

## **BILL ANALYSIS**

Senate Research Center

S.B. 2168  
By: Huffines  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Educator misconduct is a serious offense that has been on the rise in Texas. The Educator Investigation Division investigates allegations of misconduct that are reported to the Texas Education Agency (TEA) and the commissioner of education has the power to subpoena certain evidence during the course of the investigation. Currently, evidence that is obtained through the commissioner's subpoena power is not subject to disclosure under the public information act, but the Education Code is unclear about other information that may be obtained and kept in the investigation record.

S.B. 2168 ensures that a record created in the course of an investigation into alleged educator misconduct is not subject to disclosure under the public information act if the record pertains to an investigation involving a complaint that was found to be groundless. The bill allows TEA, as it currently does, to maintain the record in the event future allegations are made and allows for the record to be used in disciplinary proceedings.

As proposed, S.B. 2168 amends current law relating to the disclosure of records produced in the course of an investigation related to educator misconduct.

### **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 Subchapter B, Chapter 21, Education Code, by adding Section 21.063, as follows:

Sec. 21.063. INVESTIGATION RECORDS. (a) Provides that a record produced by the board in the course of an investigation involving an alleged incident of educator misconduct, if the record is involving a complaint determined to be groundless, is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

(b) Authorizes a record produced by the State Board for Educator Certification (board) in the course of an investigation involving an alleged incident of educator misconduct, notwithstanding Subsection (a) and except as otherwise provided by a court order prohibiting disclosure, to be used in a disciplinary proceeding against a teacher or administrator based on a report submitted under Section 21.006 (Requirement to Report Misconduct) concerning an alleged incident of misconduct, if permissible under rules of evidence applicable to a contested case, as provided by Section 2001.081 (Rules of Evidence), Government Code. Provides that the record remains confidential and not subject to disclosure under Chapter 552, Government Code unless it becomes a part of the record in a contested case under Chapter 2001 (Administrative Procedure), Government Code.

SECTION 2. Effective date: September 1, 2017.