PART I: REPORTING EDUCATOR MISCONDUCT

Sec. 1. MATTERS TO REPORT

In addition to the reporting requirements under Family Code 261.101[1], the Superintendent shall notify the State Board for Educator Certification (the "SBEC") if:

1. An educator employed by or seeking employment with Midland Academy Charter has a reported criminal history and Midland Academy Charter 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 Midland Academy Charter 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 Midland Academy Charter 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 Midland Academy Charter 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 243.14(d).

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 misconduct items 2(a) or (b) in Part I, Section 1 (Matters to Report) above, despite the educator's resignation from employment before completion of the investigation. *Education Code 21.006(b-1).*

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[1] During the 87th regular legislative session in 2021, the standard for reporting child abuse and neglect under Texas Family Code §261.101 was changed from "cause to believe" to "***reasonable cause to believe***." A person having reasonable cause to believe abuse or neglect has occurred is required to make a report within 48 hours of when they first had reasonable cause to believe the abuse or neglect occurred.

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Sec. 3. DEADLINE FOR REPORTING TO SBEC

The Superintendent must notify the SBEC in writing not later than the seventh business day after the date the Superintendent receives a report under Part I, Section 6 (Report by Principal) or otherwise knew about an educator's termination of employment or resignation following an alleged incident of misconduct or an employee's criminal record. *Education Code 21.006(c)*.

Sec. 4. CONTENTS OF REPORT

The report shall be in writing in a form prescribed by the SBEC, and may be filed through the Internet portal developed and maintained by the SBEC, and must 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;
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 Texas Education Agency.

Education Code 21.006(c-1); 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. 5. REPORT NOT REQUIRED

The Superintendent is not required to notify the SBEC or file a report if the Superintendent:

1. Completes an investigation into an alleged incident of misconduct for:
    a. Abuse or unlawful act with a student or minor; or
    b. Involvement in a romantic relationship with or solicitation or engagement in sexual contact with a student or minor; and
2. Determines the educator did not engage in the alleged incident of misconduct.

Education Code 21.006(c-2).

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The Superintendent should seek legal counsel before making any such determination, and if there is any doubt or concern, err on the side of reporting to the SBEC.

Sec. 6. REPORT BY THE PRINCIPAL

The Principal of a Midland Academy Charter campus must notify the Superintendent not later than the seventh business day after learning of an educator's termination of employment or resignation following an alleged incident of misconduct or the principal knew about an educator's criminal record, as described in Part I, Section 1 (Matters to Report) above. *Education Code 21.006(b-2).*

Sec. 7. 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. The Superintendent shall notify the Board before filing the report. *Education Code 21.006(d); 19 TAC 249.14(d)(3)(B).*

b) ***Notice Prior to Accepting Educator's 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. *19 TAC 249.14(d)(3).*

c) ***Notice to Parents***

The Superintendent or designee shall provide notice to the parent or guardian of a student if there is evidence that an educator:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

The notice must inform the parent or guardian:

1. That the alleged misconduct occurred;
2. Whether the educator 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 SBEC concerning the alleged misconduct.

The Superintendent or designee shall provide such notice as soon as feasible after Midland Academy Charter becomes aware that alleged misconduct may have occurred.

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Education Code 21.0061.

Sec. 8. IMMUNITY

The Superintendent, a director, or principal who in good faith and while acting in an official capacity files a report with the 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).*

PART II: REPORTING EMPLOYEE (NON-EDUCATOR) MISCONDUCT

Sec. 1. APPLICABILITY

Part II of this policy applies to a person who is employed by Midland Academy Charter and who does not hold a certification or permit issued under Subchapter B, Chapter 21 of the Texas Education Code.

Sec. 2. TERMINATIONS OR RESIGNATIONS TO REPORT

In addition to the reporting requirement under Section 261.10, Family Code, the Superintendent shall notify the Commissioner of Education (the "Commissioner") if:

1. An employee's employment at Midland Academy Charter was terminated and there is evidence that the employee:
   a. Abused or otherwise committed an unlawful act with a student or minor; or
   b. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; or
2. The employee resigned and there is evidence that the employee engaged in misconduct described in item 1 above.

Education Code 22.093(c).

Sec. 3. NOTICE BY THE PRINCIPAL

The Principal of any Midland Academy Charter campus must notify the Superintendent not later than the seventh business day after the date of an employee's termination of employment or resignation in the circumstances discussed in Part II, Section 2 (Terminations or Resignations to Report). *Education Code 22.093(e)*.

Sec. 4. REQUIREMENT TO COMPLETE INVESTIGATION

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The Superintendent shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described in Part II, Section 2 (Terminations or Resignations to Report), despite the employee's resignation from employment before completion of the investigation. *Education Code 22.093(d)*.

Sec. 5. DEADLINE TO REPORT TO THE COMMISSIONER

The Superintendent must notify the Commissioner by filing a report not later than the seventh business day after the date the Superintendent receives a report from a Principal or knew about an employee's termination of employment or resignation following an alleged incident of misconduct described in Part II, Section 2 (Terminations or Resignations to Report).

The report must be in writing and in a form prescribed by the Commissioner.

Education Code 22.093(f).

Sec. 6. ADDITIONAL REPORTS

The Superintendent shall notify the Board and the employee of the filing of the report. *Education Code 22.093(g)*.

Sec. 7. IMMUNITY

The Superintendent, director, or Principal who in good faith and while acting in an official capacity files a report under this Sec. 4.3.2 is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 22.093(h).*

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