

By: Parker, Shelton

H.B. No. 1114

Substitute the following for H.B. No. 1114:

By: Hochberg

C.S.H.B. No. 1114

A BILL TO BE ENTITLED

1

AN ACT

2 relating to public school, child-placing agency, and day-care
3 center policies addressing sexual abuse and other maltreatment of
4 children.

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

6 SECTION 1. Section 11.252(a), Education Code, is amended to
7 read as follows:

8 (a) Each school district shall have a district improvement
9 plan that is developed, evaluated, and revised annually, in
10 accordance with district policy, by the superintendent with the
11 assistance of the district-level committee established under
12 Section 11.251. The purpose of the district improvement plan is to
13 guide district and campus staff in the improvement of student
14 performance for all student groups in order to attain state
15 standards in respect to the student achievement indicators adopted
16 under Section 39.053. The district improvement plan must include
17 provisions for:

18 (1) a comprehensive needs assessment addressing
19 district student performance on the student achievement
20 indicators, and other appropriate measures of performance, that are
21 disaggregated by all student groups served by the district,
22 including categories of ethnicity, socioeconomic status, sex, and
23 populations served by special programs, including students in
24 special education programs under Subchapter A, Chapter 29;

1 (2) measurable district performance objectives for
2 all appropriate student achievement indicators for all student
3 populations, including students in special education programs
4 under Subchapter A, Chapter 29, and other measures of student
5 performance that may be identified through the comprehensive needs
6 assessment;

7 (3) strategies for improvement of student performance
8 that include:

9 (A) instructional methods for addressing the
10 needs of student groups not achieving their full potential;

11 (B) methods for addressing the needs of students
12 for special programs, such as suicide prevention, conflict
13 resolution, violence prevention, or dyslexia treatment programs;

14 (C) dropout reduction;

15 (D) integration of technology in instructional
16 and administrative programs;

17 (E) discipline management;

18 (F) staff development for professional staff of
19 the district;

20 (G) career education to assist students in
21 developing the knowledge, skills, and competencies necessary for a
22 broad range of career opportunities; and

23 (H) accelerated education;

24 (4) strategies for providing to middle school, junior
25 high school, and high school students, those students' teachers and
26 counselors, and those students' parents information about:

27 (A) higher education admissions and financial

1 aid opportunities;

2 (B) the TEXAS grant program and the Teach for
3 Texas grant program established under Chapter 56;

4 (C) the need for students to make informed
5 curriculum choices to be prepared for success beyond high school;
6 and

7 (D) sources of information on higher education
8 admissions and financial aid;

9 (5) resources needed to implement identified
10 strategies;

11 (6) staff responsible for ensuring the accomplishment
12 of each strategy;

13 (7) timelines for ongoing monitoring of the
14 implementation of each improvement strategy; ~~and~~

15 (8) formative evaluation criteria for determining
16 periodically whether strategies are resulting in intended
17 improvement of student performance; and

18 (9) the policy under Section 38.0041 addressing sexual
19 abuse and other maltreatment of children and, until the policy is
20 implemented, must include provisions for describing progress
21 toward adopting and implementing the policy.

22 SECTION 2. Section 38.0041, Education Code, is amended to
23 read as follows:

24 Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER
25 MALTREATMENT OF CHILDREN. (a) Each school district and
26 open-enrollment charter school shall adopt and implement a policy
27 addressing sexual abuse and other maltreatment of children, to be

1 included in the district improvement plan under Section 11.252 and
2 any informational handbook provided to students and parents.

3 (b) A policy required by this section must address:

4 (1) methods for increasing staff [~~teacher~~], student,
5 and parent awareness of issues regarding sexual abuse and other
6 maltreatment of children, including prevention techniques and
7 knowledge of likely warning signs indicating that a child may be a
8 victim of sexual abuse or other maltreatment, using resources
9 developed by the agency under Section 38.004;

10 (2) actions that a child who is a victim of sexual
11 abuse or other maltreatment should take to obtain assistance and
12 intervention; and

13 (3) available counseling options for students
14 affected by sexual abuse or other maltreatment.

15 (c) The methods under Subsection (b)(1) for increasing
16 awareness of issues regarding sexual abuse and other maltreatment
17 of children must include:

18 (1) research-based training and other educational
19 opportunities concerning prevention techniques for and recognition
20 of sexual abuse and all other maltreatment of children for the
21 following persons:

22 (A) parents of school district and
23 open-enrollment charter school students; and

24 (B) educators, including counselors and coaches,
25 and other district and charter school professional staff members,
26 in accordance with Subsection (d); and

27 (2) strategies for coordination between the district

1 or charter school and appropriate community organizations.

