

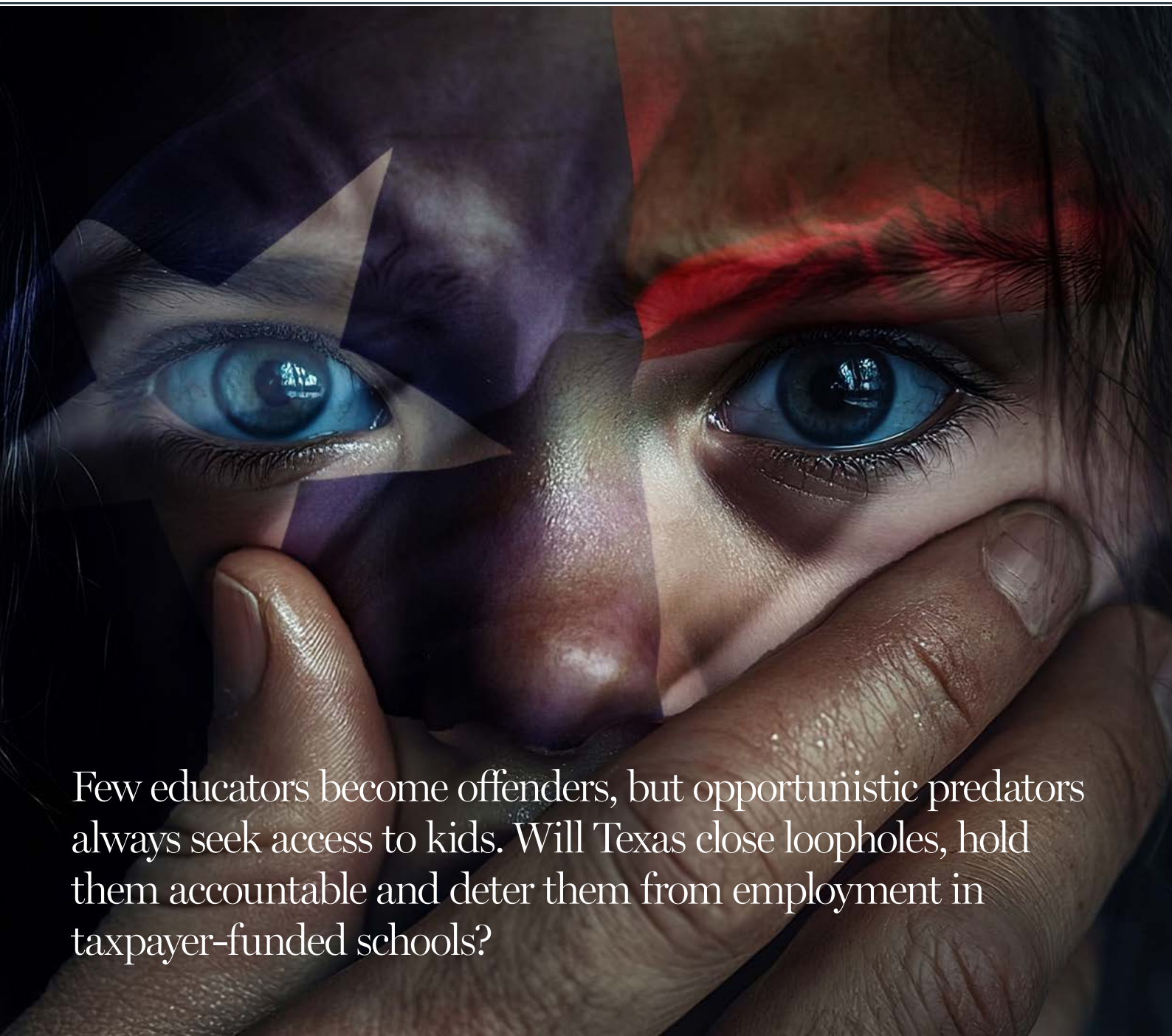
# State-Sponsored Child **Abuse**

SCHOOL EMPLOYEE MISCONDUCT IN TEXAS



REPORT BY TEXAS EDUCATION 911

FIRST PRINT EDITION © 2025

A close-up photograph of a child's face, showing their eyes and hands covering their mouth. The child's eyes are a striking blue. The hands are positioned over the mouth, with fingers spread, suggesting a state of shock or fear. The background is dark and out of focus.

Few educators become offenders, but opportunistic predators always seek access to kids. Will Texas close loopholes, hold them accountable and deter them from employment in taxpayer-funded schools?

WITH GRATITUDE:  
FIRST PRINTING FOR THE 89TH  
LEGISLATURE COMPLIMENTS OF  
**ROBERT AND NANCY BRUCE**

GRAPHIC DESIGN BY MIKE MONTES & BREAKTHROUGH TO IMPACT

# TABLE OF CONTENTS

## CURRENT SITUATION AND PURPOSE OF REPORT

**04**

### Current Situation

Current Situation and Purpose of Report

**20**

### APPENDIX A FAILURES

Examples of Real-World Failures

**05**

### Findings from TEA Data

Findings from Texas Education Agency

**21**

### APPENDIX B

Full Suite of Proposed Solutions from  
Texas Education 911

**06**

### Underlying Systemic Deficiencies

#### Section 1

Inadequate Pre-Employment Practices

#### Section 2

Pernicious Process Problems:  
Reporting  
Investigation Mishandling  
Parental Notice Deficiencies

#### Section 3

Systemic Barriers to Just Outcomes

**18**

### Conclusions and Recommendations

Our conclusions



# Current Situation & PURPOSE OF REPORT

School safety is a major concern in Texas. State funds are allocated for safety equipment and school resource officers to protect students from outside intrusion or a school shooting. While this is crucial, far more Texas students' lives are impacted by sexual and violent misconduct perpetrated by taxpayer-funded school employees. Yet, little has been done to address the systemic deficiencies that are the greatest sources of these threats to student safety.

All Texas school principals and superintendents are required to report misconduct allegations directly to the Texas Education Agency. In 2017, the Texas Legislature passed SB 7, the "Don't Pass the Trash Bill," increasing penalties for failure to report. In 2019, HB 3 created a mandatory Educator Misconduct Reporting Portal.

According to the TEA, the Portal was effective as of March 2020, but records and phone conversations with TEA Investigations personnel indicate that, for eighteen months, the reports were not organized into any meaningful or searchable database until September 2021. Between September 2021 and July 2024, there were **6,888 reports of sexual and violent misconduct by taxpayer-funded school employees perpetrated on students in Texas schools**. Students are far more likely to be victims of sexual predators and violent abusers in school than to be **victims** of school shooters. Despite the nearly \$1.4 billion appropriated in the 88th legislative session to strengthen security measures against outside intruders, effective policy and adequate funding are still desperately needed to protect students from safety threats from the "trusted adults" inside.

