

By: Bettencourt

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

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.