

AN ACT

1
2 relating to public school, child-placing agency, and day-care
3 center policies addressing sexual abuse and other maltreatment of
4 children.

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

6 SECTION 1. Subsection (a), Section 11.252, Education Code,
7 is amended to read as follows:

8 (a) Each school district shall have a district improvement
9 plan that is developed, evaluated, and revised annually, in
10 accordance with district policy, by the superintendent with the
11 assistance of the district-level committee established under
12 Section 11.251. The purpose of the district improvement plan is to
13 guide district and campus staff in the improvement of student
14 performance for all student groups in order to attain state
15 standards in respect to the student achievement indicators adopted
16 under Section 39.053. The district improvement plan must include
17 provisions for:

18 (1) a comprehensive needs assessment addressing
19 district student performance on the student achievement
20 indicators, and other appropriate measures of performance, that are
21 disaggregated by all student groups served by the district,
22 including categories of ethnicity, socioeconomic status, sex, and
23 populations served by special programs, including students in
24 special education programs under Subchapter A, Chapter 29;

1 (2) measurable district performance objectives for
2 all appropriate student achievement indicators for all student
3 populations, including students in special education programs
4 under Subchapter A, Chapter 29, and other measures of student
5 performance that may be identified through the comprehensive needs
6 assessment;

7 (3) strategies for improvement of student performance
8 that include:

9 (A) instructional methods for addressing the
10 needs of student groups not achieving their full potential;

11 (B) methods for addressing the needs of students
12 for special programs, such as suicide prevention, conflict
13 resolution, violence prevention, or dyslexia treatment programs;

14 (C) dropout reduction;

15 (D) integration of technology in instructional
16 and administrative programs;

17 (E) discipline management;

18 (F) staff development for professional staff of
19 the district;

20 (G) career education to assist students in
21 developing the knowledge, skills, and competencies necessary for a
22 broad range of career opportunities; and

23 (H) accelerated education;

24 (4) strategies for providing to middle school, junior
25 high school, and high school students, those students' teachers and
26 counselors, and those students' parents information about:

27 (A) higher education admissions and financial

1 aid opportunities;

2 (B) the TEXAS grant program and the Teach for
3 Texas grant program established under Chapter 56;

4 (C) the need for students to make informed
5 curriculum choices to be prepared for success beyond high school;
6 and

7 (D) sources of information on higher education
8 admissions and financial aid;

9 (5) resources needed to implement identified
10 strategies;

11 (6) staff responsible for ensuring the accomplishment
12 of each strategy;

13 (7) timelines for ongoing monitoring of the
14 implementation of each improvement strategy; ~~and~~

15 (8) formative evaluation criteria for determining
16 periodically whether strategies are resulting in intended
17 improvement of student performance; and

18 (9) the policy under Section 38.0041 addressing sexual
19 abuse and other maltreatment of children.

20 SECTION 2. Section 38.0041, Education Code, is amended to
21 read as follows:

22 Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER
23 MALTREATMENT OF CHILDREN. (a) Each school district and
24 open-enrollment charter school shall adopt and implement a policy
25 addressing sexual abuse and other maltreatment of children, to be
26 included in the district improvement plan under Section 11.252 and
27 any informational handbook provided to students and parents.

1 (b) A policy required by this section must address:

2 (1) methods for increasing staff [~~teacher~~], student,
3 and parent awareness of issues regarding sexual abuse and other
4 maltreatment of children, including prevention techniques and
5 knowledge of likely warning signs indicating that a child may be a
6 victim of sexual abuse or other maltreatment, using resources
7 developed by the agency under Section 38.004;

8 (2) actions that a child who is a victim of sexual
9 abuse or other maltreatment should take to obtain assistance and
10 intervention; and

11 (3) available counseling options for students
12 affected by sexual abuse or other maltreatment.

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

18 (1) must be provided, as part of a new employee
19 orientation, to new school district and open-enrollment charter
20 school educators, including counselors and coaches, and other
21 district and charter school professional staff members;

22 (2) may be provided annually to any district or
23 charter school staff member; and

24 (3) must include training concerning:

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

27 (B) likely warning signs indicating a child may

1 be a victim of sexual abuse or other maltreatment;

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

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

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

12 (d) For any training under Subsection (c), each school
13 district and open-enrollment charter school shall maintain records
14 that include the name of each district or charter school staff
15 member who participated in the training.