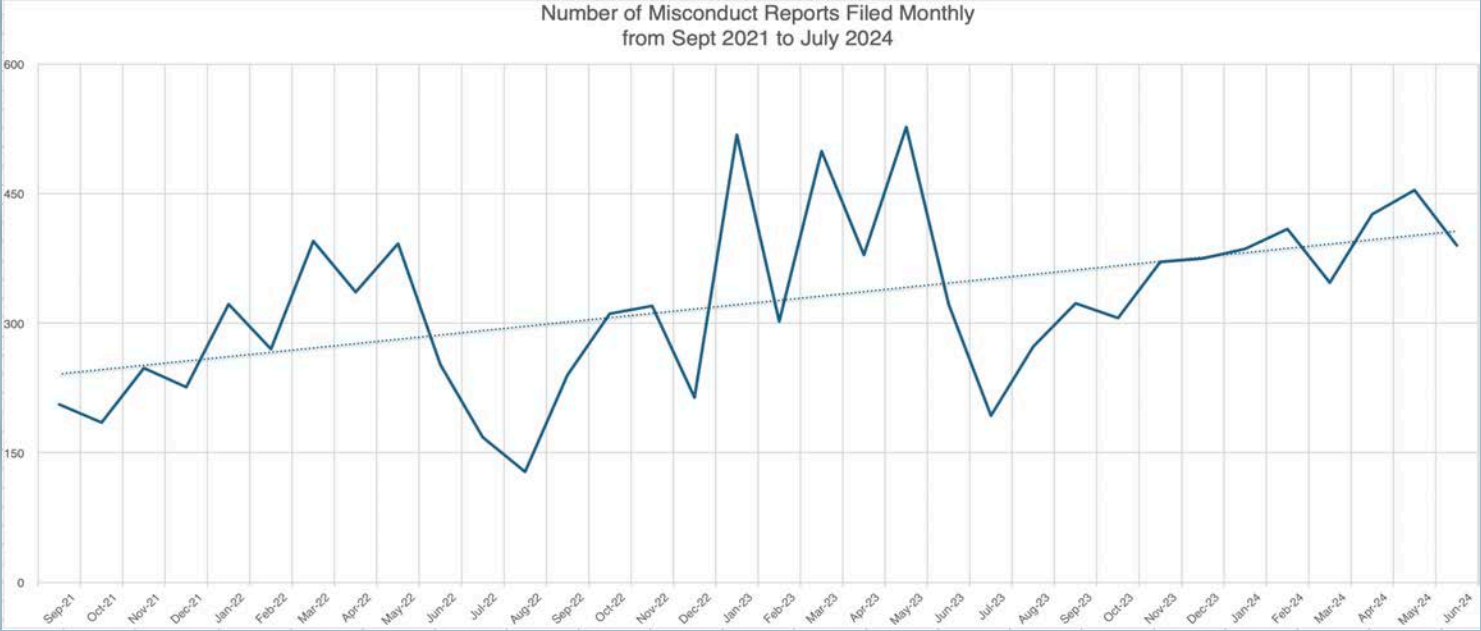


The purpose of this report is to expose the depth and breadth of these problems and to offer parent-identified solutions from Texas Education 911.

***"6,888 REPORTS OF  
SEXUAL AND VIOLENT  
MISCONDUCT BY  
TAXPAYER-FUNDED  
SCHOOL EMPLOYEES  
PERPETRATED ON  
STUDENTS IN TEXAS  
SCHOOLS."***

Current Situation

Figure 1: Monthly Misconduct Reports from September 2021 to July 2024



# FINDINGS FROM TEA DATA

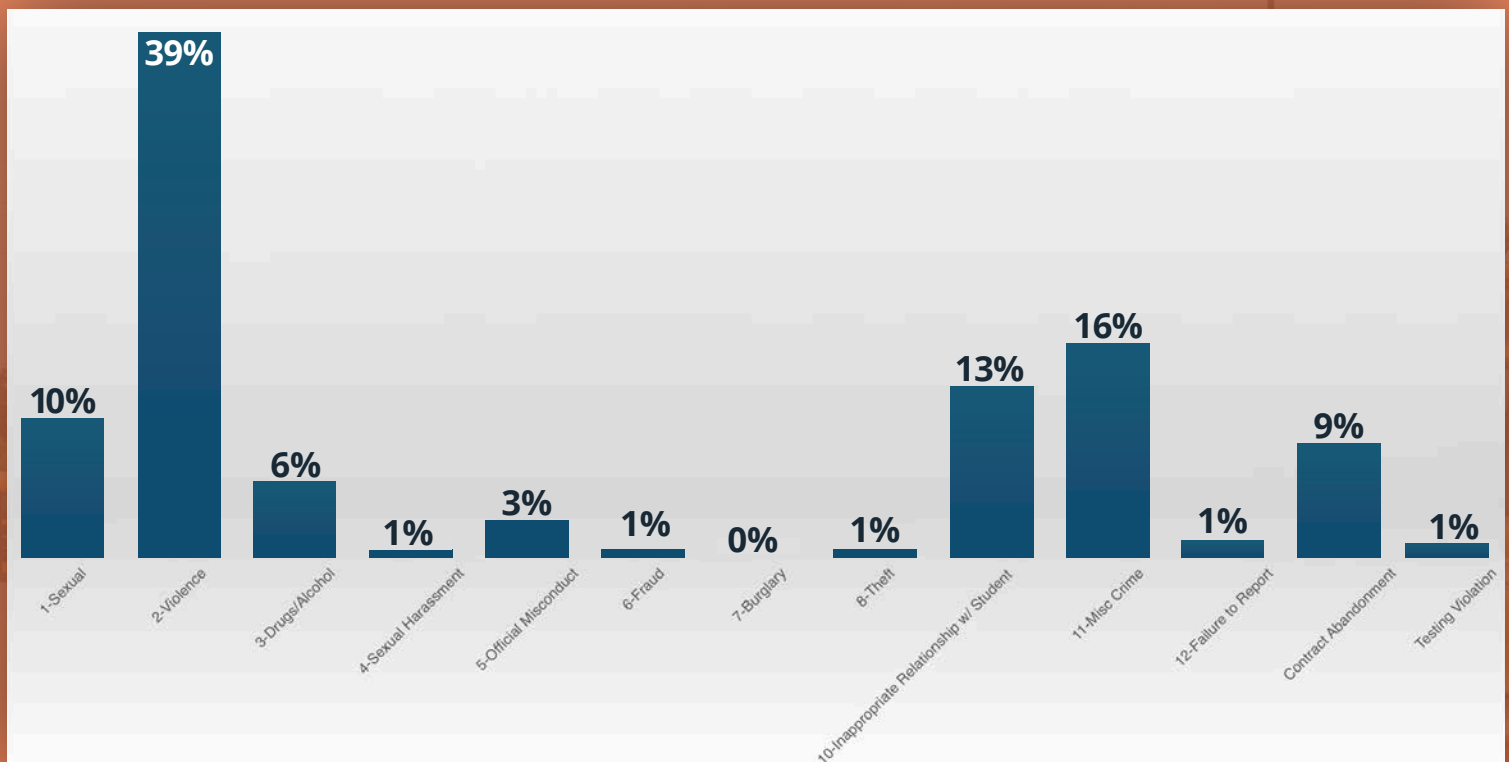
In July of 2024, Texas Education 911 obtained the state’s educator misconduct database from the TEA. The findings are shocking, and the public must be made aware of the number and disposition of these reports statewide.

Since the TEA began tracking reports in earnest, the month-to-month trend indicates a near-doubling in misconduct reports, increasing from 206 reports in September of 2021 to 390 reports in June of 2024. A total of 11,111 reports were recorded over this time period (see Figure 1).



# 11,111 REPORTS CATEGORIZED

*These 11,111 reports were categorized into various case codes by TEA. Distribution of these categories are shown in Figure 2.*



**Figure 2: Distribution of 11,111 Misconduct Reports from September 2021 to July 2024**

# SEVEN IMPORTANT CASE CODES

Seven case codes, totaling 7,049 reports, are the focus of this report. It is important to note that the misconduct reporting portal only captures reports submitted by public, charter and private school principals or superintendents, or those referred by other government agencies such as Department of Family Protective Services (DFPS) or law enforcement. **The public cannot submit a report to this portal.** Here are the relevant case codes and the number of reports recorded over the reporting period.

