# REPORTING EDUCATOR MISCONDUCT TO STATE BOARD FOR EDUCATOR CERTIFICATION (SBEC)

Texas Leadership Charter Academy

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TEXAS LEADERSHIP CHARTER ACADEMY
P.O. Box 61726 San Angelo, TX 76901

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## Report Required

In addition to the reporting requirements under Family Code 261.101, the Superintendent shall notify the State Board for Educator Certification (SBEC) if:

1. An educator employed by or seeking employment with Texas Leadership Charter Academy has a reported criminal history and Texas Leadership Charter Academy obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety;
2. An educator's employment with Texas Leadership Charter Academy was terminated and there is evidence that the educator:
   a. Abused or otherwise committed an unlawful act with a student or minor;
   b. Was involved in a romantic relationship or solicited or engaged in sexual conduct with a student or minor;
   c. Possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. § 801 *et seq.*;
   d. Illegally transferred, appropriated, or expended Texas Leadership Charter Academy property or funds;
   e. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for purposes of promotion or additional compensation; or
   f. Committed a crime or any part of a crime while on Texas Leadership Charter Academy property or at a school-sponsored event.
3. The educator resigned and reasonable evidence supported a recommendation to terminate the individual because he or she engaged in misconduct described in paragraph 2 above; or
4. The educator engaged in conduct that violated the assessment instrument security procedures established by Education Code section 39.0301.

*Education Code 21.006, 22.087; 19 TAC 249.14(d)*.

## Deadline to Report

The Superintendent must notify SBEC in writing not later than the seventh business day after the date the Superintendent receives a report from a principal under Sec. 4.3.2 or knew about an educator's termination of employment or resignation following an alleged incident of misconduct described by Sec. 4.3.1 or an employee's criminal record under Sec. 4.3.1(a).

*Education Code 21.006(c)*.

## Contents of Report

The report shall be in writing and include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator. The report shall, at a minimum, describe in

detail the factual circumstances requiring the report and identify the subject of the report by providing the following available information:

1. Name and any aliases;
2. Certificate number, if any, or social security number;
3. Last known mailing address and home and daytime phone numbers;
4. All available contact information for any alleged victim or victims;
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report; and
6. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
7. Involvement by a law enforcement or other agency, including the name of the agency.

*Education Code 21.006(c); 19 TAC 249.14(f)*.

The Superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Government Code Chapter 552.

*Education Code 21.006(h)*.

## Report by Principal

The principal of a Texas Leadership Charter Academy campus must notify the Superintendent not later than the seventh business day after the date:

1. Of an educator's termination of employment or resignation following an alleged incident of misconduct described in Sec. 4.3.1; or
2. The principal knew of an educator's criminal record under Sec. 4.3.1(1).

## Accepting Resignation

Before accepting an employee's resignation that requires filing a report, the Superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. The Superintendent shall notify the Board before filing the report.

The Superintendent shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described by Sec. 4.3.1(2)(a)-(b), despite the educator's resignation from employment before completion of the investigation.

*Education Code 21.006(b-1); 19 TAC 249.14(d)(3)*.

## Immunity

The Superintendent, a director, or principal who in good faith and while acting in an official capacity files a report with SBEC under this policy or communicates with another superintendent,

director, or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed.

*Education Code 21.006(e)*.