

EDUCATION CODE

TITLE 2. PUBLIC EDUCATION

SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS

CHAPTER 22A. EMPLOYEE AND SERVICE PROVIDER MISCONDUCT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 22A.001. DEFINITIONS. In this chapter:

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

(2) "Board" means the State Board for Educator Certification.

(3) "Educational entity" means a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

(4) "Educational provider" means an entity that employs or contracts with a person to provide educational services to a child participating in the education savings account program. The term includes:

(A) a certified educational assistance organization, as defined by Section 29.351, as added by S.B. 2, 89th Legislature, Regular Session, 2025; and

(B) an education service provider or vendor of educational products participating in the education savings account program.

(5) "Education savings account program" means the education savings account program established under Subchapter J, Chapter 29, as added by S.B. 2, 89th Legislature, Regular Session, 2025.

(6) "Other charter entity" means:

(A) a school district operating under a home-rule school district charter adopted under Subchapter B, Chapter 12;

(B) a campus or campus program operating under a charter granted under Subchapter C, Chapter 12; and

(C) an entity that contracts to partner with a

school district under Section 11.174(a)(2) to operate a district campus under a charter granted to the entity by the district under Subchapter C, Chapter 12.

(7) "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 Section 22A.151.

(8) "Service provider" means a person who provides services to an educational entity. The term includes:

(A) a contractor or subcontractor for an educational entity;

(B) a provider of tutoring services for an educational entity;

(C) an entity that has entered into a contract to operate a school district campus under Section 11.174;

(D) a staffing provider for an educational entity; and

(E) a person employed by or under the control of a person described by Paragraph (A), (B), (C), or (D).

Added by Acts 2003, 78th Leg., ch. 374, Sec. 2, eff. June 18, 2003.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2A.010, eff. September 1, 2019.

Transferred, redesignated and amended from Education Code, Section 21.006(a) by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.04, eff. June 20, 2025.

Sec. 22A.002. CONFIDENTIALITY. (a) Unless disclosure is required by other law and except as provided by Subsection (b), a complaint from a member of the public, statement, recording, note, file, record, memorandum, or report that is received, obtained, or created by the board or agency relating to the review or investigation of an allegation of misconduct under this chapter involving an employee of or contractor for an educational provider or an educator or employee employed by or a service provider for an educational entity is confidential and not subject to disclosure under Chapter 552, Government Code.

(b) Subsection (a) does not prohibit the disclosure of:

(1) a report required under Section 22A.051, 22A.052, 22A.301, or 22A.302;

(2) information described by Subsection (a) for purposes of an administrative or other legal proceeding brought under Chapter 2001, Government Code; or

(3) information required to be included in the report under Section 22A.251.

Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.05, eff. June 20, 2025.

SUBCHAPTER B. REQUIRED MISCONDUCT REPORTING

Sec. 22A.051. REQUIREMENT TO REPORT EDUCATOR MISCONDUCT TO BOARD. (a) In addition to the reporting requirement under Section 261.101, Family Code, the superintendent or director of an educational entity shall notify the board if:

(1) an educator employed by or seeking employment by the entity has a criminal record and the entity obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established under Section 411.0845, Government Code;

(2) an educator's employment at the entity 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;

(B) was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

(C) engaged in inappropriate communications with a student or minor, as defined by board rule;

(D) failed to maintain appropriate boundaries with a student or minor, as defined by board rule;

(E) possessed, transferred, sold, or distributed

a controlled substance, as defined by Chapter [481](#), Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(F) illegally transferred, appropriated, or expended funds or other property of the entity;

(G) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

(H) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;

(3) the educator resigned and there is evidence that the educator engaged in misconduct described by Subdivision (2);

(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by Subdivision (2)(A), (B), (C), or (D); or

(5) the educator engaged in conduct that violated the assessment instrument security procedures established under Section [39.0301](#).

(b) A superintendent or director of an educational entity shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described by Subsection (a)(2)(A), (B), (C), or (D), despite the educator's resignation from employment before completion of the investigation.

(c) The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the district, school, or entity:

(1) except as provided by Subdivision (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 by Subsection (a); or

(B) the principal knew about an educator's criminal record under Subsection (a)(1); or

(2) not later than 48 hours after the principal becomes aware of evidence of misconduct described by Subsection (a)(2)(A), (B), (C), or (D).

(d) The superintendent or director must notify the board by filing a report with the board:

(1) except as provided by Subdivision (2), not later than the seventh business day after the date the superintendent or director:

(A) receives notice from a principal under Subsection (c); or

(B) knew about an educator's termination of employment or resignation following an alleged incident of misconduct described by Subsection (a) or an educator's criminal record under Subsection (a)(1); or

(2) not later than 48 hours after the superintendent or director:

(A) receives notice from a principal under Subsection (c); or

(B) becomes aware of evidence of misconduct described by Subsection (a)(2)(A), (B), (C), or (D).

(e) The report under Subsection (d) must be:

(1) in writing;

(2) in a form prescribed by the board; and

(3) filed through the Internet portal developed and maintained by the agency under Section [22A.155](#).