1) Case Code 1.1 – Sexual Misconduct in School, defined by TEA as “sexual assault, continuous sex abuse of young child, indecency with a child” – **1,028 reports**

2) Case Code 1.2 – Sexual Misconduct Non-School, defined as “sexual assault, continuous sex abuse of young child, indecency with a child, prohibited sexual contact, possession, sale, distribution, or manufacture of child pornography, enticing a child, solicitation of a minor, public lewdness, indecent exposure, invasive visual recording, human trafficking” – **119 reports**

3) Case Code 2.1 – Violence In School, defined as “violence on campus or school property against a student or minor” – **4,144 reports**

4) Case Code 2.2 – Violence Non-School, defined as “injury to a child/elderly/disabled, abandoning or endangering a child, kidnapping, felony physical assault, murder, manslaughter, aggravated assault, aggravated robbery, smuggling of persons” – **185 reports**

5) Case Code 10 – Inappropriate Relationship with a Student or Minor, defined as “inappropriate conduct with a student or minor, including inappropriate communication, grooming, or solicitation of sexual conduct or a romantic relationship (Ref. §21.12a, Penal Code)” – **1,412 reports**

6) Case Code 12.1 – Failure to Report by Superintendent or Principal, defined as “superintendent/principal – failure to report to TEA” – **18 reports**

7) Case Code 12.2 – Failure to Report to Child Protective Services/Law Enforcement, defined as “failure to report to CPS/DFPS and law enforcement” – **143 reports**

**With 6,888 reports of physical and sexual offenses against students (case codes 1.1, 1.2, 2.1, 2.2 and 10) in just 34 calendar months—six of which were summer months—the failure to protect the state’s nearly six million taxpayer-funded school students and shield offending adults from consequences rivals the scandals that rocked the Catholic Church, the Boy Scouts of America and USA Gymnastics. The statistics presented in this report are not just numbers; each represents a child who is a victim of an adult employed by a Texas school—the majority of which were taxpayer-funded schools. The data presents a mandate for stronger preventative measures, responsible and thorough investigations, and serious enforcement and accountability measures to protect students from harm at school.**

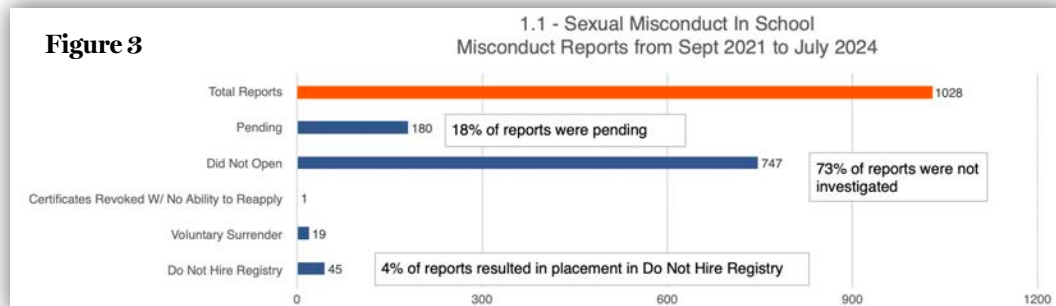
In-depth analysis of this data revealed alarming evidence that a majority of these reports are not being investigated by the state. Figures 3 through 7 show that a large number of reports were classified by TEA with the disposition “Did Not Open,” meaning that there was no investigation opened by TEA, even though school districts considered these reports serious enough to report. In a September 18, 2024, Senate Education hearing, TEA Commissioner Mike Morath explained, “*We simply cannot review all of these. We do not have the administrative resources to do so. Like any prosecutorial department in the U.S., we exercise triage and judgment in the process.*”<sup>\*</sup> TEA’s criteria for determining not to open an investigation is not visible to the public and remains unknown to Texas Education 911 at this time. But, one must ask—considering the vulnerability of young student populations, doesn’t every allegation of such serious misconduct deserve investigation?

Other educator misconduct reports are classified as “pending” and therefore not resolved. Across the five case codes involving sexual and violent misconduct, 61% of reports in the database—a majority—have the disposition of “Did Not Open” and 17% have the disposition of “pending,” so a total of 5,421 or 78% of these reports were not dealt with or had not been dealt with as of July 2024.

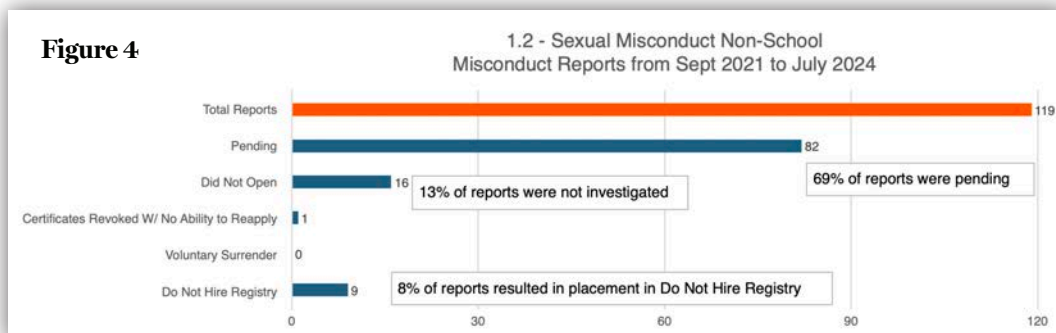
Figures 3 through 7 illustrate more findings regarding these five case codes and will be discussed later in this report.

<sup>\*</sup><https://www.senate.texas.gov/videooplayer.php?vid=20736&lang=en> at **39:40**

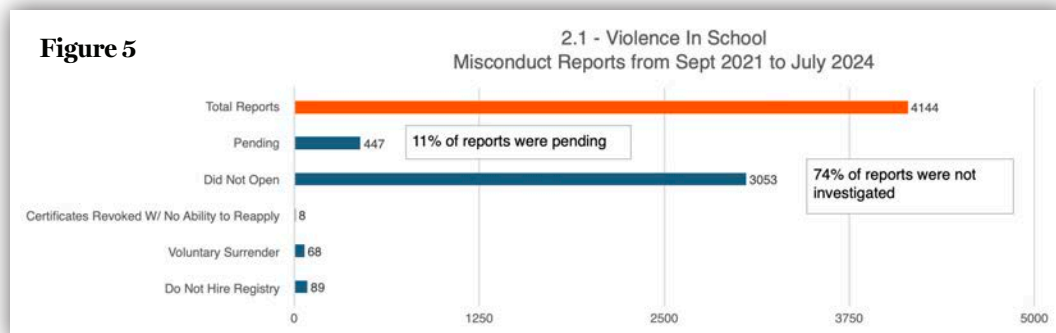
**Figure 3**



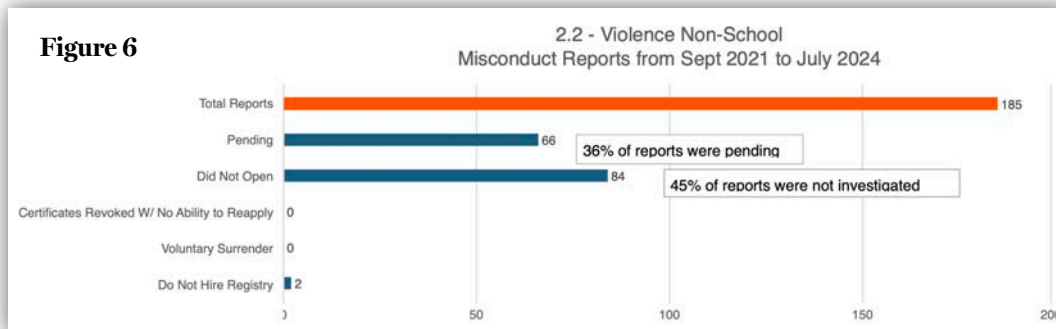
**Figure 4**



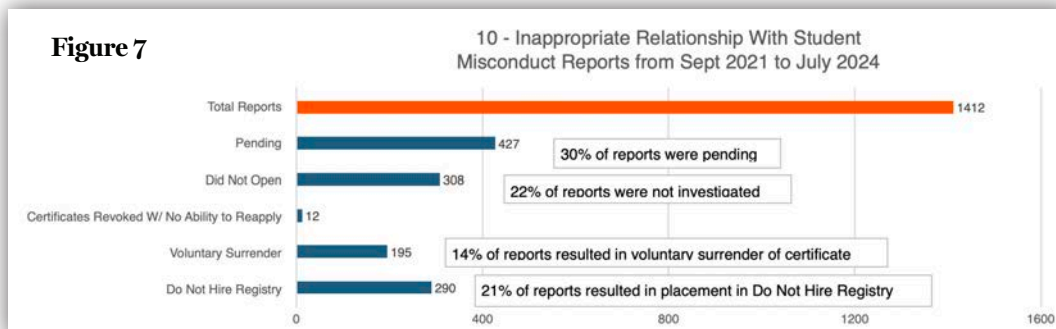
**Figure 5**



**Figure 6**



**Figure 7**





# EVIDENCE OBTAINED

Evidence obtained for this report shows that TEA is never criminally “prosecutorial” when it comes to educator misconduct.

Every allegation of violent or sexual misconduct perpetrated on a student by a school employee deserves an investigation. Full stop.

It is understandable that some educator misconduct reports are classified as “pending” and are, therefore, not resolved. Across the five case codes involving sexual and violent misconduct, 61% of reports in the database—a majority—have the disposition of “Did Not Open” and 17% have the disposition of “pending,” so a total of 5,421 or 78% of these reports were not dealt with or had not been dealt with as of July 2024.

Misconduct reported in figures 3 through 7, according the Texas Administrative Code 249.17(i), must result in permanent, mandatory revocation of a teaching certificate. The charts reveal that TEA is following the legal mandate in less than 1% of cases reported. Among the 1,412 allegations of a school employee’s inappropriate sexual relationship with a student, only 14% of the accused faced permanent, mandatory revocation of their teaching certificates.

*The practice of allowing the accused to surrender the educator’s certificate in lieu of facing investigation is far too common, and should never be allowed. It creates a two-tiered system of justice, where school employees avoid criminal and civil penalties, as well as a record of wrongdoing that might alert future employers.*

# UNDERLYING SYSTEMIC DEFICIENCIES

Current hiring practices in Texas school districts are not adequately detecting or safeguarding children from applicants who may have already demonstrated a propensity to violate ethical standards or harm children. Below is a breakdown of the issues:

## **Spotty Nationwide Misconduct Reporting and Inadequate National Background Checks:**

Texas law requires districts to fingerprint applicants for employment and check the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse and the TEA's Do Not Hire Registry (DNHR) prior to an applicant's employment in schools. This national clearinghouse background check is conducted for certified educators when they apply for their teaching certification. It is only repeated if they leave that school district and apply in another, otherwise it is never repeated. Non-certified applicants are run through an FBI crime database.

Research indicates that information reported to NASDTEC is woefully inadequate, dangerously full of holes, and that voluntary membership to the non-profit organization means not all states or education agencies within a state participate in reporting to it. The Clearinghouse is not searchable by type of school employee misconduct, according to Billie-Jo Grant, Ph.D., a researcher who has published numerous reports on the topic of educator sexual misconduct, so it is impossible to track the prevalence of problems. She told Texas Ed 911, "NASDTEC can tell you who has a flag, but it can't tell you why." The spotty reporting makes it a less-than-ideal tool. This lack of a comprehensive, centralized, searchable database leaves policymakers and administrators blind to critical information, and requiring its use creates a false sense of security that the "clearinghouse" is an effective guard against hiring "bad apples." Grant's research on its effectiveness in Virginia found that 34 former educators on that state's sex offender registry were not in the NASDTEC database. At least Virginia REPORTS educator sex misconduct to the state's sex offender registry. Texas does not.

If an educator resigns before investigations are complete or sanctions are formally imposed, no record of wrongdoing exists and no "flag" shows up for the educator in NASDTEC. The NASDTEC check only applies to certified educators nationwide. In a post-COVID world, schools have increasing numbers of non-certified employees, which makes a database like NASDTEC less useful.

## **Critical Red Flags Are Missed for Non-Certified Employees:**

Alarming, individuals applying for non-certified or substitute teaching positions are not likely to be screened for former certificates issued by the State Board for Educator Certification (SBEC). This means someone with a revoked teaching certificate could be hired as a long-term substitute in another district or teach in another state, bypassing critical safeguards. We have been alerted to such a case. The educator surrendered a teaching certificate in Texas and went on to be certified in Oklahoma.

Standard background checks do not reveal allegations or incidents of criminal activity that occurred within school districts because most misconduct on school grounds remains confined to privacy-protected personnel records and un-investigated claims (see the TEA database concerns below), leaving future employers unaware of potential risks. Inconsistent reporting across jurisdictions makes state crime registries and child welfare records difficult to access in a timely manner. This fragmented system allows employees convicted of misconduct in one locale to be hired in another, as records are often incomplete or take too long to update.

# RED FLAGS MISSED OFTEN



Finally, with more than 30% of the Texas teacher workforce uncertified, it is very concerning that Texas does not maintain a comprehensive database for ALL applicants and employees applying for a position to work with vulnerable populations in the state of Texas. Texas Education 911 identified examples of individuals whose inappropriate sexual misconduct with minors was reprimanded by a state agency, but they were hired at a Texas school thereafter. The lack of a comprehensive database of such applicants and employees in every capacity leaves a critical gap in safety and accountability.

## **Pre-Employment Affidavits, Vetting and Training:**

Texas law requires applicants for specific “covered” positions to submit pre-employment affidavits that disclose whether they have ever been charged, adjudicated, or convicted of having an inappropriate relationship with a minor. However, these affidavits only refer to limited criminal charges, and do not capture often-hushed local investigations or those by the Texas Education Agency (TEA), many of which are never opened. Since some serious allegations of misconduct go uninvestigated (see Figures 3-7 above), if the accused voluntarily surrenders his/her teaching certificate, or resigns before an investigation is conducted, there may be no record of potentially criminal acts. Furthermore, there are no penalties under the law for lying on these affidavits.

## **Polygraphs as screeners:**

One former consultant with 15 years of experience serving Texas law enforcement sex crimes units spoke with Texas Education 911 and made a very insightful observation. She said, “Police, firefighters and Emergency Medical Techs work with vulnerable populations and actually have to take a polygraph test before they’re cleared for hire. We give teachers the same kinds of social esteem in society, but they don’t actually face the same level of scrutiny before they’re hired.” They should, though. She acknowledged the lack of political will that advocates would likely need in requiring school employees to pass a polygraph test before being hired, but she recommended it as a very effective screener and a missed opportunity in schools’ pre-hiring practices. Psychological evaluations are even more essential, according to several seasoned law enforcement leaders in Texas.

## **Lack of Training:**

It is inexcusable to not require explicit training for school employees on boundary-setting, how to recognize grooming behaviors between adults and students, and to be given clear guidance on reporting misconduct and whistleblower protections for employees who expose the truth. A signed, sworn statement to uphold the ethical boundaries between students and adults in school should be required for all employees and school board trustees. To date, Texas Education 911 is not aware of one school board in Texas which has formulated its own local policy to improve procedures and safeguards for their students.

## Pernicious Process

# PROBLEMS

REPORTING, INVESTIGATION AND PARENTAL NOTICE DEFICIENCIES PLAGUE THE SYSTEM; PREVENT JUST OUTCOMES



Texas Education 911 identified critical shortcomings in how allegations of educator misconduct are reported and investigated statewide, leaving students vulnerable and parents uninformed. Key issues include:

### REPORTING PROBLEMS

**Failure to Report Misconduct in Texas School Districts:** Since 2022, parents around the state have been submitting public information requests to TEA to understand whether or not the Agency actually received sexual misconduct reports from school superintendents after incidents were made public and were reported by state and local news media. Shockingly, some received responses indicating independent school districts (ISDs) such as Lovejoy ISD, Prosper ISD and Throckmorton ISD had never used the reporting portal, raising serious questions about accountability and compliance with state law. Texas Education Codes §21.006(j) and §22.093(k) indicate that a principal's or superintendent's failure to report misconduct to the TEA is a state jail felony.

