

BILL ANALYSIS

C.S.H.B. 2495
By: Parker
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Each year, thousands of Texas children receive state services relating to investigations of suspected cases of child abuse. Interested parties contend that many cases of child abuse go undetected, depriving the children of needed medical attention and state intervention. These interested parties conclude that training more people to identify child abuse, particularly those who interact regularly with children such as school personnel and child-care providers, better equips Texas to tackle this problem. C.S.H.B. 2495 seeks to provide for the implementation of policies and training relating to recognizing and reporting child abuse and neglect in certain schools, institutions of higher education, and child-care facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2495 amends the Education Code to include reports of child neglect in the policy required to be developed by the Texas Education Agency (TEA) governing reports of child abuse by school districts and district employees and to include open-enrollment charter schools and their employees among those subject to the policy. The bill requires each charter school to adopt the policy and requires the policy to require each school district and charter school employee to report child abuse or neglect in the manner required by Family Code provisions relating to investigations of child abuse or neglect.

C.S.H.B. 2495 removes a requirement that district and charter school training relating to increasing awareness of issues regarding sexual abuse and other maltreatment of children be provided to new district and charter school educators and other district and charter school professional staff members and instead requires the training to be provided to all new district and charter school employees and to existing employees on a schedule adopted by TEA by rule until all employees have taken the training. The bill removes a provision authorizing the training to be provided annually to any district or charter school staff member.

C.S.H.B. 2495 requires each institution of higher education to adopt a policy governing the reporting of child abuse and neglect, as required by Family Code provisions relating to investigations of child abuse or neglect, for the institution and its employees. The bill requires the policy to require each employee of the institution to report child abuse and neglect in the manner required by those Family Code provisions. The bill requires each institution of higher education to provide training for employees who are professionals, as defined under Family Code provisions relating to persons required to report child abuse or neglect, in prevention techniques for and the recognition of symptoms of sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrences of sexual abuse and other maltreatment. The bill sets out the required content of the training.

C.S.H.B. 2495 amends the Human Resources Code to require certain licensed child-care facilities, homes, and agencies to require each applicable employee who attends a child abuse training program to sign a statement verifying the employee's attendance at the training program and requires the facility, home, or agency to maintain the statement in the employee's personnel records.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2495 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 38.004(a), Education Code, is amended to read as follows:

(a) The agency shall develop a policy governing the reports of child abuse or neglect ~~[reports]~~ required by Chapter 261, Family Code, of school districts, open-enrollment charter schools, and their employees. The policy must provide for cooperation with law enforcement child abuse investigations without the consent of the child's parents if necessary, including investigations by the Department of Family and Protective ~~[and Regulatory]~~ Services. The policy must require each school district and open-enrollment charter school employee to report child abuse or neglect in the manner required by Chapter 261, Family Code. The policy may not permit or require a school district or open-enrollment charter school employee to report child abuse or neglect to the employee's supervisor before the employee makes the report required by Chapter 261, Family Code. Each school district and open-enrollment charter school shall adopt the policy.

SECTION 2. Section 38.0041(c), Education Code, is amended.

SECTION 3. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9761 to read as follows:

Sec. 51.9761. CHILD ABUSE REPORTING POLICY AND TRAINING. (a) In this section, "other maltreatment" has the meaning assigned by Section 42.002, Human

HOUSE COMMITTEE SUBSTITUTE

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SECTION 2. Same as introduced version.

SECTION 3. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9761 to read as follows:

Sec. 51.9761. CHILD ABUSE REPORTING POLICY AND TRAINING. (a) In this section, "other maltreatment" has the meaning assigned by Section

Resources Code.

(b) Each institution of higher education shall adopt a policy governing the reporting of child abuse and neglect as required by Chapter 261, Family Code, for the institution and its employees. The policy must require each employee of the institution to report child abuse and neglect in the manner required by Chapter 261, Family Code. The policy may not permit or require an employee to report child abuse and neglect to the employee's supervisor before the employee makes the report required by Chapter 261, Family Code.

(c) Each institution of higher education shall provide training for employees who are professionals as defined by Section 261.101, Family Code, in recognizing and preventing sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrences of sexual abuse and other maltreatment. The training must include:

- (1) techniques for reducing a child's risk of sexual abuse or other maltreatment;
- (2) factors indicating a child is at risk for sexual abuse or other maltreatment;
- (3) the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
- (4) the requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by Chapter 261, Family Code.

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

SECTION 5. Section 42.04261(a), Human Resources Code, is amended to read as follows:

- (a) Notwithstanding Section 42.0426(a)(1), a child-placing agency or day-care center shall provide training for staff members in:
- (1) ~~prevention~~ techniques for recognizing ~~and~~ the ~~recognition of~~ symptoms of ~~and~~ preventing sexual abuse and other maltreatment of children; and
 - (2) the responsibility and procedure ~~for~~ ~~of~~ reporting suspected occurrences of sexual abuse and other maltreatment of children to

42.002, Human Resources Code.

(b) Each institution of higher education shall adopt a policy governing the reporting of child abuse and neglect as required by Chapter 261, Family Code, for the institution and its employees. The policy must require each employee of the institution to report child abuse and neglect in the manner required by Chapter 261, Family Code.

(c) Each institution of higher education shall provide training for employees who are professionals as defined by Section 261.101, Family Code, in prevention techniques for and the recognition of symptoms of sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrences of sexual abuse and other maltreatment. The training must include:

- (1) techniques for reducing a child's risk of sexual abuse or other maltreatment;
- (2) factors indicating a child is at risk for sexual abuse or other maltreatment;
- (3) the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
- (4) the requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by Chapter 261, Family Code.

SECTION 4. Same as introduced version.

No equivalent provision.

the department or other appropriate entities
[entity].

SECTION 6. This Act takes effect
September 1, 2013.

SECTION 5. Same as introduced version.