By: Bettencourt, Lucio   S.B. No. 1231

A BILL TO BE ENTITLED

1   AN ACT

2 relating to providing certain public and private school

3 administrators with information regarding certain child abuse and

4 neglect investigations and allegations.

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

6   SECTION 1. Section 261.105(d), Family Code, is amended to

7 read as follows:

8   (d) If the department initiates an investigation and

9 determines that the abuse or neglect does not involve a person

10 responsible for the child's care, custody, or welfare, the

11 department shall refer the report to a law enforcement agency for

12 further investigation. If the department determines that the

13 abuse or neglect involves an employee of a public or private

14 elementary or secondary school, and that the child is a student at

15 the school, the department shall orally notify the superintendent

16 of the school district, the director of the open-enrollment charter

17 school, or the chief executive officer of the private school in

18 which the employee is employed about the investigation.

19   SECTION 2. Section 261.308(d), Family Code, is amended to

20 read as follows:

21   (d) The department shall release information regarding a

22 person alleged to have committed abuse or neglect to persons who

23 have control over the person's access to children, including, as

24 appropriate, the Texas Education Agency, the State Board for

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1 Educator Certification, the local school board or the school's
2 governing body, the superintendent of the school district, [or] the
3 public school principal or director, the director of the
4 open-enrollment charter school, or the chief executive officer of
5 the private school if the department determines that:

6 (1) the person alleged to have committed abuse or
7 neglect poses a substantial and immediate risk of harm to one or
8 more children outside the family of a child who is the subject of
9 the investigation; and

10 (2) the release of the information is necessary to
11 assist in protecting one or more children from the person alleged to
12 have committed abuse or neglect.

13 SECTION 3. Sections 261.406(a) and (b), Family Code, are
14 amended to read as follows:

15 (a) On receipt of a report of alleged or suspected abuse or
16 neglect of a child in a public or private school [under the
17 jurisdiction of the Texas Education Agency], the department shall
18 perform an investigation as provided by this chapter.

19 (b) The department shall send a copy of the completed report
20 of the department's investigation to the Texas Education Agency or,
21 in the case of a private school, the school's chief executive
22 officer. On request, the department shall provide a copy of the
23 completed report of the department's investigation to the State
24 Board for Educator Certification, the local school board or the
25 school's governing body, the superintendent of the school district,
26 [and] the public school principal or director, or the chief
27 executive officer of the private school, unless the principal, [or]

1 director, or chief executive officer is alleged to have committed

2 the abuse or neglect, for appropriate action. On request, the

3 department shall provide a copy of the report of investigation to

4 the parent, managing conservator, or legal guardian of a child who

5 is the subject of the investigation and to the person alleged to

6 have committed the abuse or neglect. The report of investigation

7 shall be edited to protect the identity of the persons who made the

8 report of abuse or neglect. Except as otherwise provided by this

9 subsection [Other than the persons authorized by the section to

10 receive a copy of the report], Section 261.201(b) applies to the

11 release of the report relating to the investigation of abuse or

12 neglect under this section and to the identity of the person who

13 made the report of abuse or neglect.

14　　　　　SECTION 4. This Act takes effect September 1, 2019.