#### **No TEA Accountability for Timeliness in Reporting Misconduct**

Currently, the Texas Education Agency (TEA) tracks misconduct allegations reported by school districts in a system that includes three key dates: Intake Date, Investigation Open Date, and Investigation Closed Date. However, there is no field to record the date when a district originally submitted a complaint, which makes it impossible to verify whether superintendents or principals reported incidents within the legally mandated seven-day window as required in Texas Education Code §21.006(c) and §22.093(f). This is critical, as failure to report misconduct within this time frame is a state jail felony.



A public information request of the TEA revealed that the “Intake Date” represents the date TEA entered the report into their system—not when it was actually received from the district. This loophole means there is no external accountability to ensure timely reporting of misconduct by districts, leaving the system open to manipulation and delay.

Public information requests for the original dated report from Prosper ISD to TEA to seek proof of reporting within the stated timeline have been withheld from release by the Office of Attorney General because it is considered an audit work paper. It is in the public's interest to know whether or not crimes have been committed by trusted and highly-compensated school administrators. The Texas Ed 911 team will continue its inquiry into this matter until there is a definitive answer.

After parent advocates met with Governor Abbott's education policy team in November 2023, the TEA added new case codes 12.1 (Failure to Report by Superintendent/Principal) and 12.2 (Failure to Report to Law Enforcement/DFPS). Prior to this change, there were only a few instances of administrators or other school employees charged with the state jail felony for failure to report employee sexual misconduct against a student. Since the above codes were

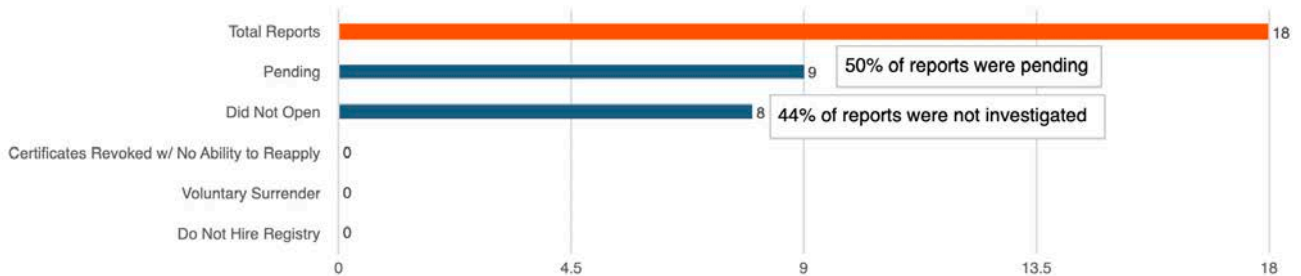
added and the statewide database was obtained, there were 18 Texas school superintendents and principals whose misconduct was coded 12.1 Failure to Report to TEA (see Figure 9). Half of the cases were pending and 44% were not investigated. Parent Advocates are not aware of ANY school leader being charged with the potential state jail felony for this misconduct. The addition of the codes has not translated into better oversight or accountability. Analysis of case codes 12.1 and 12.2 in the misconduct data reveals TEA's propensity to not investigate and to leave reports pending, similar to analysis of sexual and violent misconduct case codes – see Figures 9 and 10.

### ISD Reputation Management and Law Enforcement's Deference to School Leadership to Handle Abuse at School

All mandatory reporting requirements for child abuse in Texas Family Code §161 and all procedural safeguards in reporting the abuse of a child should be fully understood and implemented by all school employees in the same way abuse is reported to law enforcement by a source outside of schools. Even though child abuse is a crime, districts handle abuse reports not as criminal reports, but as administrative procedures. They tend to protect their reputation and shield their own employees. This is a barrier to an appropriate and speedy investigation and just outcomes for victims of abuse.

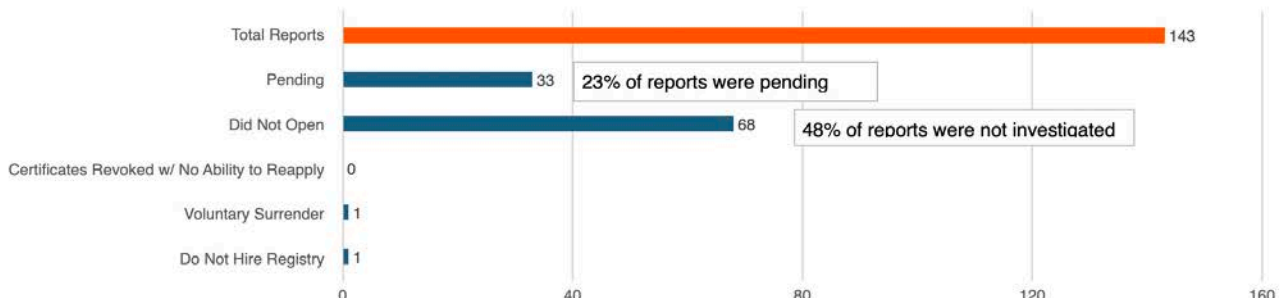
**Figure 9**

**12.1 - Failure of Superintendent or Principal to Report to TEA  
Misconduct Reports from Sept 2021 to July 2024**



**Figure 10**

**12.2 - Failure to Report to CPS/DFPS and Law Enforcement  
Misconduct Reports from Sept 2021 to July 2024**

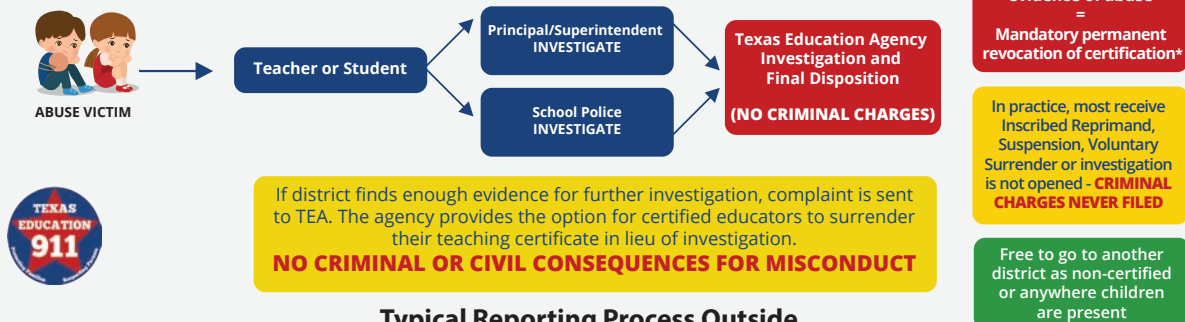


Parents who contact city police, sheriff's deputies or other non-school law enforcement about abuse allegations in school are usually advised that the investigation must be handled within the school district. School district policies emphasize privacy of information creating a barrier to transparency. An independent, third-party investigator should ALWAYS handle cases where a student has allegedly been physically or sexually assaulted by a school employee.

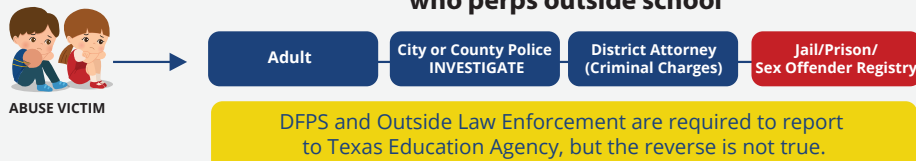
# THE TWO-TIERED SYSTEM OF JUSTICE

OUTCOMES VARY BASED ON WHO IS ACCUSED AND WHERE ABUSE IS REPORTED

## Typical Reporting Process In Schools: Accused=School Employee



## Typical Reporting Process Outside of School: Accused=layperson or school employee who perps outside school



**Note for both processes: Only criminal charges will follow offender wherever they try to work, but criminal charges are not reported on SBEC certificate.**

\*Though mandated for substantiated cases of sexual, violent or drug/alcohol offenses involving a student (Tex. Admin. Code 249.17(i)), SBEC issues a permanent mandatory revocation in less than 1% of these school employee misconduct cases.