16 (e) If a school district or open-enrollment charter school
17 determines that the district or charter school does not have
18 sufficient resources to provide the training required under
19 Subsection (c), the district or charter school shall work in
20 conjunction with a community organization to provide the training
21 at no cost to the district or charter school.

22 (f) The training under Subsection (c) may be included in
23 staff development under Section 21.451.

24 (g) A school district or open-enrollment charter school
25 employee may not be subject to any disciplinary proceeding, as
26 defined by Section 22.0512(b), resulting from an action taken in
27 compliance with this section. The requirements of this section are

1 considered to involve an employee's judgment and discretion and are
2 not considered ministerial acts for purposes of immunity from
3 liability under Section 22.0511. Nothing in this section may be
4 considered to limit the immunity from liability provided under
5 Section 22.0511.

6 (h) For purposes of this section, "other maltreatment" has
7 the meaning assigned by Section 42.002, Human Resources Code.

8 SECTION 3. Section 42.002, Human Resources Code, is amended
9 by adding Subdivision (23) to read as follows:

10 (23) "Other maltreatment" means:

11 (A) abuse, as defined by Section 261.001 or
12 261.401, Family Code; or

13 (B) neglect, as defined by Section 261.001 or
14 261.401, Family Code.

15 SECTION 4. Subchapter C, Chapter 42, Human Resources Code,
16 is amended by adding Section 42.04261 to read as follows:

17 Sec. 42.04261. OTHER TRAINING OF PERSONNEL: CHILD-PLACING
18 AGENCIES AND DAY-CARE CENTERS. (a) Notwithstanding Section
19 42.0426(a)(1), a child-placing agency or day-care center shall
20 provide training for staff members in prevention techniques for and
21 the recognition of symptoms of sexual abuse and other maltreatment
22 of children and the responsibility and procedure of reporting
23 suspected occurrences of sexual abuse and other maltreatment of
24 children to the department or other appropriate entity.

25 (b) The type of training required under Subsection (a) shall
26 be determined by department rule. The training must be provided for
27 at least an hour annually and must include training concerning:

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

3 (2) likely warning signs indicating a child may be a
4 victim of sexual abuse or other maltreatment;

5 (3) internal procedures for reporting sexual abuse or
6 other maltreatment; and

7 (4) community organizations that have existing
8 training programs that are able to provide training or other
9 education for child-placing agency or day-care center staff
10 members, children, and parents.

11 (c) If a child-placing agency or day-care center determines
12 that it does not have sufficient resources to provide the training
13 required under this section, the agency or center may contact a
14 department licensing employee to obtain information concerning
15 community organizations that will provide such training at no cost
16 to the agency or center.

17 SECTION 5. Subchapter C, Chapter 42, Human Resources Code,
18 is amended by adding Section 42.0428 to read as follows:

19 Sec. 42.0428. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER
20 MALTREATMENT OF CHILDREN. (a) Each child-placing agency or
21 day-care center shall adopt and implement a policy addressing
22 sexual abuse and other maltreatment of children.

23 (b) A policy required by this section must address:

24 (1) methods for increasing child-placing agency and
25 day-care center staff and parent awareness of issues regarding and
26 prevention techniques for sexual abuse and other maltreatment of
27 children, including knowledge of likely warning signs indicating

1 that a child may be a victim of sexual abuse or other maltreatment;
2 and

3 (2) actions that, after contacting an agency or
4 center, the parent of a child who is a victim of sexual abuse or
5 other maltreatment should take to obtain assistance and
6 intervention.

7 (c) The methods under Subsection (b)(1) for increasing
8 awareness of issues regarding and prevention techniques for sexual
9 abuse and other maltreatment of children must include:

- 10 (1) the training required under Section 42.04261; and
11 (2) strategies for coordination between the
12 child-placing agency or day-care center and appropriate community
13 organizations.

14 SECTION 6. Subsection (a), Section 11.252, Education Code,
15 as amended by this Act, applies beginning with the 2011-2012 school
16 year.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.

S.B. No. 471

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 471 passed the Senate on May 10, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 471 passed the House on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor