

By: Ogden

S.B. No. 1488

A BILL TO BE ENTITLED

AN ACT

relating to the abuse of a child by an employee of a school district, open-enrollment charter school, regional education service center, or shared services arrangement

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.006 to read as follows:

Sec. 21.006. REPORT OF TERMINATION OR RESIGNATION BASED ON SUSPECTED ABUSE. (a) In this section, "abuse" has the meaning assigned by Section 261.001, Family Code.

(b) In addition to the reporting requirement under Section 261.101, Family Code, the superintendent or director of a school district, open-enrollment charter school, regional education service center, or shared services arrangement who has cause to believe that an educator abused or otherwise committed an unlawful act with a student or minor shall notify the State Board for Educator Certification of the termination of the educator's employment or the resignation of the educator in lieu of termination of the educator's employment.

(c) The superintendent or director must notify the State Board for Educator Certification by filing a report with the board not later than the seventh day after the date the employment of an educator described by Subsection (b) was terminated or the educator resigned in lieu of termination of employment. The report must be:

1 (1) in writing; and

2 (2) in a form prescribed by the board.

3 (d) The superintendent or director shall notify the board of
4 trustees or governing body of the school district, open-enrollment
5 charter school, regional education service center, or shared
6 services arrangement of the filing of the report required by
7 Subsection (c).

8 (e) A superintendent or director acting in an official
9 capacity who, in good faith, files a report with the State Board for
10 Educator Certification under this section is immune from civil or
11 criminal liability that might otherwise be incurred or imposed.

12 (f) The State Board for Educator Certification shall adopt
13 rules to implement this section.

14 SECTION 2. Section 21.451(a), Education Code, is amended to
15 read as follows:

16 (a) The staff development provided by a school district must
17 be conducted in accordance with minimum standards developed by the
18 commissioner for program planning, preparation, and improvement.
19 The staff development:

20 (1) must include training in:

21 (A) technology;

22 (B) conflict resolution; ~~and~~

23 (C) discipline strategies, including classroom
24 management, district discipline policies, and the student code of
25 conduct adopted under Section 37.001 and Chapter 37; and

26 (D) the requirement under Section 21.006 that a
27 superintendent who has cause to believe that an educator abused or

1 otherwise committed an unlawful act with a student or minor report
2 to the State Board for Educator Certification the termination of
3 the educator's employment or the educator's resignation in lieu of
4 termination of employment.

5 (2) must include training that:

6 (A) relates to instruction of students with
7 disabilities; and

8 (B) is designed for educators who work primarily
9 outside of the area of special education; and

10 (3) may include instruction as to what is permissible
11 under law, including opinions of the United States Supreme Court,
12 in regard to prayers in public school.

13 SECTION 3. Section 261.105(d), Family Code, is amended to
14 read as follows:

15 (d) If the department initiates an investigation and
16 determines that the abuse or neglect does not involve a person
17 responsible for the child's care, custody, or welfare, the
18 department shall refer the report to a law enforcement agency for
19 further investigation. If the department determines that the abuse
20 or neglect involves an employee of a public primary or secondary
21 school, and that the child is a student at the school, the
22 department shall orally notify the superintendent of the school
23 district or director of the school in which the employee is employed
24 about the investigation.

25 SECTION 4. This act applies beginning with the 2003-2004
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.