## INVESTIGATION MISHANDLING

**Inconsistent Legal Definitions:** Texas law provides overlapping but inconsistent definitions of illegal conduct in penal code, but it is not criminally enforced in relation to schools because of inconsistent education and administrative codes. With more than 30% of Texas' teacher workforce non-certified, it is critical that:

- 1) all relevant statutory code uses the same language and definitions for school district employees,
- 2) strong deterrents exist to repel opportunistic predators from our schools, and
- 3) civil and criminal consequences for sexual and violent misconduct against students applies to ALL professional school employees entrusted with working in environments with such a vulnerable and captive population of minors.

Defining educators as only those certified to teach in Texas schools is inadequate for the investigation of harm to students at school and the enforcement of law regarding these matters.

## Voluntary Surrender Loophole Allows Educators to Evade Consequences and Record of Wrongdoing:

Texas law mandates permanent revocation of teaching certificates for sexual misconduct, inappropriate relationships with students, or violence against students per Texas Administrative Code §249.17(i). In lieu of facing the consequences of their actions, TEA provides certified educators a proverbial "get out of jail free card" through the option to voluntarily surrender their teaching certification.

Based on documented proof obtained from TEA, when educators choose this option, the letter they sign states: "To avoid the uncertainty and expense of litigation in this matter, Respondent agrees to the entry of this Permanent Voluntary Surrender surrendering [his/her] Texas Educator Certificate." The letter also indicates a signature is not an admission of guilt. It remains unclear whether "litigation" refers to criminal, civil or just State Board of Educator Certification (SBEC)

administrative proceedings. This loophole allows educators to evade criminal investigations and potential charges for felony offenses like sexual contact with a minor or harm to a child. When “voluntary surrender” is placed on an educator’s certificate, no reason code is given. The alleged behavior is essentially covered up.

Once criminal charges are bypassed, school employees, including bus drivers, contractors, maintenance workers, mechanics, school safety personnel and others, may seek employment with other vulnerable populations or re-enter the classroom in non-certified roles, such as substitute teachers or paraprofessionals. Disturbingly, this means that someone who had their certificate suspended or surrendered due to misconduct—including sexual misconduct—can work in another district simply by claiming they never held a teaching certificate.

When this happens, no criminal history or professional record of misconduct is discoverable for future employers.

TEA responses to public information requests reveal that the Agency has never referred educator misconduct to a law enforcement agency for criminal prosecution, even when the accusation involves sexual contact with a minor, a potential felony offense.

Public information requests of the TEA for the status of school employees who had been reported by their ISD for serious misconduct found that placement on the Do Not Hire Registry was seriously delayed or not done at all.

**Lack of Transparency:** There is no published information identifying when and why the TEA must initiate investigations or the criteria for taking—or not taking—action. An unacceptably high percentage of cases in the database are never opened. Additionally, key updates, such as adding names to the Do Not Hire Registry, are not completed within a mandatory timeframe, further impeding transparency and accountability.

**Cases Left in Limbo:** A review of misconduct cases revealed several instances where cases labeled “Pending” had remained unresolved for more than two years. Some accused educators, potentially innocent, are left in professional limbo with no resolution in sight. Once an investigation concludes,

there appears to be no oversight ensuring that a case’s “pending” status in the State Board for Educator Certification (SBEC) system is updated accurately. This can harm the careers of exonerated individuals by preventing them from securing future employment.

**No Timely Investigation Start:** Once misconduct is reported to the TEA, there is no mandated timeframe for when an investigation must begin. Some cases remain unresolved for years, despite regulations in the Texas Administrative Code §249.14(n)(1) stipulating that investigations should not exceed 240 days unless there is pending litigation. There is no data field in TEA’s database to indicate whether an employee is facing criminal investigation by an outside law enforcement agency.

**Conflicts of Interest and Unqualified Investigations:** Texas law requires school district police chiefs to report directly to the superintendent, creating potential conflicts of interest—especially when the superintendent or someone known to the investigator is implicated in the misconduct allegations.

**Unqualified Investigators Expose Victims to Improper and Potentially Harmful Procedures:** Presently, principals and superintendents are responsible for conducting the initial investigations into misconduct allegations. *If they find merit*, they are required to report it to the TEA for further investigation. However, these initial investigations are often conducted by individuals who lack Child Advocacy Center training, leading to potential mishandling of cases. Victims are often questioned by school counselors, administrators, and even the accused before principals or superintendents are notified. These repeated interviews—conducted without certified interviewers or parental presence—can further traumatize victims and compromise the investigation.

## PARENTAL NOTICE DEFICIENCIES

Texas law outlines specific notification rights for the accused but leaves the timeline for notifying parents vague. When a child is harmed at school, districts are only required to notify parents “as soon as feasible,” leaving families in the dark for extended periods while investigations unfold. In many cases, parents of other potentially-affected students are never notified.



# SYSTEMIC BARRIERS TO JUST OUTCOMES

## **Flawed Grievance Process Leaves Parents and Victims Powerless**

The current grievance process for addressing misconduct in Texas schools places significant obstacles in the way of concerned parents and victims. Despite claims that complaints can be escalated directly to the Texas Education Agency (TEA), the experience of many who have tried this is frustrating. TEA Commissioner Mike Morath frequently claims he has no jurisdiction in the matter or redirects complainants back to the local district's grievance process — usually too late, after the district's board policy time limit for filing a local grievance has passed.

**Local Districts Hold the Power:** School districts, backed by taxpayer-funded legal teams from the Texas Association of School Boards (TASB) are well-versed in navigating the grievance process. Unfortunately, many parents report that schools delay or withhold key information, allowing the statute of limitations to expire and giving districts the ability to destroy critical evidence. In some cases, districts promise investigations but stall until parents are no longer able to file a formal grievance.

**Parents Face Significant Disadvantages:** Parents, lacking the same legal resources and expertise as school districts, often find themselves caught off guard by the uneven playing field that grievances reveal. Parents anticipate being heard and coming to a fair resolution. School administrators patiently walk through grievance proceedings with no intention of conceding fault, mistakes, or even remedies. Many families are left feeling powerless and unable to navigate the convoluted system where the arbiter of the matter is often also the subject of the grievance. Level Three/Four grievances, which are the highest level for local appeal, are heard by the school board and are routinely denied. Based on TEA's own data, when parents appeal beyond the local level to TEA, the Commissioner rules in favor of parents in only a small percentage of grievances. This leaves many feeling that there is no Constitutional due process in Texas education.

**Disadvantaged by Enrollment and Evidence Rules:** Another major hurdle is the requirement that parents keep their child enrolled in the school for the grievance or federal Title IX complaint to move forward. If a parent removes their child for safety reasons or if the student graduates, the grievance is dismissed. Additionally, parents are required to present all evidence supporting their case at the initial grievance stage, while school districts are allowed to continue gathering evidence throughout the process. On the other hand, schools routinely make serious student disciplinary decisions, like Disciplinary Alternative Education Placements, WITHOUT the existence of any physical evidence. When this happens, parents are forced to accept an unjust decision or pull their children from public school for good.



Currently, the TEA Commissioner's Rules on Reporting Requirements, 19 Texas Administrative Code §61.1026 mandate that school districts report various data to the Texas Student Data System Public Education Information Management System (TSDS PEIMS). This includes information on organizational structure, budgets, staff, student demographics, and discipline. However, there is no requirement for districts to report the number of certificate and non-certificate holders accused of sexual misconduct, inappropriate relationships with students or minors, or violence against students, whether on or off campus.