(f) The superintendent or director shall notify the board of trustees or governing body of the educational entity and the educator of the filing of the report required by Subsection (d).

(g) A superintendent, director, or principal of an educational entity who in good faith and while acting in an official capacity files a report with the board under this section 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.

(h) The board shall determine whether to impose sanctions, including an administrative penalty under Subsection (k), against a principal who fails to provide notification to a superintendent or director in violation of Subsection (c) or against a superintendent or director who fails to file a report in violation of Subsection

(d).

(i) The board shall propose rules as necessary to implement this section.

(j) The name of a student or minor who is the victim of abuse or unlawful conduct by an educator must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter 552, Government Code.

(k) If an educator serving as a superintendent or director is required to file a report under Subsection (d) and fails to file the report by the date required by that subsection, or if an educator serving as a principal is required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (c) and fails to provide the notice by the date required by that subsection, the board may impose on the educator an administrative penalty of not less than \$500 and not more than \$10,000. The board may not renew the certification of an educator against whom an administrative penalty is imposed under this subsection until the penalty is paid.

(l) A superintendent or director required to file a report under Subsection (d) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct described by Subsection (a)(2)(A), (B), (E), (F), (G), or (H). A principal required to notify a superintendent or director about an educator's criminal record or alleged incident of misconduct under Subsection (c) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal an educator's criminal record or alleged incident of misconduct described by Subsection (a)(2)(A), (B), (E), (F), (G), or (H). An offense under this subsection is a state jail felony.

(m) The commissioner may review the records of an educational entity to ensure compliance with the requirement to report misconduct under this section.

Added by Acts 2003, 78th Leg., ch. 374, Sec. 2, eff. June 18, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 511 (S.B. 606), Sec. 1, eff.

June 16, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1312 (S.B. [1031](#)), Sec. 2, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 761 (H.B. [1610](#)), Sec. 1, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1043 (H.B. [1783](#)), Sec. 2, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. [7](#)), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2A.010, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1244 (S.B. [1476](#)), Sec. 1, eff. June 14, 2019.

Transferred, redesignated and amended from Education Code, Section 21.006 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. [571](#)), Sec. 1.07, eff. June 20, 2025.

Sec. 22A.052. REQUIREMENT TO REPORT EMPLOYEE OR SERVICE PROVIDER MISCONDUCT TO AGENCY. (a) This section applies to:

(1) a person who is employed by an educational entity and who does not hold a certification or permit issued under Subchapter [B](#), Chapter [21](#); or

(2) a service provider for an educational entity who has or will have direct contact with students.

(b) In addition to the reporting requirement under Section [261.101](#), Family Code, the superintendent or director of an educational entity shall notify the commissioner if the superintendent or director:

(1) becomes aware of evidence that a person described by Subsection (a) engaged in misconduct described by Section [22A.051](#)(a)(2)(A), (B), (C), or (D); or

(2) obtains criminal history record information relating to misconduct described by Subdivision (1) for a person described by Subsection (a).

(c) A superintendent or director of an educational entity shall complete an investigation of a person described by Subsection (a) that involves evidence that the person may have engaged in

misconduct described by Subsection (b)(1), despite the person's termination of or resignation from employment or cessation of services for the entity before completion of the investigation.

(d) The principal of a school district, district of innovation, open-enrollment charter school, or other charter entity campus must notify the superintendent or director of the district, school, or entity not later than 48 hours after the principal becomes aware of evidence of an alleged incident of misconduct described by Subsection (b)(1).

(e) The superintendent or director of an educational entity must notify the commissioner by filing a report with the commissioner not later than 48 hours after the superintendent or director:

(1) receives notice from a principal under Subsection (d);

(2) knew about the termination of or resignation from employment or cessation of services of a person described by Subsection (a) for the entity following an alleged incident of misconduct described by Subsection (b)(1); or

(3) becomes aware of evidence of misconduct described by Subsection (b)(1).

(f) The report under Subsection (e) must be:

(1) in writing;

(2) in a form prescribed by the commissioner; and

(3) filed through the Internet portal developed and maintained by the agency under Section [22A.155](#).

(g) The superintendent or director shall notify the board of trustees or governing body of the educational entity and the person who is the subject of the report required under Subsection (e) of the filing of the report required by that subsection.

(h) A superintendent or director who in good faith and while acting in an official capacity files a report with the commissioner under Subsection (e) or a principal who in good faith and while acting in an official capacity notifies a superintendent or director under Subsection (d) is immune from civil or criminal liability that might otherwise be incurred or imposed.

(i) The commissioner shall refer an educator who fails to

file a report in violation of Subsection (e) to the board, and the board shall determine whether to impose sanctions against the educator.

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

(k) A superintendent or director required to file a report under Subsection (e) commits an offense if the superintendent or director fails to file the report by the date required by that subsection with intent to conceal a person's criminal record or alleged incident of misconduct described by Section 22A.051(a)(2)(A) or (B). A principal required to notify a superintendent or director about a person's alleged incident of misconduct under Subsection (d) commits an offense if the principal fails to provide the notice by the date required by that subsection with intent to conceal a person's alleged incident of misconduct described by Section 22A.051(a)(2)(A) or (B). An offense under this subsection is a state jail felony.

