

## **BILL ANALYSIS**

Senate Research Center

S.B. 1414  
By: Duncan  
Higher Education  
8/19/2011  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In response to a specific case of child molestation, the 79th Legislature enacted legislation requiring all volunteers and employees who work with children at Texas youth camps to complete a sexual abuse and child molestation awareness training course approved by the Department of State Health Services. The training is designed to be a deterrent to those who might harm youth and to equip volunteers and employees with valuable knowledge for detecting abuse and those who prey on children.

The law has been embraced and successfully implemented by private camps, as well as nonprofit camps, such as those operated by YMCAs, Boy Scouts, Girl Scouts, and religious organizations, all regulated by the Youth Camp Act. All employees and volunteers who will have any form of contact with the youth at the camps are required to go through this training and testing process.

However, children who attend youth camps operated on Texas college or university campuses are not protected. Those institutions are exempt from the Youth Camp Act because facilities on those campuses are already inspected under another governmental entity.

S.B. 1414 amends current law relating to sexual abuse and child molestation training and examination for employees of certain programs for minors held on campuses of institutions of higher education, and provides penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 51.976, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.976, as follows:

Sec. 51.976. TRAINING AND EXAMINATION PROGRAM FOR EMPLOYEES OF CAMPUS PROGRAMS FOR MINORS ON WARNING SIGNS OF SEXUAL ABUSE AND CHILD MOLESTATION. (a) Defines, in this section, "camper," "campus program for minors," "department," "institution of higher education," "private or independent institution of higher education," "program operator," and "training and examination program on sexual abuse and child molestation."

(b) Prohibits a program operator from employing an individual in a position involving contact with campers at a campus program for minors unless:

(1) the individual submits to the program operator or the campus program for minors has on file documentation that verifies the individual within the preceding two years successfully completed the training and examination program on sexual abuse and child molestation; or

(2) the individual successfully completes the campus program for minors training and examination program on sexual abuse and child molestation,

which must be approved by the Department of State Health Services (DSHS), during the individual's first five days of employment by the campus program for minors and the campus program issues and files documentation verifying successful completion.

(c) Provides that Subsection (b) does not apply to an individual who is a student enrolled at the institution of higher education or private or independent institution of higher education that operates the campus program for minors or at which the campus program is conducted and whose contact with campers is limited to a single class of short duration.

(d) Requires a program operator to:

(1) submit to DSHS:

(A) on the form and within the time prescribed by DSHS verification that each employee of the campus program for minors has complied with the requirements of this section; and

(B) the fee assessed by DSHS under Subsection (g); and

(2) retain in the operator's records a copy of the documentation required or issued under Subsection (b) for each employee until the second anniversary of the examination date.

(e) Requires a person applying for or holding an employee position involving contact with campers at a campus program for minors to successfully complete the training and examination program on sexual abuse and child molestation during the applicable period prescribed by Subsection (b).

(f) Requires the executive commissioner of the Health and Human Services Commission by rule to establish criteria and guidelines for the training and examination program on sexual abuse and child molestation required by this section. Requires that the program include training and an examination on the topics listed in Section 141.0095(e) (relating to an approved training and examination program on sexual abuse and child molestation), Health and Safety Code. Authorizes DSHS to approve training and examination programs on sexual abuse and child molestation offered by trainers under contract with campus programs for minors or by online training organizations or to approve programs offered in another format authorized by DSHS.

(g) Authorizes DSHS to assess a fee in the amount necessary to cover the costs of administering this section to:

(1) each person that applies for DSHS's approval of a training and examination program on sexual abuse and child molestation under this section; and

(2) each program operator who files with DSHS the verification form required under Subsection (d)(1)(A).

(h) Requires DSHS at least every five years to review each training and examination program on sexual abuse and child molestation approved by DSHS under Subsection (f) to ensure the program continues to meet the criteria and guidelines established by rule under this section.

(i) Authorizes DSHS to investigate a person DSHS suspects of violating this section or a rule adopted under this section. Provides that a person who violates this section is subject to the enforcement provisions of Section 141.015 (Civil

Penalty; Injunction), Health and Safety Code, as if the person violated Chapter 141, Health and Safety Code, or a rule adopted under that chapter.

(j) Provides that the program operator and the institution that operates the campus program for minors or at which the campus program is conducted are immune from civil or criminal liability for any act or omission of an employee for which the employee is immune under Section 261.106 (Immunities), Family Code.

(k) Requires a program operator to consider the costs of compliance with this section in determining any charges or fees imposed and collected for participation in the campus program for minors.

SECTION 2. (a) Requires the executive commissioner of HHSC, not later than December 1, 2011, by rule to establish criteria and guidelines for the training and examination program on sexual abuse and child molestation required by Section 51.976, Education Code, as added by this Act.

(b) Provides that, notwithstanding Section 51.976, Education Code, as added by this Act, a campus program for minors or an individual employed by a campus program for minors is not required to comply with Section 51.976, Education Code, as added by this Act, before June 1, 2012.

SECTION 3. Effective date: September 1, 2011.