### Lack of Civil/Criminal Penalties and Deterrents in Texas Education Code and Texas Administrative Code

Currently, Texas Education Code §22.0511 grants sovereign immunity to “professional school employees” and independent school districts (ISDs), making it exceedingly difficult to hold them accountable for failures such as physical and sexual abuse of students by a school employee and failures to report misconduct. The closest legal reference to inappropriate relationships with students is found in the Code of Ethics and Standard Practices for Texas Educators, specifically 19 Texas Administrative Code §247.2. Standard 3.6 in §(3)(F), which explicitly acknowledges that engaging in or soliciting sexual conduct or a romantic relationship with a student or minor is a breach of ethical conduct. Additionally, Standard 3.9 in §(3)(I) states that inappropriate communication with a student or minor can be assessed based on whether it could reasonably be interpreted as soliciting sexual contact or a romantic relationship. However, this differs significantly from the Texas Penal Code’s definition of “Improper Relationship between Educator and Student” in §21.12, which encompasses any engagement in sexual contact, sexual intercourse, or deviate sexual intercourse with a person enrolled in a public or private primary or secondary school where the employee works.

# CONCLUSIONS & RECOMMENDATIONS



Our investigative findings reveal that the entire state education apparatus (including the Commissioner of Education, the TEA, the ISD's, and all the school lawyers who defend them in cases where students have been harmed by school employees) have continued to allow a pattern of behavior to persist in which sexual predators and physical abusers of children are given mercy while children and families suffer without remedy. None deserve protection from civil and criminal liability for harm they are causing to Texas school students.

Historically, teachers have played the most central role in inspiring children to learn, grow intellectually and succeed academically at school, however, current cultural shifts have led many career educators to flee the classroom. Post-COVID teacher shortages have fueled a rush to put bodies in classrooms. We rightly recognize that genuine educators are not pedophiles, but we see developing evidence that opportunistic child predators will go to great lengths to find ways to work closely with children. It is well past time to close the loopholes that leave Texas public school children vulnerable to physical and sexual abuse by school employees. It is time we protect Texas children, restore dignity to the teaching profession, and appropriately acknowledge the scope and source of the problem and get about the business of solving it.

From those conclusions, the following changes are imperative to end what amounts to state sponsored child abuse:

- Establish independent investigations and oversight by **creating an Office of Inspector General for Texas Taxpayer-Funded Education** reporting to a body elected by the people of the State of Texas, such as the State Board of Education (SBOE).
- Reform educator hiring practices
- Revamp misconduct reporting and investigation systems and processes to the professional level expected from one of the largest enterprises in Texas
- Remove barriers to civil and criminal liability of abusers and those who protect them
- Guarantee transparency, accountability and due process protections for all
- Close loopholes which allow criminals in Texas schools to walk free

See Appendix A for real world examples of how the problems in this report impact real student.

See Appendix B for a full suite of Texas Education 911 recommended solutions.

**We must put an end to state-sponsored child abuse.**

FOR  
QUESTIONS  
**PLEASE  
CONTACT**

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### A

## APPENDIX A – Examples of Real-World Failures

The following are egregious failures that demonstrate the need to tighten reporting requirements and enforcement penalties for not reporting.

**Lovejoy ISD:** In February of 2023, a public information request to the TEA revealed that Lovejoy ISD had not used the required Misconduct Reporting Portal, despite media coverage of former educator Ray “Creepy” Cooper sending sexually suggestive text messages to a student in 2021. Lovejoy ISD’s Superintendent Katie Kordel and School Board President Barrett Owens publicly assured parents that Cooper’s misconduct would be reported to all “requisite agencies.” However, TEA records did not show that Cooper was reported through the portal, his teaching certificate was not permanently revoked as required by Texas Administrative Code §249.17(i), and he was never added to the TEA’s Do Not Hire Registry. The TEA Commissioner has never reported Kordel to law enforcement for prosecution for a state jail felony in accordance with Texas Education Code. As of this report’s release, Superintendent Kordel remains in her position at Lovejoy ISD, with no apparent consequences for the district’s failure to act.

**Prosper ISD:** In the 2021-2022 school year, a bus driver in Prosper ISD molested two young girls over the course of the entire year. Despite the fact that he worked in the district for a few years prior, the superintendent, Holly Ferguson, told the victims’ mother to keep the incident quiet according to court filings. She also failed to notify other potentially affected victims, the community, or the newly elected members of the Board of Trustees. The perpetrator was arrested in May of 2022, but the community learned of the case only because a lawsuit was filed on August 26, 2022. Public information requests to the TEA in September 2022 and January 2023 indicated that Prosper ISD had never used the Misconduct Reporting Portal. Despite allegations of failing to report educator misconduct, Ferguson was rewarded with a contract extension, a \$40,000 raise (increasing her annual salary from \$310,000 to \$350,000), and a higher performance incentive of \$40,000. After Texas Education 911 raised the visibility of this matter, subsequent public information requests made in April 2024 for Prosper ISD’s misconduct reports returned six misconduct reports, including the bus driver. The most recent requests made in June 2024 show sixteen misconduct reports dating back to 2020.

**Lorena ISD:** In a particularly disturbing case, a kindergarten classroom aide in Lorena ISD was repeatedly allowed access to a young student despite multiple complaints from colleagues. The principal failed to act, allowing the aide to continue inappropriate interactions with the child during nap time. A federal judge has ruled that sovereign immunity does not apply in this case because the principal’s negligent inaction was a “shock to the conscience,” highlighting the egregiousness of the misconduct. Most parents lack the financial means to pursue justice in federal court, underscoring the need for stronger state-level criminal and civil remedies when students are harmed at school.

**Rockwall ISD:** A female preschool teacher was accused of repeatedly sodomizing a four-year-old boy. Due to her family connections, investigations have failed to yield any concrete proof. Although no longer with the district, she is not barred from pursuing future employment opportunities that involve working with children, raising concerns about the safety of other students. This case remains unresolved.

These cases underscore the urgent need for reform in how Texas school districts handle allegations of educator misconduct. Without stricter enforcement of reporting requirements, greater transparency and independent, third-party investigations, students remain vulnerable to abuse, and those responsible for failing to report continue to escape consequences.

### A Notable Exception: Atlanta ISD

When Atlanta ISD chose to close an investigation into allegations of sex assault of students by a beloved teacher and coach, it claimed there was not enough evidence to proceed. A persistent Assistant District Attorney found the ISD police chief’s findings odd and asked for the file. After interviews with victims the Cass County DA’s Office found enough evidence to prosecute. On Friday, August 2, 2024, a Cass County jury convicted Taureaus Alvaro Maxwell, 31, a former teacher and coach at Atlanta Independent School District, of four counts of Indecency with a Child by Contact and four counts of Improper Relationship between Educator and Student. He is serving a 60 year sentence in state prison. The DA’s Office told Texas Ed 911 by phone that there are two similar cases making their way through the courts in 2025, and they are developing reporting and investigation protocols for all school-based child sex assault allegations in Cass County as a result of this experience. We applaud this novel and effective effort to protect Texas students at school.



B

## APPENDIX B – Full Suite of Proposed Solutions from Texas Education 911

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### Overarching Proposed Solutions:

#### 1. Establish an Independent Office of Inspector

**General:** All investigations of school employee misconduct should be handled by an independent Office of Inspector General. The authority to investigate the physical or sexual abuse of a student must be removed from local districts and the TEA, both of which have been complicit in downplaying these incidents in the past. The ability to report school employee misconduct should be opened to the general public.

Education is the largest expenditure in the state budget. We must reduce opportunities for waste, fraud and abuse and hold education agencies accountable for improving student educational outcomes and keeping kids and teachers safe at school. Evidence in this report makes clear that the IG must be independent of the TEA, and be appointed by elected officials directly accountable to voters—we suggest the State Board of Education.