(l) The commissioner may review the records of an educational entity to ensure compliance with the requirement to report misconduct under this section.

(m) The commissioner shall adopt rules as necessary to implement this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2A.016, eff. September 1, 2019.

Transferred, redesignated and amended from Education Code, Section 22.093 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.08, eff. June 20, 2025.

Sec. 22A.053. NOTICE TO PARENT OR GUARDIAN ABOUT MISCONDUCT. (a) The board of trustees or governing body of an educational entity shall adopt a policy under which notice is provided to the parent or guardian of a student with whom a person employed by or acting as a service provider for the entity is alleged to have engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D) informing 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 the agency or board concerning the alleged misconduct.

(b) The policy required by this section must require that information specified by Subsection (a)(1) be provided as soon as feasible after the educational entity becomes aware that alleged misconduct may have occurred.

Added by Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. 7), Sec. 6, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2A.011, eff. September 1, 2019.

Transferred, redesignated and amended from Education Code, Section 21.0061 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.09, eff. June 20, 2025.

Sec. 22A.054. NOTICE ON CERTIFICATION RECORD OF ALLEGED MISCONDUCT; INCLUSION IN REGISTRY. (a) The board shall adopt a procedure for placing a notice of alleged misconduct on an educator's public certification records. The procedure adopted by the board must provide for immediate placement of a notice of alleged misconduct on an educator's public certification records if the alleged misconduct presents a risk to the health, safety, or welfare of a student or minor as determined by the board.

(b) The board must notify:

(1) an educator in writing when placing a notice of an alleged incident of misconduct on the public certification records of the educator; and

(2) the agency for purposes of placing the educator on the registry in accordance with Subsection (c).

(c) On receiving a notification under Subsection (b), the agency shall immediately place the educator on the registry and include information indicating that the educator is under

investigation for alleged misconduct.

(d) The board must provide an opportunity for an educator to show cause why the notice should not be placed on the educator's public certification records. The board shall propose rules establishing the length of time that a notice may remain on the educator's public certification records before the board must:

(1) initiate a proceeding to impose a sanction on the educator on the basis of the alleged misconduct; or

(2) remove the notice from the educator's public certification records.

(e) If it is determined that the educator has not engaged in the alleged incident of misconduct, the board shall immediately:

(1) remove the notice from the educator's public certification records; and

(2) notify the agency to remove the educator from the registry.

(f) The board shall propose rules necessary to administer this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 3, eff. June 15, 2007.

Transferred, redesignated and amended from Education Code, Section 21.007 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.10, eff. June 20, 2025.

Sec. 22A.055. PRE-EMPLOYMENT OR PRE-SERVICE AFFIDAVIT.

(a) A person applying for employment with or who will act as a service provider for an educational entity must submit, using a form adopted by the agency, consent for release of the person's employment records and a pre-employment or pre-service affidavit disclosing whether the person has ever been:

(1) investigated by a law enforcement or child protective services agency for, or charged with, adjudicated for, or convicted of, an offense involving conduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

(2) investigated by a licensing authority or had a license, certificate, or permit denied, suspended, revoked, or subject to another sanction in this state or another state for

conduct described by Section [22A.051](#)(a)(2)(A), (B), (C), or (D);

(3) included in the registry;

(4) employed or is currently employed by or has acted or is currently acting as a service provider for a public or private school; or

(5) terminated or discharged or has resigned, in lieu of being terminated or discharged, from a public or private school.

(b) A person who answers affirmatively concerning an action listed under Subsection (a) must disclose in the affidavit all relevant facts known to the person pertaining to the matter, including, if applicable to the action, whether the allegation was determined to be true or false.

(c) A person or service provider is not precluded from being employed by or providing services to an educational entity based on a disclosed allegation if the entity determines based on the information disclosed in the affidavit that the allegation was false.

(d) A determination that an employee or person providing services failed to disclose information required to be disclosed by a person under this section is grounds for termination of employment or service.

(e) An educational entity shall discharge or refuse to hire or allow to act as a service provider for the entity a person against whom a determination has been made under Subsection (d).

(f) The board may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under Subsection (a).

(g) A person commits an offense if the person fails to disclose information required to be disclosed under Subsection (a). An offense under this subsection is a Class B misdemeanor.

Added by Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. [7](#)), Sec. 7, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 986 (S.B. [1230](#)), Sec. 3, eff. September 1, 2019.

Transferred, redesignated and amended from Education Code, Section 21.009 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.10, eff. June 20, 2025.

SUBCHAPTER C. INVESTIGATION OF MISCONDUCT

Sec. 22A.101. NOTICE OF ALLEGED MISCONDUCT; INVESTIGATION; HEARING. (a) This section applies to:

(1) a person described by Section 22A.052(a) who is:

(A) the subject of a report that alleges misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D);

(B) identified as having engaged in misconduct described by Paragraph (A) using the interagency reportable conduct search engine established under Chapter 810, Health and Safety Code;

(C) the subject of a complaint alleging misconduct described by Paragraph (A) filed with the agency; or

(D) the subject of a Department of Family and Protective Services report received by the agency under Section 261.406, Family Code; or

(2) a person employed by or seeking employment in a private school who does not hold a certification or permit issued under Subchapter B, Chapter 21, and who is the subject of a report that alleges misconduct described by Section 22A.301(a).

