Texas Education Agency

Reporting Misconduct & The “Do Not Hire” Registry

Why This Matters

- HB 3 (Article 2A) was passed to further protect the safety and welfare of Texas students by:
  - Requiring schools to report certain allegations of misconduct against non-certified employees and,
  - Creating a Registry of individuals who are not eligible for hire in a Texas public school based on misconduct or criminal history.

Enforcement of Educator Misconduct

Key Statute Changes

78th (2003)

- Supt. requirement to report to SBEC

SB 9 80th (2007)

- Fingerprinting
- DPS Clearinghouse
- Investigative warning and show cause

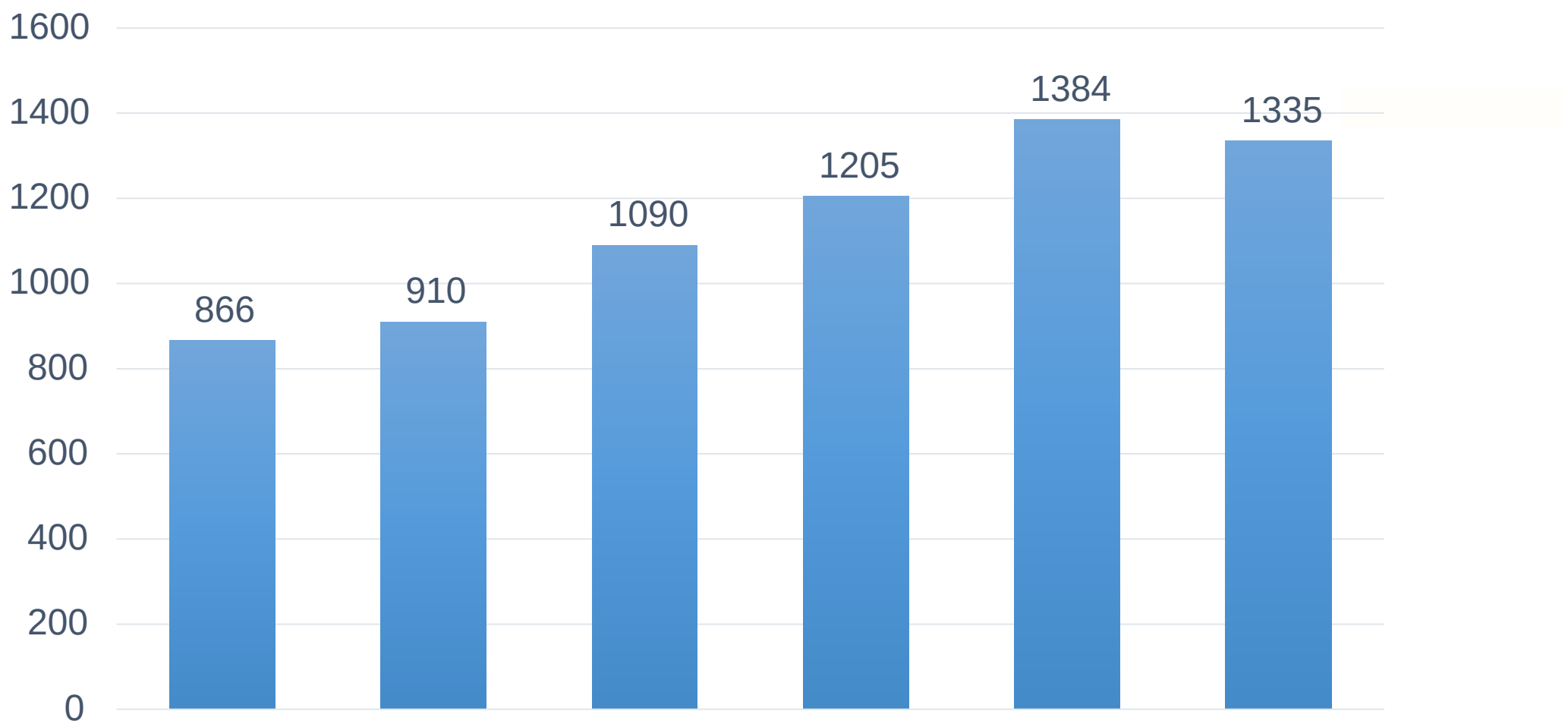
HB 1783 81st (2015)

- Report inappropriate relationship between educator and student

SB 7- 85th (2017)

