a felony under Title 5, Penal Code, and by adding Subsection (d).

SECTION 2. Differs from original in proposed Article 42.018, Code of Criminal Procedure, by providing that this article applies only to conviction or deferred adjudication granted on the basis of certain offenses, rather than applying only to conviction on the basis of certain offenses. Makes conforming changes relating to the addition of the term "deferred adjudication."