(b) A person to whom this section applies is entitled to a hearing on the merits of the allegations of misconduct under the procedures provided by Chapter 2001, Government Code, to contest the allegation in the report, search engine, or complaint.

(c) On receiving a report or complaint or making an identification described by Subsection (a), the commissioner shall promptly send to the person who is the subject of the report or identification a notice that includes:

(1) a statement informing the person that the person must request a hearing on the merits of the allegations of misconduct within the period provided by Subsection (d);

(2) a request that the person submit a written response within the period provided by Subsection (d) to show cause

why the commissioner should not pursue an investigation; and

(3) a statement informing the person that if the person does not timely submit a written response to show cause as provided by Subdivision (2), the agency shall provide information indicating the person is under investigation in the manner provided by Subsection (e).

(d) A person entitled to a hearing under Subsection (b) must request a hearing and submit a written response to show cause not later than the 10th day after the date the person receives the notice from the commissioner provided under Subsection (c).

(e) If a person who receives notice provided under Subsection (c) does not timely submit a written response to show cause why the commissioner should not pursue an investigation, the commissioner shall instruct the agency to make available through the Internet portal developed and maintained by the agency under Section [22A.155](#) information indicating that the person is under investigation for alleged misconduct.

(f) If a person entitled to a hearing under Subsection (b) does not request a hearing as provided by Subsection (d), the commissioner shall:

(1) based on the report filed under Section [22A.052](#)(e), the complaint alleging misconduct, or the identification described by Subsection (a), make a determination whether the person engaged in misconduct; and

(2) if the commissioner determines that the person engaged in misconduct described by Section [22A.051](#)(a)(2)(A), (B), (C), or (D), instruct the agency to add the person's name to the registry.

(g) If a person entitled to a hearing under Subsection (b) requests a hearing as provided by Subsection (d) and the final decision in that hearing determines that the person engaged in misconduct described by Section [22A.051](#)(a)(2)(A), (B), (C), or (D), the commissioner shall instruct the agency to add the person's name to the registry.

(h) If a person entitled to a hearing under Subsection (b) requests a hearing as provided by Subsection (d) and the final decision in that hearing determines that the person did not engage

in misconduct described by Section [22A.051\(a\)\(2\)\(A\)](#), (B), (C), or (D), the commissioner shall instruct the agency to immediately remove from the Internet portal developed and maintained by the agency under Section [22A.155](#) the information indicating that the person is under investigation for alleged misconduct.

(i) The commissioner shall adopt rules as necessary to implement this section. In adopting rules, the commissioner shall follow any guidelines adopted by the board regarding sanctions for misconduct described by Section [22A.051\(a\)\(2\)\(A\)](#), (C), or (D).

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2A.016, eff. September 1, 2019.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 954 (S.B. [1849](#)), Sec. 1, eff. September 1, 2023.

Transferred, redesignated and amended from Education Code, Section 22.094 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. [571](#)), Sec. 1.12, eff. June 20, 2025.

Sec. 22A.102. PRELIMINARY DETERMINATION. To the extent feasible, not later than the 30th day after receipt of a report under Section [22A.051\(d\)](#), [22A.052\(e\)](#), [22A.301\(c\)](#), or [22A.302\(c\)](#), the board or agency, as applicable, shall, based on a preliminary review of the report, make a determination regarding whether:

(1) if the person who is the subject of the report is an educator, a notice of alleged misconduct should be placed on the educator's public certification records under Section [22A.054](#); and

(2) the person should be placed on the registry under Section [22A.151](#) with an indication that the person is under investigation for alleged misconduct.

Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. [571](#)), Sec. 1.13, eff. June 20, 2025.

Sec. 22A.103. ISSUANCE OF SUBPOENAS. (a) During an investigation by the commissioner of an educator or person who is employed by or providing services to an educational entity for an alleged incident of misconduct, the commissioner may issue a subpoena to compel:

(1) the attendance of a relevant witness; or

(2) the production of relevant evidence that is located in this state.

(a-1) A response to a subpoena described by Subsection (a)(2) must be submitted through the Internet portal developed and maintained by the agency under Section 22A.155 unless the commissioner authorizes a different method of submission.

(b) A subpoena may be served personally, electronically, or by certified mail.

(c) If a person fails to comply with a subpoena, the commissioner, acting through the attorney general, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

(d) All information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) are confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Except as provided by a protective order, and notwithstanding Subsection (d), all information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) may be used in a disciplinary proceeding against a person based on an alleged incident of misconduct.

Added by Acts 2015, 84th Leg., R.S., Ch. 931 (H.B. 2205), Sec. 13, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. 7), Sec. 13, eff. September 1, 2017.

