Texas Education Agency

To the Administrator Addressed

Commissioner Mike Morath

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DATE:	**June 26, 2025**
SUBJECT:	**Required Misconduct Reporting and Notices (SB 571) and Liability of Public Schools and Professional School Employees (HB 4623)**
CATEGORY:	**Mandatory Reporting**
NEXT STEPS:	**Review and share with district and campus personnel**

Overview

On June 21, 2025, Governor Abbott signed SB 571, which makes key changes to the Texas Family Code's (TFC) requirements to report child abuse. The bill also creates Chapter 22A of the Texas Education Code (TEC) relating to Employee and Service Provider Misconduct, which makes changes to the requirements to report employee, service provider and educator misconduct to the Texas Education Agency (TEA) and the State Board for Educator Certification (SBEC). Additionally, Governor Abbott signed HB 4623, effective September 1, 2025, amending the Texas Civil Practice and Remedies Code (Tex. Civ. Prac. & Rem. Code), creating liability for public schools and professional school employees for sexual misconduct involving students.

These bills significantly improve policies protecting students from staff misconduct, especially sexual misconduct. Critically, we as educators must take all necessary steps to ensure our schools remain safe learning environments and that we employ strong managerial practices to prevent employees from harming our students.

Attached to this correspondence, we have highlighted a few critical requirements. However, given the importance of these topics, we recommend you review the bills and relevant statutes in full.

Separately, today, via regular mail, a copy of these same provisions was sent to every public school principal in the state. We all have an individual and collective responsibility to keep our kids safe, especially while they are with us at school.

Additional Information

More information related to public school employee duties to protect students can be found on the Educators Duty to Protect Students webpage.

More information related to filing complaints and misconduct reports can be found on the Educator Misconduct and Investigations and Investigations webpages.

Additional correspondence and training will be provided on this topic later this year. For questions, please email generalinquiry@tea.texas.gov.

Key Changes from SB 571 (89th Legislature Regular Session)

REQUIREMENT TO REPORT ABUSE TO DFPS AND LAW ENFORCEMENT AGENCIES –*TFC §§261.001 and 261.101:*

- If a professional has reasonable cause to believe that a child has been abused as defined by TFC §261.001, the professional shall make a report to the Department of Family and Protective Services (DFPS) or law enforcement no later than 24 hours after the professional first has reasonable cause to believe that the child has been abused or neglected.
- The definition of abuse is amended to include "sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes an improper relationship between an educator and a student under Texas Penal Code §21.12."
- The definition of a law enforcement agency includes the Texas Department of Public Safety; the police department of a municipality; the sheriff's office of a county; or a constable's office of a county, and does not include a police department of an educational entity.
- Of note, the definition of child abuse under current law also includes "encouraging the child to engage in sexual conduct".

SUPERINTENDENT AND PRINCIPAL REPORTING REQUIREMENTS, REQUIRED REPORT TO TEA / SBEC - *TEC §22A.051 and §22A.052*:

- A principal must report allegations of the following types of misconduct by SBEC-certified or non-certified employees or service providers to a superintendent within 48 hours of becoming aware of the evidence of misconduct, and the superintendent must report the allegations of misconduct to TEA / SBEC within 48 hours of becoming aware of the evidence of following types of misconduct:
    - 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, Texas Penal Code, regardless of whether the conduct resulted in bodily injury
    - was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor
    - engaged in inappropriate communications with a student or minor, as defined by State Board for Educator Certification rule
    - failed to maintain appropriate boundaries with a student or minor, as defined by State Board for Educator Certification rule
- A superintendent required to submit a report of misconduct to TEA / SBEC commits a **state jail felony** if the superintendent fails to file a report with the intent to conceal a person's criminal record or alleged incident of misconduct.

REQUIREMENT TO REPORT THROUGH INTERNET PORTAL – *TEC §§22A.103 and 22A.155:*

- The following must be submitted through the agency's Misconduct Reporting Portal:
    - Reports of misconduct to TEA/SBEC required under TEC §22A.051 and §22A.052
    - Responses to subpoenas that the agency issues under TEC §22A.103
- Please contact the TEA Help Desk to request access to the Misconduct Reporting Portal, Do Not Hire Registry, and TEA Fingerprinting services.

EDUCATIONAL ENTITY NOTICE TO PARENT OR GUARDIAN – *TEC §22A.053*:

- The board of trustees or governing body of an educational entity shall adopt a policy under which a notice is provided to the parent or guardian when an employee or service provider is alleged to have engaged in certain misconduct involving a student. The notice must include the following:

- that the alleged misconduct occurred;
- whether the person was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation;
- whether a report was submitted to the Texas Education Agency or State Board for Educator Certification concerning the alleged misconduct.

PRE-EMPLOYMENT OR PRE-SERVICE APPLICATION – *TEC §22A.055:*

- An individual applying for employment or seeking employment as a service provider must consent to the release of their employment records and submit a pre-employment or pre-service affidavit disclosing whether they have ever been:
  - investigated, charged with, adjudicated for, or convicted by a law enforcement agency or child protective services for an offense involving conduct described in Section 22A.051;
  - 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;
  - included in the Do Not Hire Registry;
  - employed or is currently employed by a service provider for a public or private school; or
  - terminated or discharged or has resigned, in lieu of being terminated or discharged, from a public or private school.
- An individual who fails to disclose information commits a Class B misdemeanor punishable by fine, jail, or both.

Key Changes from HB 4623 (89th Legislature Regular Session)

LIABILITY – *Tex. Civ. Prac. & Rem.* Code *Code §118.002:*

- New Chapter 118 provides that a public school that is grossly negligent or reckless, or engages in intentional misconduct, in hiring, supervising, or employing a professional school employee is liable for an act or omission that is committed by the employee against a student enrolled in the school and that is:
  - sexual misconduct; or
  - failure to report suspected child abuse or neglect under Section 261.101 of the Texas Family Code.

WAIVER OF GOVERNMENTAL IMMUNITY - *Tex. Civ. Prac. & Rem. Code §118.006:*

- A public school's governmental immunity to suit and from liability is waived to the extent of liability created by this chapter.
- A professional school employee may not assert official immunity under Texas Education Code Subchapter B, Chapter 22, the common law, or any other law in an action brought under this chapter.

DAMAGES, COURT COSTS AND ATTORNEY'S FEES, AND REMEDIES NOT EXCLUSIVE - *Tex. Civ. Prac. & Rem. Code §118.003, §118.004, and §118.005:*

- A claimant who prevails in an action under this chapter shall be awarded actual damages, in a maximum amount of $500,000 for each claimant.
- A party who prevails in an action under this chapter is entitled to court costs and reasonable and necessary attorney's fees.
- The remedies authorized by this chapter are in addition to any other legal remedies.