



Brief: Educator Misconduct

86th Regular Session, Policy Paper No. 19 of 40

February 13, 2019

Key Points:

- 1. The TCCB supports increased accountability for sexual misconduct.**
- 2. Reforms in 2017 addressed inappropriate teacher-student relationships.**
- 3. We seek to close remaining loopholes, thereby increasing student safety.**

A Catholic perspective: The Texas Catholic Conference of Bishops (TCCB) supports proposals that increase safety for Texas schoolchildren, including those providing increased protection from and accountability for school personnel who abuse children or engage in inappropriate relationships with students. Just as Pope Francis wrote, “there is absolutely no place in ministry for those who abuse minors,”^[1] so it is in Texas schools. This is particularly important for the Church as her leaders now work to more fully commit themselves to increased safety for youth and young people. As part of this commitment, the TCCB supports laws that provide public and private school administrators with tools that create a safer environment for all students.

Texas law and policy: The TCCB applauds Texas lawmakers for their recent reforms improving school safety and supports continued efforts to tighten school safety laws by removing the disparities that currently exist in protections afforded public versus private schoolchildren in Texas. By permitting both public and private school administrators access to pre-employment screening tools, educator misconduct reporting, and finalized reports of child abuse investigations, Texas lawmakers will build a united front and send a strong message that people who would harm children are not welcome in any Texas school.

Recent Reforms for Public Schools: Last legislative session, Texas lawmakers passed SB 7 to address inappropriate teacher-student relationships. The law currently requires superintendents and principals of public schools to notify the State Board for Educator Certification if an educator resigned or was fired and there is evidence of certain types of misconduct, including (among other misconduct) abuse of a minor, being involved in a romantic relationship with a student or minor, or soliciting or engaging in sexual contact with a student or minor. Furthermore, an applicant for certain positions at public schools must submit an affidavit stating whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.^[2] These laws only address personnel in public schools.^[3] By tightening the laws to include reporting of misconduct by private school personnel, and by providing private schools access to the same screening tools afforded public schools, Texas lawmakers will close the loophole that currently allows child abusers and other wrongdoers to move from private to public or public to private schools unnoticed.

Investigative Report Access: When the Texas Department of Family and Protective Services receives a report and begins an investigation of alleged child abuse or neglect involving

an employee of a *public* school, and the child is a student at the school, the department notifies the school's superintendent.^[4] When the department receives a report and begins an investigation of alleged child abuse or neglect involving an employee of a *private* school, and the child is a student at the school, current law does not provide for notification of the private school administration. Similarly, when the department has concluded an investigation of alleged abuse or neglect, current law makes clear the department must release investigation information to *public* school officials if the person alleged to have committed the abuse has access to *public* schoolchildren.^[5] The law is not clear as to the release of the same information to *private* school administrators to protect *private* schoolchildren, and the confidentiality provisions of the Texas Family Code can be interpreted as preventing the department from releasing the information to private school administrators, bringing the unintended result of giving private schoolchildren less protection than is afforded public schoolchildren.^[6]

Continued Reforms Sought: While the legislation passed last session is an improvement in Texas' efforts to protect students, we seek to further improve school safety laws through the following bills:

1. **SB 1231 / HB 2740** will provide all schools, public and private, with access to the results of state investigations into misconduct by school staff;
2. **SB 1256 / HB 2738** will protect both public and private schoolchildren by allowing all schools access to the TEA do-not-hire registry, and expanding the scope of the registry to include all school personnel; and
3. **SB 1230 / HB 2739** will broaden reporting requirements to include public and private schools and cover misconduct by any school staff member, not just certified teachers.^[7]

Passage of these additional reforms provides increased safety for Texas schoolchildren in both public and private schools.

Call to action: To support student protection reforms, please visit txcatholic.org/education to contact your lawmaker. Please also pray for Texas and for our legislators, that they may create and uphold laws ensuring a safe school environment for *all* Texas schoolchildren.

The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).

Endnotes

1. Pope Francis, [Letter to the Presidents of the Episcopal Conferences Concerning the Pontifical Commission for the Protection of Minors](#) (February 2, 2015)
2. Texas Education Code (TEC) § [21.009](#).
3. TEC § [21.006\(a\)](#). Note this reporting requirement applies only to certified educators, not all school employees.
4. Texas Family Code (TFC) § [261.101\(d\)](#).
5. TFC § [261.308](#).
6. TFC § [261.201](#).
7. TEC § [21.003](#); § [21.006](#). Note that this reporting requirement applies only to certified educators, which excludes both non-certified teachers and other school employees listed in TEC § [21.003\(a-b\)](#).