PART I: DEFINITIONS

In this policy:

1. "Abuse" has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving a student or minor.

2. "SBEC" means the State Board for Educator Certification.

3. "Registry" means the registry of persons who are not eligible to be employed by or act as a service provider for an educational entity maintained under Education Code 22A.151.

4. "Service provider" means a person who provides services to Raul Yzaguirre Schools for Success ("RYSS"). The term includes:
    a. A contractor or subcontractor for RYSS;
    b. A provider of tutoring services for RYSS;
    c. An entity that has entered into a contract to operate a school district campus under Education Code 11.174;
    d. A staffing provider for RYSS; and
    e. A person employed by or under the control of a person described in item (a), (b), (c), or (d) above.

Education Code 22A.001.

PART II: REPORTING EDUCATOR MISCONDUCT TO SBEC

Sec. 1. REPORTING OBLIGATIONS

a) *Matters to Report*

In addition to the reporting requirements under Family Code 261.101, the Superintendent shall notify SBEC if:

1. An educator employed by or seeking employment with RYSS has a criminal record and RYSS 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 RYSS was terminated and there is evidence that the educator:
    a. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9, Penal Code, regardless of whether the conduct resulted in bodily injury;

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b. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual conduct with a student or minor;
c. Engaged in inappropriate communications with a student or minor, as defined by SBEC rule;
d. Failed to maintain appropriate boundaries with a student or minor, as defined by SBOE rules;
e. 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.*;
f. Illegally transferred, appropriated, or expended RYSS property or funds;
g. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for purposes of promotion or additional compensation; or
h. Committed a crime or any part of a crime while on RYSS 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.
4. The Superintendent becomes aware of evidence that an educator employed by RYSS engaged in the following misconduct:
   a. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9, Penal Code, regardless of whether the conduct resulted in bodily injury;
   b. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual conduct with a student or minor;
   c. Engaged in inappropriate communications with a student or minor, as defined by SBEC rule; or
   d. Failed to maintain appropriate boundaries with a student or minor, as defined by SBOE rules.
5. The educator engaged in conduct that violated the assessment instrument security procedures established by Education Code section 39.0301.

Education Code 22A.051(a); *19 TAC 249.14(d)*.

b) *Report by Principal*

The Principal of a RYSS campus must notify the Superintendent:

1. Except as provided by subsection 2, not later than the seventh business day after the date:
   a. Of an educator's termination of employment or resignation following an alleged incident of misconduct described in Part II(1)(a) above; or
   b. The Principal knew about an educator's criminal record under Part II(1)(a)(1) above; or;

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2. Not later than 48 hours after the Principal becomes aware of evidence of misconduct described in Part II(1)(a)(2)(a), (b), (c), or (d) above.

Education Code 22A.051(c).

c) *Timeline for Superintendent Report to SBEC*

The Superintendent must notify SBEC by filing a report:

1. Except as provided by subsection 2, not later than the seventh business day after the Superintendent :
    a. Receives notice from a Principal under Part II(1)(b) above; or
    b. Knew about an educators termination of employment or resignation following an alleged incident of misconduct described in Part II(1)(a) above or an educator's criminal record under Part II(1)(a)(1) above;
2. Not later than 48 hours after the Superintendent:
    a. Receives notice from a Principal under Part II(1)(b); or
    b. Becomes aware of evidence of misconduct described in Part II(1)(a)(2)(a), (b), (c), or (d) above.

Education Code 22A.051(d).

d) *Contents of Report*

The Superintendent's report to SBEC must be:

1. In writing;
2. In a form prescribed by the SBEC; and
3. Filed through the Internet portal developed and maintained by the Texas Education Agency.

Education Code 22A.051(e).

The Superintendent's report must include the following information:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:
    a. Name and any aliases, certificate number (if any), or social security number;
    b. Last known mailing address and home and daytime phone numbers;
    c. All available contact information for any alleged victim or victims;

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d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
f. Involvement by a law enforcement or other agency, including the Texas Education Agency.

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)*.

Sec. 2. REQUIREMENT TO COMPLETE INVESTIGATION

The Superintendent shall complete an investigation of an educator that involves evidence that the educator may have engaged in the following misconduct, despite the educator's resignation from employment before completion of the investigation:

1. An educator abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9, Penal Code, regardless of whether the conduct resulted in bodily injury;
2. An educator was involved in or solicited a romantic relationship with or solicited or engaged in sexual conduct with a student or minor;
3. An educator engaged in inappropriate communications with a student or minor, as defined by SBEC rule; or
4. An educator failed to maintain appropriate boundaries with a student or minor, as defined by SBOE rules.