Transferred, redesignated and amended from Education Code, Section 21.062 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.14, eff. June 20, 2025.

Sec. 22A.104. RESTRICTION ON SURRENDER OF CERTIFICATE OR PERMIT PENDING INVESTIGATION. If a person issued a certificate or permit under Subchapter B, Chapter 21, attempts to surrender the

certificate or permit while the board is investigating an allegation that the person engaged in misconduct described by Section [22A.051](#)(a)(2)(A), (B), (C), or (D), the board may not accept the surrender unless the person agrees to be included in the registry.

Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. [571](#)), Sec. 1.15, eff. June 20, 2025.

SUBCHAPTER D. PERSONS NOT ELIGIBLE FOR EMPLOYMENT OR PROVISION OF SERVICES

Sec. 22A.151. REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN OR PROVISION OF SERVICES TO EDUCATIONAL ENTITIES.

(a) The agency shall maintain and make available through the Internet portal developed and maintained by the agency under Section [22A.155](#) a registry of persons who are not eligible to be employed by or act as a service provider for an educational entity.

(b) An educational entity shall discharge or refuse to hire, or terminate or refuse to accept services from, a person listed on the registry.

(c) An educational entity may not allow a person who is listed on the registry to act as a service provider for the entity.

(d) The registry must list the following persons as not eligible to be employed by or act as a service provider for an educational entity:

(1) a person determined by the agency under Section [22.0832](#) as a person who would not be eligible for educator certification under Subchapter [B](#), Chapter [21](#);

(2) a person determined by the agency to be not eligible for employment based on the person's criminal history record information review, as provided by Section [22.0833](#);

(3) a person who is not eligible for employment based on criminal history record information received by the agency under Section [22A.201](#)(b);

(4) a person whose certification or permit, or application for a certification or permit, issued under Subchapter [B](#), Chapter [21](#), is denied or revoked by the board and who has not been

issued a certificate or permit under that subchapter subsequent to that denial or revocation;

(5) a person whose certification or permit issued under Subchapter B, Chapter 21, is suspended by the board for a reason other than under Section 21.105(c), 21.160(c), or 21.210(c) for the period of the suspension;

(6) a person who is determined by the commissioner under Section 22A.101 to have engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D); and

(7) a person temporarily included in the registry under Section 22A.152 or 22A.153 for the term of the placement.

(e) The registry must include information indicating whether a person's listing in the registry expires. A prohibition applicable to a person included in the registry no longer applies to a person whose listing in the registry has expired and, if applicable, whose certification or permit under Subchapter B, Chapter 21, has been reinstated.

(f) The agency shall provide equivalent access to the registry to:

(1) private schools;

(2) educational entities;

(3) nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913;

(4) entities that have entered into a contract to operate a school district campus under Section 11.174; and

(5) service providers for an educational entity that are authorized by the entity to access the registry.

(g) Each school year, the superintendent or director of an educational entity shall certify to the commissioner that the entity has complied with this section. If feasible, the commissioner by rule shall consolidate the requirement under this subsection with other reporting requirements applicable to the entity.

(h) The commissioner shall adopt rules as necessary to implement this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2A.016,

eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 806 (H.B. [1525](#)), Sec. 6, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 880 (S.B. [1356](#)), Sec. 1, eff. June 16, 2021.

Transferred, redesignated and amended from Education Code, Section [22.092](#) by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. [571](#)), Sec. 1.17, eff. June 20, 2025.

Sec. 22A.152. TEMPORARY INCLUSION IN REGISTRY BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE. (a) The commissioner shall temporarily include a person in the registry if the commissioner, based on evidence or information presented to the commissioner regarding a complaint alleging misconduct by the person, determines that the person's continued employment at or provision of services to an educational entity constitutes a continuing and imminent threat to the public welfare.

(b) A person may be temporarily included in the registry without notice or hearing on the complaint alleging the person's misconduct if:

(1) proceedings for a hearing before the State Office of Administrative Hearings are initiated simultaneously with the temporary inclusion; and

(2) a hearing is held as soon as possible under this chapter and Chapter [2001](#), Government Code.

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 17th day after the date of the temporary inclusion to determine whether probable cause exists that the person's employment at or provision of services to an educational entity constitutes a continuing and imminent threat to the public welfare. The probable cause hearing shall be conducted as a de novo hearing.

(d) The State Office of Administrative Hearings shall hold a final hearing on the matter not later than the 61st day after the date of the temporary inclusion.

(e) The commissioner by rule shall adopt procedures for the

temporary inclusion of a person in the registry under this section. Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.18, eff. June 20, 2025.

Sec. 22A.153. TEMPORARY INCLUSION IN REGISTRY FOR CERTAIN ARRESTS. (a) The commissioner shall temporarily include a person who is employed by or acting as a service provider for an educational entity in the registry if the person is arrested for an offense listed under Section 22A.201(a).

(b) Before temporarily including a person described by Subsection (a) in the registry, the commissioner must verify that the person arrested for an offense described by that subsection is the same person who is employed by or acting as a service provider for an educational entity.

