

By: Neave

H.B. No. 262

A BILL TO BE ENTITLED

AN ACT

relating to prohibited adverse personnel action against a school district employee who in good faith reports child abuse or neglect.

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

SECTION 1. Section 261.110, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1) and (c-1) to read as follows:

(a) In this section:

(1) "Adverse personnel action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Section 261.101.

(2) "Professional" [~~,"professional"~~] has the meaning assigned by Section 261.101(b).

(b-1) A school district may not suspend or terminate the employment of, discriminate against, or take any other adverse personnel action against a district employee who in good faith:

(1) reports child abuse or neglect to:

(A) the employee's supervisor;

(B) an administrator of the facility where the employee is employed;

(C) a state regulatory agency; or

(D) a law enforcement agency; or

1 (2) initiates or cooperates with an investigation or
2 proceeding by a governmental entity relating to an allegation of
3 child abuse or neglect.

4 (c) A person, including a school district employee, whose
5 employment is suspended or terminated, [~~or~~] who is otherwise
6 discriminated against, or who suffers any other adverse employment
7 action in violation of this section may sue for injunctive relief,
8 damages, or both if, in violation of this section, the employee:

9 (1) is suspended or terminated from employment;

10 (2) is discriminated against; or

11 (3) suffers any other adverse personnel action.

12 SECTION 2. This Act applies only to an adverse personnel
13 action taken by an employer against an employee that occurs on or
14 after the effective date of this Act. An adverse personnel action
15 taken by an employer against an employee that occurs before that
16 date is governed by the law in effect on the date the action
17 occurred, and the former law is continued in effect for that
18 purpose.

19 SECTION 3. This Act takes effect December 1, 2017.