2 (d) The training provided under Subsection (c) for staff
3 members described by Subsection (c)(1)(B):

4 (1) must be provided, as part of a new employee
5 orientation, to new school district and open-enrollment charter
6 school staff members;

7 (2) may be provided annually to any district or
8 charter school staff member; and

9 (3) must include training concerning:

10 (A) factors indicating a child is at-risk for
11 sexual abuse or other maltreatment;

12 (B) likely warning signs indicating a child may
13 be a victim of sexual abuse or other maltreatment;

14 (C) internal procedures for seeking assistance
15 for a child who is at-risk for sexual abuse or other maltreatment,
16 including referral to a school counselor, a social worker, or
17 another mental health professional;

18 (D) methods for reducing a child's risk of sexual
19 abuse or other maltreatment; and

20 (E) community organizations that have relevant
21 existing research-based programs that are able to provide training
22 or other education for school district or open-enrollment charter
23 school staff members, students, and parents.

24 (e) For any training under Subsection (d), each school
25 district and open-enrollment charter school shall maintain records
26 that include the name of each district or charter school staff
27 member who participated in the training.

1 (f) If a school district or open-enrollment charter school
2 determines that the district or charter school does not have
3 sufficient resources to provide the training required under
4 Subsection (c)(1), the district or charter school shall work in
5 conjunction with a community organization to provide the training
6 at no cost to the district or charter school.

7 (g) The training under Subsection (d) may be included in
8 staff development under Section 21.451.

9 (h) A school district or open-enrollment charter school
10 employee may not be subject to any disciplinary proceeding, as
11 defined by Section 22.0512(b), resulting from an action taken in
12 compliance with this section. The requirements of this section
13 are considered to involve an employee's judgment and discretion and
14 are not considered ministerial acts for purposes of immunity from
15 liability under Section 22.0511. Nothing in this section may be
16 considered to limit the immunity from liability provided under
17 Section 22.0511.

18 (i) For purposes of this section, "other maltreatment" has
19 the meaning assigned by Section 42.002, Human Resources Code.

20 SECTION 3. Section 42.002, Human Resources Code, is amended
21 by adding Subdivision (23) to read as follows:

22 (23) "Other maltreatment" means:

23 (A) abuse, as defined by Section 261.001 or
24 261.401, Family Code; or

25 (B) neglect, as defined by Section 261.001 or
26 261.401, Family Code.

27 SECTION 4. Section 42.0426, Human Resources Code, is

1 amended by amending Subsection (a) and adding Subsections (c) and
2 (d) to read as follows:

3 (a) A child-placing agency or day-care center [~~licensed~~
4 ~~facility~~] shall provide training for staff members in:

5 (1) prevention techniques for and the recognition of
6 symptoms of [~~child abuse, neglect, and~~] sexual abuse and other
7 maltreatment of children [~~molestation~~] and the responsibility and
8 procedure of reporting suspected occurrences of [~~child abuse,~~
9 ~~neglect, and~~] sexual abuse and other maltreatment of children
10 [~~molestation~~] to the department or other appropriate entity;

11 (2) the application of first aid; and

12 (3) the prevention and spread of communicable
13 diseases.

14 (c) The type of training required under Subsection (a)(1)
15 shall be determined by department rule. The training must be
16 provided for at least an hour annually and must include training
17 concerning:

18 (1) factors indicating a child is at-risk for sexual
19 abuse or other maltreatment;

20 (2) likely warning signs indicating a child may be a
21 victim of sexual abuse or other maltreatment;

22 (3) internal procedures for reporting sexual abuse or
23 other maltreatment; and

24 (4) community organizations that have relevant
25 existing research-based training programs that are able to provide
26 training or other education for child-placing agency or day-care
27 center staff members, children, and parents.

1 (d) If a child-placing agency or day-care center determines
2 that it does not have sufficient resources to provide the training
3 required under Subsection (a)(1), the agency or center may contact
4 a department licensing employee to obtain information concerning
5 community organizations that will provide such training at no cost
6 to the agency or center.

7 SECTION 5. Subchapter C, Chapter 42, Human Resources Code,
8 is amended by adding Section 42.0428 to read as follows:

9 Sec. 42.0428. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER
10 MALTREATMENT OF CHILDREN. (a) Each child-placing agency or
11 day-care center shall adopt and implement a policy addressing
12 sexual abuse and other maltreatment of children.

13 (b) A policy required by this section must address:

14 (1) methods for increasing child-placing agency and
15 day-care center staff and parent awareness of issues regarding and
16 prevention techniques for sexual abuse and other maltreatment of
17 children, including knowledge of likely warning signs indicating
18 that a child may be a victim of sexual abuse or other maltreatment;
19 and

20 (2) actions that, after contacting an agency or
21 center, the parent of a child who is a victim of sexual abuse or
22 other maltreatment should take to obtain assistance and
23 intervention.

24 (c) The methods under Subsection (b)(1) for increasing
25 awareness of issues regarding and prevention techniques for sexual
26 abuse and other maltreatment of children must include:

27 (1) the training required under Section

1 42.0426(a)(1); and
2 (2) strategies for coordination between the
3 child-placing agency or day-care center and appropriate community
4 organizations.

5 SECTION 6. Section 11.252(a), Education Code, as amended by
6 this Act, applies beginning with the 2011-2012 school year.

7 SECTION 7. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2011.