

Committee on Education

CS/CS/HB 131 — Educator Conduct

by Education and Employment Committee; Secondary Education and Career Development Subcommittee; and Reps. Duggan, Buchanan, and others

The bill requires the Department of Education (DOE) to maintain a list of persons permanently disqualified from employment in a public school or a private school that participates in a state educational scholarship program (private scholarship school). Public schools and private scholarship schools are prohibited from employing a person in a position with direct contact with students if the person is included on the disqualification list. The bill also:

- Requires the disqualification list to include the identify of persons who:
 - Have been placed on the list as directed by the Education Practices Commission.
 - Were terminated or resigned in lieu of termination from employment as a result of sexual misconduct with a student.
 - Have been disqualified from owning or operating a private scholarship school, if determined by the Commissioner of Education to have operated a school in a manner contrary or the health, safety, or welfare of the public.
 - Have committed a disqualifying felony offense as specified in law.
- Requires that educational support employees be included to the same extent required for instructional personnel and school administrators in policies establishing standards of ethical conduct and procedures for investigating, reporting, and terminating personnel.
- Requires the complete investigation of complaints of misconduct by public school personnel, regardless of resignation or termination, and provides authority for the DOE to place a person on the disqualification list.
- Requires public school system employee personnel files to include affidavits of separation in instances of termination, or resignation in lieu of termination, as a result of sexual misconduct with a student. The bill requires district school superintendents to ensure the affidavits are reviewed when screening personnel for employment.
- Provides that a person on the disqualification list commits a felony of the third degree for serving or applying for employment in a public or private scholarship school.
- Provides authority for the DOE to remove a person from the disqualification list if the employer that submitted the person for inclusion on the list requests that the person be removed and submits documentation to support the request.
- Adds to the information that must be posted in a prominent place in public and private scholarship schools directions for accessing the DOE's website for more information in reporting acts of suspected child abuse, abandonment, or neglect.
- Changes the time for a law enforcement agency to notify school personnel to within 48 hours after an employee is arrested for child abuse or the sale or possession of a controlled substance, rather than after an employee is charged. The bill requires the school principal to notify parents of children who had direct contact with the employee.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