- Auto-revoke sex offender on deferred adjudication
- Principal responsible for reporting
- Penalty for failure to report to SBEC
- Pre-employment Affidavit
- Electronic Communication Policy

Cases Opened on Certified Educators



TEA/SBEC Authority to Investigate

Key Changes 86th Legislature

HB 3

-

TEA/SBEC Authority to Investigate With HB 3

Individual	Allegations (examples)	Authority to Investigate	Possible enforcement action
SBEC certified educator	Inappropriate relationship with a student	Yes	Revoke certificate and place on Do Not Hire Registry
SBEC certified educator	Criminal history that places students at risk	Yes	Revoke certificate and place on Do Not Hire Registry
Non-certified school employee	Inappropriate relationship with a student	Yes	Place on Do Not Hire Registry
Non-certified school employee	Criminal history that places students at risk	Yes	Place on Do Not Hire Registry

New Reporting Requirements

- Public schools must report non-

Public School Reporting Requirements

	Certified Educators	Non-certified Educators and Employees
What to report:	9 Abused or otherwise committed an unlawful act with a student or minor 9 Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor	
	9 Possessed, transferred, sold, or distributed a controlled substance 9	

Public School Reporting Requirements

	Certified Educators	Non-certified Educators and Employees
Principal requirement:	• Report to Superintendent within 7 business days of learning that an individual was terminated or resigned	
Superintendent requirement:	• Report to TEA within 7 business days of learning that an individual was terminated or resigned • By mail, fax, or internet reporting portal (when launched). Do not submit	

Public School Reporting Requirements

	Certified Educators	Non-certified Educators and Employees
School investigation:	• Required to complete, despite employee resignation	
Exception to requirement:	• Not required to report if school investigation determines educator did not abuse or engage in relationship	• None. However, all reports will be reviewed upon receipt to determine if a TEA investigation is justified
Penalty for non-reporting:	• SBEC sanctions • Criminal offense if intent to conceal • Admin penalty (fines)	• SBEC sanctions • Criminal offense if intent to conceal
In Statute		

Texas Education Agency

Frequently Asked Question

Question

Where should schools send reports of misconduct?

Answer

The law now requires some reports of misconduct to be submitted to the Commissioner and others to be reported to the SBEC. To simplify the reporting process, schools should send all reports to the TEA Division of Educator Investigations. Reports can be sent by mail, fax, or through the Internet portal. The division's contact information can be found on the TEA website. Please do not submit reports through email.

Once launched in early 2020, the internet reporting portal will serve as the most confidential and expedient method for sending reports. Additionally, the portal will create a digital record to prove that a school sent the information.

“Do Not Hire” Registry

- TEA will develop a registry and make it available to schools
- TEA will investigate allegations and place individuals on the Registry who are not eligible for employment
- Public schools must check the Registry before any hiring

What is the “Do Not Hire” Registry?

The “Do Not Hire” Registry is a database maintained by the Texas Education Agency (TEA) that contains the names of individuals employed in a position requiring certification under Texas Education Code (TEC), Chapter 21, Subchapter B, who have been:

Who Will be Placed on the Registry?

- Individuals who had an SBEC certificate previously revoked for abusing or soliciting an inappropriate relationship with a student or minor

  Non-certified employees found by the Commissioner to have

  -

Texas Education Agency

Implementation Timeline

- TEA begins rulemaking process
- TEA begins development of Registry and reporting portal

July/August 2019

- TAC §249 Rules proposed at SBEC meeting

October 2019

- TEA provides schools with training resources for the Registry

December 2019

September 2019

- TAC §153 rules

How will the Registry work?

- School staff will access TEA secure application to check the Registry
- User will upload identifiers for current employees or individuals being considered for employment
- Registry will return a result if an individual is under investigation or on the Registry
- Registry check will be tied to current fingerprinting process
- School staff will also have access to the reporting portal

What does this mean for public schools?

- Effective 09/01/2019, public schools should create a procedure for investigating and reporting allegations against non-certified employees
- Upon launch in early 2020, public schools must check the Registry before hiring potential employees.
- Going forward, schools must terminate the employment of anyone on the Registry.
- The agency recommends that schools create a procedure for periodically checking all employees against the Registry.

In Statute

What does this mean for public schools?

- TEA will periodically review school records to verify compliance
- Non-compliance is violation of charter or termination of District of Innovation status

In Statute	