

1-1 By: Duncan S.B. No. 1414
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Higher Education;
1-4 April 26, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 26, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1414 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to sexual abuse and child molestation training and
1-11 examination for employees of certain programs for minors held on
1-12 campuses of institutions of higher education; providing penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
1-15 amended by adding Section 51.976 to read as follows:

1-16 Sec. 51.976. TRAINING AND EXAMINATION PROGRAM FOR EMPLOYEES
1-17 OF CAMPUS PROGRAMS FOR MINORS ON WARNING SIGNS OF SEXUAL ABUSE AND
1-18 CHILD MOLESTATION. (a) In this section:

1-19 (1) "Camper" means a minor who is attending a campus
1-20 program for minors.

1-21 (2) "Campus program for minors" means a program that:
1-22 (A) is operated by or on the campus of an
1-23 institution of higher education or a private or independent
1-24 institution of higher education;

1-25 (B) offers recreational, athletic, religious, or
1-26 educational activities for at least 20 campers who:

1-27 (i) are not enrolled at the institution;
1-28 and

1-29 (ii) attend or temporarily reside at the
1-30 camp for all or part of at least four days; and

1-31 (C) is not a day camp or youth camp as defined by
1-32 Section 141.002, Health and Safety Code, or a facility or program
1-33 required to be licensed by the Department of Family and Protective
1-34 Services.

1-35 (3) "Department" means the Department of State Health
1-36 Services.

1-37 (4) "Institution of higher education" has the meaning
1-38 assigned by Section 61.003.

1-39 (5) "Private or independent institution of higher
1-40 education" has the meaning assigned by Section 61.003.

1-41 (6) "Program operator" means a person who owns,
1-42 operates, or supervises a campus program for minors, regardless of
1-43 profit.

1-44 (7) "Training and examination program on sexual abuse
1-45 and child molestation" means a program approved by the department
1-46 under Subsection (f).

1-47 (b) A program operator may not employ an individual in a
1-48 position involving contact with campers at a campus program for
1-49 minors unless:

1-50 (1) the individual submits to the program operator or
1-51 the campus program for minors has on file documentation that
1-52 verifies the individual within the preceding two years successfully
1-53 completed the training and examination program on sexual abuse and
1-54 child molestation; or

1-55 (2) the individual successfully completes the campus
1-56 program for minors training and examination program on sexual abuse
1-57 and child molestation, which must be approved by the department,
1-58 during the individual's first five days of employment by the campus
1-59 program for minors and the campus program issues and files
1-60 documentation verifying successful completion.

1-61 (c) Subsection (b) does not apply to an individual who is a
1-62 student enrolled at the institution of higher education or private
1-63 or independent institution of higher education that operates the
1-64 campus program for minors or at which the campus program is

2-1 conducted and whose contact with campers is limited to a single
2-2 class of short duration.

2-3 (d) A program operator must:

2-4 (1) submit to the department:

2-5 (A) on the form and within the time prescribed by
2-6 the department verification that each employee of the campus
2-7 program for minors has complied with the requirements of this
2-8 section; and

2-9 (B) the fee assessed by the department under
2-10 Subsection (g); and

2-11 (2) retain in the operator's records a copy of the
2-12 documentation required or issued under Subsection (b) for each
2-13 employee until the second anniversary of the examination date.

2-14 (e) A person applying for or holding an employee position
2-15 involving contact with campers at a campus program for minors must
2-16 successfully complete the training and examination program on
2-17 sexual abuse and child molestation during the applicable period
2-18 prescribed by Subsection (b).

2-19 (f) The executive commissioner of the Health and Human
2-20 Services Commission by rule shall establish criteria and guidelines
2-21 for the training and examination program on sexual abuse and child
2-22 molestation required by this section. The program must include
2-23 training and an examination on the topics listed in Section
2-24 141.0095(e), Health and Safety Code. The department may approve
2-25 training and examination programs on sexual abuse and child
2-26 molestation offered by trainers under contract with campus programs
2-27 for minors or by online training organizations or may approve
2-28 programs offered in another format authorized by the department.

2-29 (g) The department may assess a fee in the amount necessary
2-30 to cover the costs of administering this section to:

2-31 (1) each person that applies for the department's
2-32 approval of a training and examination program on sexual abuse and
2-33 child molestation under this section; and

2-34 (2) each program operator who files with the
2-35 department the verification form required under Subsection
2-36 (d)(1)(A).

2-37 (h) The department at least every five years shall review
2-38 each training and examination program on sexual abuse and child
2-39 molestation approved by the department under Subsection (f) to
2-40 ensure the program continues to meet the criteria and guidelines
2-41 established by rule under that subsection.

2-42 (i) The department may investigate a person the department
2-43 suspects of violating this section or a rule adopted under this
2-44 section. A person who violates this section is subject to the
2-45 enforcement provisions of Section 141.015, Health and Safety Code,
2-46 as if the person violated Chapter 141, Health and Safety Code, or a
2-47 rule adopted under that chapter.

2-48 (j) The program operator and the institution that operates
2-49 the campus program for minors or at which the campus program is
2-50 conducted are immune from civil or criminal liability for any act or
2-51 omission of an employee for which the employee is immune under
2-52 Section 261.106, Family Code.

2-53 (k) A program operator shall consider the costs of
2-54 compliance with this section in determining any charges or fees
2-55 imposed and collected for participation in the campus program for
2-56 minors.

2-57 SECTION 2. (a) Not later than December 1, 2011, the
2-58 executive commissioner of the Health and Human Services Commission
2-59 by rule shall establish criteria and guidelines for the training
2-60 and examination program on sexual abuse and child molestation
2-61 required by Section 51.976, Education Code, as added by this Act.

2-62 (b) Notwithstanding Section 51.976, Education Code, as
2-63 added by this Act, a campus program for minors or an individual
2-64 employed by a campus program for minors is not required to comply
2-65 with Section 51.976, Education Code, as added by this Act, before
2-66 June 1, 2012.

2-67 SECTION 3. This Act takes effect September 1, 2011.

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