**2. Streamline the Reporting Process:** The first person to hear the outcry of a student regarding a school employee's misconduct should be required to report it directly to the Office of Inspector General or outside-the-school law enforcement. Investigations should be handled solely by these qualified authorities.

**3. Certified Interviews for Victims:** Victims should only be interviewed by Child Advocacy Center-trained professionals to minimize trauma. Multiple, unqualified interviews should be eliminated.

**4. Equal Rights for Parents and Victims:** Parents and victims must be granted the same notification rights as the accused. There should be specific timeframes for updates on the investigation process, allowing parents to support their children during traumatic times. Unshackle victims' constitutional due process to file civil liability claims when they are harmed by a school employee – currently this is impossible due to governmental immunity statutes shielding perpetrators from criminal and civil liability.

**5. Timely Investigations:** There must be clear minimum and maximum timeframes for investigations to begin, and regular intervals for updating parents must be established and enforced.

**6. Accountability to Law Enforcement:** When criminal misconduct is confirmed through admission or investigative findings, ensure perpetrators are appropriately referred for criminal prosecution and placed on the Do Not Hire Registry. If the matter is a sexual offense, ensure that they are placed on the state sex offender registry.

**7. Accurate, Complete and Timely Record Keeping:** Address deficiencies and close gaps in reporting school employee misconduct data. Failure to report sexual misconduct within seven business days is a state jail felony. Timely reporting requirements are critical. Data fields must be uniform and records must be accurate and up-to-date.

**8. Unified Definitions:** Definitions of who a school employee is, what misconduct is, and definitions of criminal conduct and consequences across all relevant codes (e.g., Texas Family Code, Education Code, Administrative Code, Government Code, Penal Code, Criminal Justice and Procedure Code, Civil Practice and Remedies Code, etc.) must be standardized to avoid confusion and ensure clear legal accountability.

By implementing these solutions, Texas can protect its students, ensure transparency in investigations, and restore trust in the state's education system.

### Failure to Report – Proposed Solutions:

**9. Mandatory Reporting to Law Enforcement:** Any recipient of an initial outcry of misconduct must be required to report directly to the Office of the Inspector General (OIG) or outside law enforcement, bypassing internal school channels that may compromise the investigation or put the district's reputation above the best interest of the student.

### **10. Criminal Accountability for Failure to Report:**

Both individuals found guilty of misconduct and those who fail to report such offenses must face criminal charges to ensure accountability and protect students.

**11. Independent Oversight of TEA:** There must be an independent oversight body reporting directly to the State Board of Education to hold TEA accountable.

**12. Accurate Intake Dates:** The intake date recorded by TEA must reflect the actual date a report is received from a district, not when it is entered into the system.

**13. Enforce Failure to Report Charges:** Superintendents and Principals who fail to report misconduct under case code 12.1 must face legal consequences, as required by law.

**14. Mandatory Reporting to Law Enforcement:** Texas Family Code §261.103 must be amended to require mandatory reporting of abuse to outside law enforcement rather than to just to “the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.” Also mandatory penalties must be added for districts that fail to comply.

**15. Transparency in Allegations and Dispositions:** Every allegation and disposition must be included on an educator’s certificate, or maintained in a database for non-certified individuals, to ensure transparency.

**16. Immediate Reporting:** The original recipient of an outcry must report to the Office of Inspector General (OIG) or law enforcement within 24 hours to protect students and ensure timely investigations.

State-sponsored child abuse and protection of child predators and abusers must end.

It’s time to restore the dignity of the teaching profession and ensure all children and educators have an authentically safe environment, free from those who seek to harm them—not just from the outside, but also from “trusted adults” who present threats within.

## **Voluntary Surrender and Revocation of Certificate – Proposed Solutions:**

**17. Abolish the Voluntary Surrender Option:** There should be no option for educators to voluntarily surrender their certificate. This practice enables individuals guilty of serious offenses to evade accountability and continue working in Texas schools, putting students at risk. The system must be reformed to ensure that educators who engage in misconduct face full legal consequences and are permanently removed from educational environments.

**18. Enforce Permanent Revocation:** Any educator found guilty of sexual misconduct, violence, or inappropriate relationships must face permanent mandatory revocation of their teaching certificate. Criminal charges should follow as well.

## **Grievance Process – Proposed Solutions:**

This broken system leaves victims and their families without the support they need to seek justice. Many are left frustrated and abandoned by the very institutions meant to protect students. Experiencing these traumas as they tore through these communities and sharing the burden as they walked alongside victims’ families, the parent advocates of Texas Education 911 sought answers—how has this been allowed to continue? And how do we stop it?

**19. Creation of an Office of Inspector General:** An independent Office of Inspector General should be established to assist parents and victims in seeking justice. This office would ensure that misconduct by educators is properly investigated and that individuals guilty of abuse are removed from the education system and face criminal charges.

**20. Stricter Oversight:** The TEA must have stronger oversight to guarantee that school officials—principals and superintendent are reporting misconduct within the seven-day window mandated by Texas Education Code §21.006(c) and §22.093(f). This would help restore integrity to the teaching profession and ensure accountability within Texas schools.

### PEIMS Data – Proposed Solutions:

**21.** PEIMS must include statistics gathered from the TEA's misconduct reporting portal. Taxpayers deserve transparency about the prevalence of sexual misconduct, inappropriate relationships, and violence within Texas schools.

By closing these gaps and enforcing stronger reporting and prosecution measures, Texas can begin to address the systemic failures that allow misconduct and abuse to go unpunished in schools.

### Lack of Criminal/Civil Penalties – Proposed Solutions

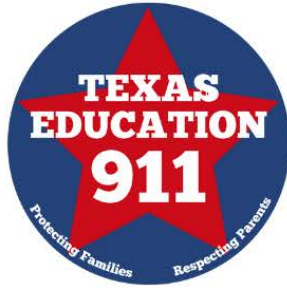
**22.** The language used in the Texas Penal Code for crimes involving abuse or neglect—phrases like “intentionally, knowingly, or recklessly”—must be applied within the school setting when dealing with reports of abuse or misconduct. Prosecutions should follow accordingly to deter opportunistic predators from seeking employment in Texas schools. Negligence and intentional cover-ups should be viewed as state-sponsored child abuse, and Texas families deserve better protections and accountability.

### Sovereign Immunity – Proposed Solution

**23.** The sovereign immunity clause must be amended to exempt acts of inappropriate sexual relationships with students or minors, sexual misconduct, or violence against students. Texas Civil Practice and Remedies Code §101.021 must be amended to add the physical and sexual harm of a child as exemptions to governmental immunity for both the perpetrator employee and the school district. Subsequent code sections such as §101.051 affected by this amendment should also reference these exemptions. Requiring school districts to indemnify themselves against the risk of damages related to civil tort claims would protect taxpayer interests AND due process for student victims harmed by taxpayer-funded employees.

*Bringing Parent-Identified Solutions to Texas Education*

Join us at [www.TexasEd911.com](http://www.TexasEd911.com)



***Nearly 7,000 reports of physical and sexual abuse perpetrated on Texas students by taxpayer-funded school employees in the last three years?***

**SHOCKING! SHAMEFUL! UNACCEPTABLE!**

***PUT AN END TO STATE-SPONSORED CHILD ABUSE  
NOW!***

## **Support Texas Education 911 Legislative Priorities:**



Create an Independent Office of the Inspector General for Education

Investigations of fraud, waste and especially student abuse need to be conducted independent of schools and TEA



End governmental immunity from liability for school employees who commit physical and sexual abuse against students

No one should be above the law, especially public employees



End taxpayer-funded lobbying for local education agencies

Tax dollars should not be used to lobby against you or authentic safeguards and protections for Texas school children

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