

SUBJECT: Providing child abuse investigation information to private school officials

COMMITTEE: Public Education — favorable, without amendment

VOTE: 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

SENATE VOTE: On final passage, April 4 — 31-0

WITNESSES: *On House companion bill, HB 2740:*  
For — Lisette Allen and Jennifer Allmon, Texas Catholic Conference of Bishops; Laura Colangelo, Texas Private Schools Association;  
(*Registered, but did not testify:* Chris Masey, Coalition of Texans with Disabilities; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Will Holleman, Texas Association of School Boards; Mia McCord, Texas Conservative Coalition; Mark Terry, Texas Elementary Principals and Supervisors Association; John Grey, Texas School Alliance; Lisa Dawn-Fisher, Texas State Teachers Association; Jacob Palmer, TexProtects; Joy Davis; Calvin Tillman; Al Zito)

Against — None

On — (*Registered, but did not testify:* Demetrie Mitchell, Department of Family and Protective Services; Eric Marin, Texas Education Agency)

BACKGROUND: Family Code sec. 261.105(d) requires the Department of Family and Protective Services (DFPS) to orally notify the superintendent of a school district about any investigation that DFPS opens into alleged child abuse or neglect involving a child at a public elementary or secondary school in the district and one of the district's employees.

Sec. 261.308(d) requires DFPS to release information about an individual alleged to have committed child abuse or neglect to certain officials with

control over the individual's access to children, including the Texas Education Agency, the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, or the school principal or director if DFPS determines that:

- the individual poses a substantial and immediate risk of harm to one or more children outside the family of a child who is the subject of the investigation; and
- the release of the information is necessary to assist in protecting children from the individual.

Sec. 261.406 requires DFPS to conduct an investigation upon receiving a report of alleged or suspected abuse or neglect of a child in a public or private school under the jurisdiction of the Texas Education Agency. DFPS must send a copy of its complete investigation report to the Texas Education Agency and, on request, to the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, and the school principal or director, unless the principal or director is alleged to have committed the abuse or neglect.

Some have noted that DFPS is not required to notify private school administrators about certain child abuse and neglect investigations.

**DIGEST:** SB 1231 would require the Department of Family and Protective Services (DFPS) to orally notify the director of an elementary or secondary open-enrollment charter school or chief executive officer of an elementary or secondary private school about any investigation that DFPS opened into alleged child abuse or neglect that involved one of the school's employees.

The bill also would require DFPS to release information about an individual alleged to have committed child abuse or neglect to the director of an open-enrollment charter school or the chief executive officer of a private school if the individual posed a substantial and immediate risk of harm to one or more children outside the family of a child who was the subject of the investigation and the release of information was necessary

to assist in protecting children from the individual.

SB 1231 would require DFPS to conduct investigations upon receiving reports of alleged or suspected abuse or neglect of children in all public and private schools, rather than just schools under the jurisdiction of the Texas Education Agency, and, in the case of private schools, send the completed investigation reports to the schools' chief executive officers for appropriate action unless a chief executive officer was alleged to have committed the abuse or neglect.

The bill would take effect September 1, 2019.