

BILL ANALYSIS

Senate Research Center
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S.B. 939
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the 81st Legislature passed H.B. 1041, which required each school district to adopt and implement a child sexual abuse policy. In 2011, the 82nd Legislature built upon that legislation by passing S.B. 471, which expanded Texas law regarding school policies on child sexual abuse to encompass all child maltreatment. It also required training on prevention techniques and recognizing the signs and symptoms of child abuse and it extended the requirement of adopting and implementing a child abuse prevention policy to charter schools and day care centers and child placing agencies.

Because children frequently come to college and university campuses for a variety of reasons, S.B. 939 extends prior legislation by requiring institutions of higher education to implement policies and conduct training on how to prevent, recognize, and report child abuse.

Additionally, because school personnel are the most frequent reporter group of child abuse investigations completed through the Department of Family and Protective Services, the bill provides that the training currently required for new public and charter school personnel be offered to existing personnel as well.

Finally, the bill specifies that institutions of higher education, public schools, charters schools, and child-care facilities adopt policies providing that persons required to report abuse under current law make those reports to the appropriate agency, rather than to a superior or administrator at their place of employment.

As proposed, S.B. 939 amends current law relating to reporting child abuse and neglect and to training regarding recognizing and reporting child abuse and neglect at schools, institutions of higher education, and other entities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 (Section 38.0041, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.004(a), Education Code, as follows:

- (a) Requires the Texas Education Agency (TEA) to develop a policy governing the reports of child abuse or neglect, rather than the child abuse reports, required by Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code, of school districts, open-enrollment charter schools, and their employees. Requires that the policy 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 Services (DFPS), rather than the Department of Protective and Regulatory Services. Requires that the policy 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. Prohibits the policy from permitting or requiring 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. Requires each school district and open-enrollment charter school to adopt the policy.

SECTION 2. Amends Section 38.0041(c), Education Code, as follows:

(c) Requires that the training concerning prevention techniques for and recognition of sexual abuse and maltreatment of children be provided, as part of a new employee orientation, to all new school district and open-enrollment charter school employees and to existing district and open-enrollment charter school employees on a schedule adopted by TEA by rule until all district and open-enrollment charter school employees have taken the training, and must include training concerning certain factors, indicators, signs, procedures, techniques, and community resources. Deletes existing text requiring training to be provided, as part of a new employee orientation, to new school district and open-enrollment charter school educators, including counselors and coaches, and other district and charter school professional staff members, and authorizing training to be provided annually to any district or charter school staff member. Makes nonsubstantive changes.

SECTION 3. Authorizes Subchapter Z, Chapter 51, Education Code, by adding Section 51.9761, as follows:

Sec. 51.9761. CHILD ABUSE REPORTING POLICY AND TRAINING. (a) Defines "other maltreatment" in this section.

(b) Requires each institution of higher education to adopt a policy governing the reporting of child abuse and neglect as required by Chapter 261, Family Code, for the institution and its employees. Requires that the policy require each employee of the institution to report child abuse and neglect in the manner required by Chapter 261, Family Code. Prohibits the policy from permitting or requiring 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) Requires each institution of higher education to provide training for employees who are professionals as defined by Section 261.101 (Persons Required to Report; Time to Report), 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. Requires that the training include techniques for reducing a child's risk of sexual abuse or other maltreatment; factors indicating a child is at risk for sexual abuse or other maltreatment; the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and the requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by Chapter 261, Family Code.

SECTION 4. Amends Section 42.0426, Human Resources Code, by adding Subsection (a-1), as follows:

(a-1) Requires a licensed facility to require each employee of the facility who attends a training program required by Subsection (a)(1) (relating to the requirement of a licensed facility to provide training for staff members in recognition of symptoms of certain child abuse and the responsibility of reporting such suspected occurrences of abuse) to sign a statement verifying the employee's attendance at the training program. Requires the licensed facility to maintain the statement in the employee's personnel records.

SECTION 5. Amends Section 42.04261(a), Human Resources Code:

(a) Requires a child-placing agency or day-care center, notwithstanding Section 42.0461(a) (relating to certain requirements of an applicant applying for a license or certificate for the operation or expansion of the capacity of a foster group home or foster family home in certain counties), to provide training for staff members in techniques for

recognizing the symptoms of and preventing sexual abuse and other maltreatment of children, and the responsibility and procedure for reporting suspected occurrences of sexual abuse and other maltreatment of children to DFPS or other appropriate entities. Makes conforming and nonsubstantive changes.

SECTION 6. Effective date: September 1, 2013.