(c) An inclusion in the registry under this section remains in effect until the final disposition of the matter. The State Office of Administrative Hearings shall hold a final hearing on the matter not later than the 61st day after the date of the final disposition of any criminal charges related to the arrest to determine whether the person should be included in the registry.

(d) The commissioner shall adopt rules to implement this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.18, eff. June 20, 2025.

Sec. 22A.154. REPORTING TO LAW ENFORCEMENT. (a) In this section, "law enforcement agency" means:

- (1) the Department of Public Safety;
- (2) the police department of a municipality;
- (3) the sheriff's office of a county; or
- (4) a constable's office of a county.

(b) The agency shall refer to an appropriate law enforcement agency any allegation of misconduct that results in the inclusion of a person in the registry that has not already been referred to a law enforcement agency.

(c) The agency shall refer any allegation of misconduct to an appropriate law enforcement agency if the agency believes the

allegation includes evidence of criminal conduct.

(d) The agency shall maintain a record of each allegation of misconduct referred to a law enforcement agency under this section. Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.18, eff. June 20, 2025.

Sec. 22A.155. INTERNET PORTAL. (a) The agency shall develop and maintain an Internet portal through which:

(1) a report required under Section 22A.051(d), 22A.052(e), 22A.301(c), or 22A.302(c) is confidentially and securely filed; and

(2) the agency makes available:

(A) the registry of persons who are not eligible to be employed by or act as service providers for educational entities as described by Section 22A.151; and

(B) information indicating that a person is under investigation for alleged misconduct in accordance with Section 22A.101(e), provided that the agency must provide the information through a procedure other than the registry.

(b) The Internet portal must comply with any requirements adopted by the board for filing reports under Sections 22A.051 and 22A.301.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2A.016, eff. September 1, 2019.

Transferred, redesignated and amended from Education Code, Section 22.095 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.19, eff. June 20, 2025.

Sec. 22A.156. COMPLIANCE MONITORING; AGENCY INVESTIGATION AND REVIEW. (a) The agency shall periodically review the records of educational entities to ensure compliance with Section 22A.151(b).

(b) The agency shall review the investigations conducted by educational entities involving allegations of misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D) to ensure that the investigations are conducted using appropriate investigative protocols, including when cooperating with a law enforcement agency

or the Department of Family and Protective Services in accordance with the policy adopted under Section 38.004. If the agency determines that an educational entity failed to follow appropriate investigative protocols, the commissioner may authorize a special investigation under Section 39.003.

(c) The agency may directly investigate allegations of misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D), regardless of whether a report or complaint was filed with the agency.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2A.016, eff. September 1, 2019.

Transferred, redesignated and amended from Education Code, Section 22.096 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.19, eff. June 20, 2025.

Sec. 22A.157. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES. (a) An educational entity shall discharge or refuse to hire an employee or applicant for employment if the entity obtains information through a criminal history record information review that the employee or applicant has been:

(1) convicted of or placed on deferred adjudication community supervision for an offense described by Section 22A.201(a)(1); or

(2) convicted of an offense described by Section 22A.201(a)(2).

(b) Subsection (a) does not apply if the employee or applicant for employment committed an offense under Title 5, Penal Code and:

(1) the date of the offense is more than 30 years before:

(A) the effective date of S.B. No. 9, Acts of the 80th Legislature, Regular Session, 2007, in the case of a person employed by a school district, open-enrollment charter school, or shared services arrangement as of that date; or

(B) the date the person's employment will begin, in the case of a person applying for employment with a school

district, open-enrollment charter school, or shared services arrangement after the effective date of S.B. No. 9, Acts of the 80th Legislature, Regular Session, 2007; and

(2) the employee or applicant for employment satisfied all terms of the court order entered on conviction.

(c) An educational entity may not allow a person who is an employee of or applicant for employment by a qualified school contractor or an entity that contracts with the entity to serve for the entity if the entity obtains information described by Subsection (a) through a criminal history record information review concerning the employee or applicant. An educational entity must ensure that an entity that the educational entity contracts with for services has obtained all criminal history record information as required by Section 22.0834.

(d) An educational entity or private school may discharge an employee if the entity or school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the board or the entity or school. An employee discharged under this section is considered to have been discharged for misconduct for purposes of Section [207.044](#), Labor Code.

(e) The board may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant for employment if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been:

(1) convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1); or

(2) convicted of an offense described by Subsection (a)(2).

(f) Each school year, the superintendent of a school district or chief operating officer of an open-enrollment charter school shall certify to the commissioner that the district or school has complied with this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 10, eff. June 15, 2007.

Acts 2017, 85th Leg., R.S., Ch. 1070 (H.B. 3270), Sec. 3, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2A.015, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 3, eff. June 13, 2023.

Transferred, redesignated and amended from Education Code, Section 22.085 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.20, eff. June 20, 2025.

SUBCHAPTER E. DENIAL OR REVOCATION OF EDUCATOR CERTIFICATION FOR MISCONDUCT

Sec. 22A.201. DENIAL OR REVOCATION OF CERTIFICATE AND TERMINATION OF EMPLOYMENT BASED ON CONVICTION OF OR PLACEMENT ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN OFFENSES.

