

By: West

S.B. No. 939

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting child abuse and neglect and to training
3 regarding recognizing and reporting child abuse and neglect at
4 schools, institutions of higher education, and other entities.

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

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

8 (a) The agency shall develop a policy governing the reports
9 of child abuse or neglect [~~reports~~] required by Chapter 261, Family
10 Code, of school districts, open-enrollment charter schools, and
11 their employees. The policy must provide for cooperation with law
12 enforcement child abuse investigations without the consent of the
13 child's parents if necessary, including investigations by the
14 Department of Family and Protective [~~and Regulatory~~] Services. The
15 policy must require each school district and open-enrollment
16 charter school employee to report child abuse or neglect in the
17 manner required by Chapter 261, Family Code. Each school district
18 and open-enrollment charter school shall adopt the policy.

19 SECTION 2. Subsection (c), Section 38.0041, Education Code,
20 is amended to read as follows:

21 (c) The methods under Subsection (b)(1) for increasing
22 awareness of issues regarding sexual abuse and other maltreatment
23 of children must include training, as provided by this subsection,
24 concerning prevention techniques for and recognition of sexual

1 abuse and all other maltreatment of children. The training:

2 (1) must be provided, as part of a new employee
3 orientation, to all new school district and open-enrollment charter
4 school employees and to existing district and open-enrollment
5 charter school employees on a schedule adopted by the agency by rule
6 until all district and open-enrollment charter school employees
7 have taken the training [~~educators, including counselors and~~
8 ~~coaches, and other district and charter school professional staff~~
9 ~~members~~]; and

10 (2) [~~may be provided annually to any district or~~
11 ~~charter school staff member, and~~

12 [~~(3)~~] must include training concerning:

13 (A) factors indicating a child is at risk for
14 sexual abuse or other maltreatment;

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

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

21 (D) techniques for reducing a child's risk of
22 sexual abuse or other maltreatment; and

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

27 SECTION 3. Subchapter Z, Chapter 51, Education Code, is

1 amended by adding Section 51.9761 to read as follows:

2 Sec. 51.9761. CHILD ABUSE REPORTING POLICY AND TRAINING.

3 (a) In this section, "other maltreatment" has the meaning assigned
4 by Section 42.002, Human Resources Code.

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

11 (c) Each institution of higher education shall provide
12 training for employees who are professionals as defined by Section
13 261.101, Family Code, in prevention techniques for and the
14 recognition of symptoms of sexual abuse and other maltreatment of
15 children and the responsibility and procedure of reporting
16 suspected occurrences of sexual abuse and other maltreatment. The
17 training must include:

18 (1) techniques for reducing a child's risk of sexual
19 abuse or other maltreatment;

20 (2) factors indicating a child is at risk for sexual
21 abuse or other maltreatment;

22 (3) the warning signs and symptoms associated with
23 sexual abuse or other maltreatment and recognition of those signs
24 and symptoms; and

25 (4) the requirements and procedures for reporting
26 suspected sexual abuse or other maltreatment as provided by Chapter
27 261, Family Code.

1 SECTION 4. Section 42.0426, Human Resources Code, is
2 amended by adding Subsection (a-1) to read as follows:

3 (a-1) A licensed facility shall require each employee of the
4 facility who attends a training program required by Subsection
5 (a)(1) to sign a statement verifying the employee's attendance at
6 the training program. The licensed facility shall maintain the
7 statement in the employee's personnel records.

8 SECTION 5. This Act takes effect September 1, 2013.