

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. Section 38.004(a), Education Code, is amended to
7 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. The policy may not
18 permit or require a school district or open-enrollment charter
19 school employee to report child abuse or neglect to the employee's
20 supervisor before the employee makes the report required by Chapter
21 261, Family Code. Each school district and open-enrollment charter
22 school shall adopt the policy.

23 SECTION 2. Section 38.0041(c), Education Code, is amended
24 to read as follows:

1 (c) The methods under Subsection (b)(1) for increasing
2 awareness of issues regarding sexual abuse and other maltreatment
3 of children must include training, as provided by this subsection,
4 concerning prevention techniques for and recognition of sexual
5 abuse and all other maltreatment of children. The training:

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

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

16 [~~3~~] must include training concerning:

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

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

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

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

27 (E) community organizations that have relevant

1 existing research-based programs that are able to provide training
2 or other education for school district or open-enrollment charter
3 school staff members, students, and parents.

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

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

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

9 (b) Each institution of higher education shall adopt a
10 policy governing the reporting of child abuse and neglect as
11 required by Chapter 261, Family Code, for the institution and its
12 employees. The policy must require each employee of the institution
13 to report child abuse and neglect in the manner required by Chapter
14 261, Family Code. The policy may not permit or require an employee
15 to report child abuse and neglect to the employee's supervisor
16 before the employee makes the report required by Chapter 261,
17 Family Code.

18 (c) Each institution of higher education shall provide
19 training for employees who are professionals as defined by Section
20 261.101, Family Code, in recognizing and preventing sexual abuse
21 and other maltreatment of children and the responsibility and
22 procedure of reporting suspected occurrences of sexual abuse and
23 other maltreatment. The training must include:

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

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

1 (3) the warning signs and symptoms associated with
2 sexual abuse or other maltreatment and recognition of those signs
3 and symptoms; and

4 (4) the requirements and procedures for reporting
5 suspected sexual abuse or other maltreatment as provided by Chapter
6 261, Family Code.

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

9 (a-1) A licensed facility shall require each employee of the
10 facility who attends a training program required by Subsection
11 (a)(1) to sign a statement verifying the employee's attendance at
12 the training program. The licensed facility shall maintain the
13 statement in the employee's personnel records.

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

16 (a) Notwithstanding Section 42.0426(a)(1), a child-placing
17 agency or day-care center shall provide training for staff members
18 in:

19 (1) [~~prevention~~] techniques for recognizing [~~and~~] the
20 [~~recognition of~~] symptoms of and preventing sexual abuse and other
21 maltreatment of children; and

22 (2) the responsibility and procedure for [~~of~~]
23 reporting suspected occurrences of sexual abuse and other
24 maltreatment of children to the department or other appropriate
25 entities [~~entity~~].

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