(a) The procedures described by this section apply only to:

(1) conviction of or placement on deferred adjudication community supervision for:

(A) an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;

(B) an offense under Section 21.12 or 43.24, Penal Code;

(C) a felony offense under Chapter 43, Penal Code;

(D) a felony offense involving school property; or

(E) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A), (B), (C), or (D); or

(2) conviction of:

(A) a felony offense under Title 5, Penal Code; or

(B) an offense under the laws of another state or

federal law that is equivalent to an offense under Paragraph (A).

(b) Notwithstanding Section 21.041(b)(7), not later than the fifth day after the date the board receives notice under Article 42.018, Code of Criminal Procedure, of the conviction or placement on deferred adjudication community supervision of a person who holds a certificate under Subchapter B, Chapter 21, the board shall:

(1) revoke the certificate held by the person; and

(2) provide to the person, to the agency, and to any school district or open-enrollment charter school employing the person at the time of revocation written notice of:

(A) the revocation; and

(B) the basis for the revocation.

(c) A school district or open-enrollment charter school that receives notice under Subsection (b) of the revocation of a person's certificate issued under Subchapter B, Chapter 21, shall:

(1) immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and

(2) for a person employed under a probationary, continuing, or term contract under Chapter 21, with the approval of the board of trustees or governing body or a designee of the board or governing body:

(A) suspend the person without pay;

(B) provide the person with written notice that the person's contract is void as provided by Subsection (e); and

(C) terminate the employment of the person as soon as practicable.

(d) If a school district or open-enrollment charter school becomes aware that a person employed by the district or school under a probationary, continuing, or term contract under Chapter 21 has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to Subsection (c), the district or school may, with the approval of the board of trustees or governing body or a designee of the board of trustees or governing body:

- (1) suspend the person without pay;
- (2) provide the person with written notice that the person's contract is void as provided by Subsection (e); and
- (3) terminate the employment of the person as soon as practicable.

(e) A person's probationary, continuing, or term contract under Chapter 21 is void if, with the approval of the board of trustees or governing body or a designee of the board or governing body, the school district or open-enrollment charter school takes action under Subsection (c)(2)(B) or (d)(2).

(f) The board or a school district may not issue a certificate or permit under Subchapter B, Chapter 21, to a person who has been convicted of or placed on deferred adjudication for an offense described by Subsection (a)(1) or who has been convicted of an offense described by Subsection (a)(2).

(g) Action taken by a school district or open-enrollment charter school under Subsection (c) or (d) is not subject to appeal under this chapter, and the notice and hearing requirements of this chapter do not apply to the action.

Added by Acts 2003, 78th Leg., ch. 920, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 761 (H.B. 1610), Sec. 2, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. 7), Sec. 11, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 1129 (H.B. 4520), Sec. 2, eff. September 1, 2023.

Transferred, redesignated and amended from Education Code, Section 21.058 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.22, eff. June 20, 2025.

Sec. 22A.202. TEMPORARY SUSPENSION OF CERTIFICATION OR PERMIT BASED ON CONTINUING AND IMMINENT THREAT TO PUBLIC WELFARE.

(a) The board shall temporarily suspend an educator's certification or permit issued under Subchapter B, Chapter 21, if the board, based on evidence or information presented to the board regarding a complaint alleging misconduct by the educator,

determines, by a majority vote of the board or of a five-person committee of board members designated by the board, that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare.

(b) Notwithstanding Chapter 551, Government Code, the board or a committee described by Subsection (a) may hold a meeting by telephone conference call if the board or committee determines that immediate action is required and convening the board or committee at one location would be inconvenient for any member of the board or committee.

(c) An educator's certification or permit may be temporarily suspended under this section without notice or hearing on the complaint alleging the educator's misconduct if:

(1) proceedings for a hearing before the State Office of Administrative Hearings are initiated simultaneously with the temporary suspension; and

(2) a hearing is held as soon as possible under this chapter and Chapter 2001, Government Code.

(d) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 17th day after the date of the temporary suspension to determine whether probable cause exists that the educator's certification or permit issuance constitutes a continuing and imminent threat to the public welfare. The probable cause hearing shall be conducted as a de novo hearing.

(e) The State Office of Administrative Hearings shall hold a final hearing on the matter not later than the 61st day after the date of the temporary suspension.

(f) The board shall propose rules adopting procedures for the temporary suspension of an educator's certification or permit under this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.23, eff. June 20, 2025.

Sec. 22A.203. TEMPORARY SUSPENSION OF CERTIFICATION OR PERMIT FOR CERTAIN ARRESTS. (a) The board shall temporarily suspend an educator's certification or permit issued under Subchapter B, Chapter 21, if the educator is arrested for an offense

listed under Section [22A.201\(a\)](#).

(b) Before suspending an educator's certification or permit under Subsection (a), the board or a five-person committee of board members designated by the board must verify that the person arrested for an offense described by that subsection is the same person who holds a certification or permit issued under Subchapter [B](#), Chapter [21](#), by the board.

