

By: Parker

H.B. No. 1114

A BILL TO BE ENTITLED

AN ACT

1
2 relating to public school and child-care facility policies
3 addressing sexual abuse and other maltreatment of children.

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

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

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

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

24 (2) measurable district performance objectives for

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

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

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

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

13 (C) dropout reduction;

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

16 (E) discipline management;

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

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

22 (H) accelerated education;

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

26 (A) higher education admissions and financial
27 aid opportunities;

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

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

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

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

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

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

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

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

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

23 Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER
24 MALTREATMENT OF CHILDREN. (a) Each school district and
25 open-enrollment charter school shall adopt and implement a policy
26 addressing sexual abuse and other maltreatment of children, to be
27 included in the district improvement plan under Section 11.252 and

1 any informational handbook provided to students and parents.

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

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

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

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

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

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

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

23 (B) educators, including counselors and coaches,
24 and other district and charter school professional staff members;
25 and

26 (2) strategies for coordination between the district
27 or charter school and appropriate community organizations.

1 (d) The training provided under Subsection (c) for persons
2 described by Subsection (c)(1)(B) must:

3 (1) be provided annually; and

4 (2) include training concerning:

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

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

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

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

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

19 (e) For each year of annual training required under
20 Subsection (d), each school district and open-enrollment charter
21 school shall maintain, until at least the third anniversary of the
22 training, records that include the name of each district or charter
23 school staff member who participated in the training during that
24 year.

25 (f) If a school district or open-enrollment charter school
26 determines that the district or charter school does not have
27 sufficient resources to provide the training required under

1 Subsection (c)(1), the district or charter school shall work in
2 conjunction with a community organization to provide the training
3 at no cost to the district or charter school.

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

6 SECTION 3. Section 42.0426, Human Resources Code, is
7 amended by amending Subsection (a) and adding Subsections (c), (d),
8 and (e) to read as follows:

9 (a) A licensed facility shall provide training for staff
10 members in:

11 (1) the prevention and recognition of symptoms of
12 child abuse, neglect, and sexual abuse and other forms of child
13 maltreatment [~~molestation~~] and the responsibility and procedure of
14 reporting suspected occurrences of child abuse, neglect, and sexual
15 abuse and other forms of child maltreatment [~~molestation~~] to the
16 department or other appropriate entity;

17 (2) the application of first aid; and

18 (3) the prevention and spread of communicable
19 diseases.

20 (c) The training required under Subsection (a)(1) must be
21 based on scientific research, provided at least annually, and
22 include training concerning:

23 (1) factors indicating a child is at-risk for abuse,
24 neglect, sexual abuse, or other maltreatment;

25 (2) likely warning signs indicating a child may be a
26 victim of abuse, neglect, sexual abuse, or other maltreatment;

27 (3) internal procedures for seeking assistance for a

1 child who is at-risk for abuse, neglect, sexual abuse, or other
2 maltreatment, including referral to a counselor, a social worker,
3 or another mental health professional; and

4 (4) community organizations that have relevant
5 existing research-based training programs that are able to provide
6 training or other education for licensed facility staff members,
7 children, and parents.

8 (d) If a licensed facility determines that it does not have
9 sufficient resources to provide the training required under
10 Subsection (a)(1), the licensed facility shall work in conjunction
11 with a community organization to provide the training at no cost to
12 the licensed facility.

13 (e) For each year of annual training required under
14 Subsection (a)(1), the licensed facility shall maintain, until at
15 least the third anniversary of the training, records that include
16 the name of each staff member who participated in the training
17 during that year.

18 SECTION 4. Subchapter C, Chapter 42, Human Resources Code,
19 is amended by adding Section 42.0428 to read as follows:

20 Sec. 42.0428. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER
21 MALTREATMENT OF CHILDREN. (a) Each child-care facility shall
22 adopt and implement a policy addressing sexual abuse and other
23 maltreatment of children.

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

25 (1) methods for preventing, and for increasing
26 child-care facility staff and parent awareness of issues regarding,
27 sexual abuse and other maltreatment of children, including

1 knowledge of likely warning signs indicating that a child may be a
2 victim of sexual abuse or other maltreatment;

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

6 (3) actions that the parent of a child younger than
7 five years of age who is a victim of sexual abuse or other
8 maltreatment should take to obtain assistance and intervention; and

9 (4) available counseling options for children
10 affected by sexual abuse or other maltreatment.

11 (c) The methods under Subsection (b)(1) for preventing, and
12 for increasing awareness of issues regarding, sexual abuse and
13 other maltreatment of children must include:

14 (1) the training required under Section
15 42.0426(a)(1); and

16 (2) strategies for coordination between the
17 child-care facility and appropriate community organizations.

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

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2011.