Education Code 22A.051(b).

Sec. 3. NOTICE OF REPORT

a) *Notice to the Board and Educator*

The Superintendent shall notify the Board and the educator of the filing of a report to the SBEC. *Education Code 22A.051(f)*.

b) *Notice Prior to Accepting Educator's Resignation*

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Before accepting an employee's resignation that requires the filing of a report to SBEC, 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 also notify the Board before filing the report with SBEC. *19 TAC 249.14(d)(3)(A)-(B)*.

Sec. 4. 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 22A.051(g)*.

PART III: REPORTING EMPLOYEE OR SERVICE PROVIDER MISCONDUCT

Sec. 1. APPLICABILITY

Part III of this policy applies to a person who is employed by RYSS and who does not hold a certification or permit issued under Subchapter B, Chapter 21 of the Texas Education Code; or a service provider for RYSS who has or will have direct contact with students. *Education Code 22A.052(a)*.

Sec. 2. REPORTING OBLIGATIONS

a) *Matters to Report*

In addition to the reporting requirement under Family Code 261.101, the Superintendent shall notify the Commissioner of Education (the "Commissioner") if the Superintendent:

1. Becomes aware of evidence that a person described in Part III(1) engaged in the following misconduct:
    a. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9, Penal Code, regardless of whether the conduct resulted in bodily injury;
    b. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual conduct with a student or minor;
    c. Engaged in inappropriate communications with a student or minor, as defined by SBEC rule;
    d. Failed to maintain appropriate boundaries with a student or minor, as defined by SBOE rules; or

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2. Obtains criminal history record information relating to misconduct described above for a person described in Part III(1).

Education Code 22A.052(b).

b) *Report by Principal*

The Principal of a RYSS campus must notify the Superintendent not later than 48 hours after the Principal becomes aware of evidence of an alleged incident of misconduct described by Part III(2)(a)(1)(a)-(d) above. *Education Code 22A.052(d)*.

c) *Report by Superintendent*

The Superintendent must notify the Commissioner by filing a report not later than 48 hours after the date the Superintendent:

1. Receives notice from a Principal under Part III(2)(b);
2. Knew about the termination or resignation from employment or cessation of services of a person described by Part III(a) following an alleged incident of misconduct described by Part III(2)(a)(1)(a)-(d); or
3. Becomes aware of evidence of misconduct described by Part III(2)(a)(1)(a)-(d).

Education Code 22A.052(e).

The Superintendent's report to the Commissioner must be:

1. In writing;
2. In a for prescribed by the Commissioner; and
3. Filed through the Internet portal developed and maintained by the Texas Education Agency.

Education Code 22A.052(f).

The name of a student or minor who is the victim of abuse or unlawful conduct must be included in the report, but the name of the student or minor is not public information under Chapter 552, Government Code. *Education Code 22A.052(j)*.

Sec. 3. REQUIREMENT TO COMPLETE INVESTIGATION

The Superintendent shall complete an investigation of a person described by Part III(1) that involves evidence that the employee may have engaged in misconduct described in Part III(2), despite the person's termination of or resignation from employment or cessation of services for RYSS before completion of the investigation. *Education Code 22A.052(c)*.

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Sec. 4. NOTICE OF REPORT

The Superintendent shall notify the Board and the person who is the subject of the report of the filing of the report required by Part III of this policy. *Education Code 22A.052(g)*.

Sec. 5. IMMUNITY

The Superintendent, director, or Principal who in good faith and while acting in an official capacity files a report under Part III is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 22A.052(h)*.

PART IV: NOTICE TO PARENTS OR GUARDIAN ABOUT MISCONDUCT

The Superintendent shall provide notice to the parent or guardian of a student with whom a person employed by or acting as a service provider for RYSS is alleged to have engaged in the following misconduct:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9, Penal Code, regardless of whether the conduct resulted in bodily injury;
2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual conduct with a student or minor;
3. Engaged in inappropriate communications with a student or minor, as defined by SBEC rule; or
4. Failed to maintain appropriate boundaries with a student or minor, as defined by SBOE rules.

The notice must inform the parent or guardian:

1. That the alleged misconduct occurred;
2. Whether the person was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
3. Whether a report was submitted to SBEC or the Texas Education Agency concerning the alleged misconduct.

The notice must be provided as soon as feasible after RYSS becomes aware that alleged misconduct may have occurred.

Education Code 22A.053.

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