(c) A suspension under this section remains in effect until the final disposition of the matter. The State Office of Administrative Hearings shall hold a final hearing on the matter not later than the 61st day after the date of the final disposition of any criminal charges related to the arrest to determine whether the person's certification or permit should be revoked.

(d) The board shall propose rules to implement this section. Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. [571](#)), Sec. 1.23, eff. June 20, 2025.

SUBCHAPTER F. OTHER REPORTING REQUIREMENTS

Sec. 22A.251. REPORT BY AGENCY. (a) The agency, in cooperation with the board, shall, on a quarterly basis, post on the agency's Internet website a report on educator, employee, contractor, and service provider misconduct reported under this chapter.

(b) The report under Subsection (a) must be disaggregated by type of misconduct and include:

(1) the number of reports of alleged misconduct, categorized by the source of the report and whether the person who is the subject of the report holds a certification or permit issued under Subchapter [B](#), Chapter [21](#);

(2) the number of preliminary reviews under Section [22A.102](#) that resulted in a formal investigation;

(3) the number of preliminary reviews under Section [22A.102](#) that did not result in a formal investigation, categorized by reason for disposition;

(4) the number of formal investigations, categorized by disposition;

(5) the number of individuals sanctioned by the board or placed on the registry following a formal investigation; and

(6) any other information as determined by the board or commissioner.

Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.24, eff. June 20, 2025.

SUBCHAPTER G. REQUIRED MISCONDUCT REPORTING: PRIVATE SCHOOLS AND EDUCATIONAL PROVIDERS

Sec. 22A.301. REQUIREMENT TO REPORT MISCONDUCT: PRIVATE SCHOOLS. (a) In addition to the reporting requirement under Section 261.101, Family Code, the chief administrative officer of a private school shall notify the board if the chief administrative officer becomes aware of evidence that a person employed by or seeking employment in a private school engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D).

(b) If there is evidence that a private school employee may have engaged in misconduct described by Subsection (a) and the employee resigns from employment before completion of the investigation, the chief administrative officer of the private school shall submit the evidence of misconduct collected to the board.

(c) The chief administrative officer of the private school must notify the board by filing a report with the board not later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by Subsection (a).

(d) The report filed under Subsection (c) must be:

- (1) in writing;
- (2) in a form prescribed by the board; and
- (3) filed through the Internet portal developed and maintained by the agency under Section 22A.155.

(e) Any person who knows or has reason to believe that a person employed by or seeking employment in a private school engaged in the misconduct described by Subsection (a) may file a report with the board under this section.

(f) A chief administrative officer of a private school or any other person who in good faith files a report with the board under this section or communicates with a chief administrative officer or other administrator of a private school concerning an alleged incident of misconduct by a person employed by or seeking employment in a private school is immune from civil or criminal liability that might otherwise be incurred or imposed.

(g) The name of a student or minor who is the victim of abuse or unlawful conduct by a person employed by or seeking employment in a private school must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter 552, Government Code.

(h) The board shall propose rules as necessary to implement this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 986 (S.B. 1230), Sec. 2, eff. September 1, 2019.

Transferred, redesignated and amended from Education Code, Section 21.0062 by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. 571), Sec. 1.26, eff. June 20, 2025.

Sec. 22A.302. REQUIREMENT FOR COMPTROLLER TO REPORT EDUCATIONAL PROVIDER MISCONDUCT TO AGENCY AND BOARD. (a) This section applies to a person who is employed by or contracts with an educational provider to provide educational services to a child participating in the education savings account program.

(b) In addition to the reporting requirement under Section 261.101, Family Code, the comptroller shall notify the board and the commissioner if the comptroller:

(1) becomes aware of evidence that a person described by Subsection (a) engaged in misconduct described by Section 22A.051(a)(2)(A), (B), (C), or (D); or

(2) obtains criminal history record information relating to misconduct described by Subdivision (1) for a person described by Subsection (a).

(c) The comptroller must notify the board and the commissioner by filing a report with the board and the commissioner not later than 48 hours after the comptroller:

(1) knew about the termination or resignation from employment or cessation of service of a person described by Subsection (a) by the person's educational provider following an alleged incident of misconduct described by Subsection (b)(1); or

(2) becomes aware of evidence of misconduct described by Subsection (b)(1).

(d) The report under Subsection (c) must be:

(1) in writing;

(2) in a form prescribed by the commissioner; and

(3) filed through the Internet portal developed and maintained by the agency under Section [22A.155](#).

(e) The comptroller shall notify the person who is the subject of the report required under Subsection (c) and the person's educational provider of the filing of the report.

(f) The name of a student or minor who is the victim of abuse or unlawful conduct must be included in a report filed under this section, but the name of the student or minor is not public information under Chapter [552](#), Government Code.

(g) The comptroller shall require an educational provider, as a condition of participating in the education savings account program, to provide information, in the manner and form prescribed by the comptroller, necessary for the comptroller to comply with this section.

(h) The board shall propose rules and the commissioner shall adopt rules as necessary to implement this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 1138 (S.B. [571](#)), Sec. 1.27, eff. June 20, 2025.