

BILL ANALYSIS

Senate Research Center
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S.B. 471
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1041, 81st Legislature, Regular Session, 2009, required each school district to adopt and implement a sexual abuse policy. However, the policies do not have to address other forms of abuse or the prevention of child maltreatment. Currently, Section 38.004 (Child Abuse Reporting and Programs), Education Code, requires the Texas Education Agency to develop, periodically update, and make available materials on child abuse prevention training, but it does not require school districts to use the materials. Given that schools are the largest referral source of child abuse and neglect confirmed investigations, it is critical that their professional employees be trained in child maltreatment prevention.

Additionally, child-care facilities are not required to adopt or implement an internal child abuse prevention policy. Training regarding child abuse prevention may be part of the annually required training for child-care facility staff, but the nature and amount of such training is completely at the discretion of the trainer, and varies widely around the state.

S.B. 471 expands Texas law regarding school policies on child maltreatment to encompass not only sexual abuse, but efforts to prevent sexual abuse and other forms of child abuse. The bill also extends the requirement of adopting and implementing a child abuse prevention policy to charter schools and child-care facilities.

As proposed, S.B. 471 amends current law relating to public school and child-care facility policies addressing sexual abuse and other maltreatment of children.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.252(a), Education Code, as follows:

(a) Requires that each school district's district improvement plan include provisions for:

(1)-(6) Makes no changes to these subdivisions;

(7) and (8) Makes conforming changes; and

(9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children and requires that, until the policy is implemented, the plan must include provisions for describing progress toward adopting and implementing the policy.

SECTION 2. Amends Section 38.0041, Education Code, as follows:

Sec. 38.0041. New heading: POLICIES ADDRESSING SEXUAL ABUSE AND OTHER MALTREATMENT OF CHILDREN. (a) Requires each school district and open-enrollment charter school to adopt and implement a policy addressing sexual abuse

and other maltreatment of children, to be included in the district improvement plan under Section 11.252 (District-Level Planning and Decision-Making) and any informational handbook provided to students and parents.

(b) Requires that a policy required by this section address:

(1) methods for preventing, and for increasing staff, student, and parent awareness of issues regarding, sexual abuse and other maltreatment of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment, using resources developed by the agency under Section 38.004 (Child Abuse Reporting and Programs);

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

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

(c) Requires that the methods under Subsection (b)(1) for preventing, and for increasing awareness of issues regarding, sexual abuse and other maltreatment of children include:

(1) research-based training and other educational opportunities concerning the prevention and recognition of sexual abuse and all other forms of child maltreatment for the following persons:

(A) parents of school district and open-enrollment charter school students; and

(B) educators, including counselors and coaches, and other district and charter school professional staff members; and

(2) strategies for coordination between the district or charter school and appropriate community organizations.

(d) Requires that the training provided under Subsection (c) for persons described by Subsection (c)(1)(B):

(1) be provided annually; and

(2) include training concerning:

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

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

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

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

(E) community organizations that have relevant existing research-based programs that are able to provide training or other education

for school district or open-enrollment charter school staff members, students, and parents.

(e) Requires each school district and open-enrollment charter school, for each year of annual training required under Subsection (d), to maintain, until at least the third anniversary of the training, records that include the name of each district or charter school staff member who participated in the training during that year.

(f) Requires a school district or open-enrollment charter school, if the district or charter school determines that the district or charter school does not have sufficient resources to provide the training required under Subsection (c)(1), to work in conjunction with a community organization to provide the training at no cost to the district or charter school.

(g) Authorizes the training under Subsection (d) to be included in staff development under Section 21.451 (Staff Development Requirements).

SECTION 3. Amends Section 42.0426, Human Resources Code, by amending Subsection (a) and adding Subsections (c), (d), and (e), as follows:

(a) Requires a licensed facility to provide training for staff members in:

(1) the prevention and recognition of symptoms of child abuse, neglect, and sexual abuse and other forms of child maltreatment, rather than molestation, and the responsibility and procedure of reporting suspected occurrences of child abuse, neglect, and sexual abuse and other forms of child maltreatment to the department or other appropriate entity;

(2) the application of first aid; and

(3) the prevention and spread of communicable diseases.

Makes a conforming change.

(c) Requires that the training required under Subsection (a)(1) be based on scientific research, provided at least annually, and include training concerning:

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

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

(3) internal procedures for seeking assistance for a child who is at-risk for abuse, neglect, sexual abuse, or other maltreatment, including referral to a counselor, a social worker, or another mental health professional; and

(4) community organizations that have relevant existing research-based training programs that are able to provide training or other education for licensed facility staff members, children, and parents.

(d) Requires the licensed facility, if it determines that it does not have sufficient resources to provide the training required under Subsection (a)(1), to work in conjunction with a community organization to provide the training at no cost to the licensed facility.

(e) Requires the licensed facility, for each year of annual training required under Subsection (a)(1), to maintain, until at least the third anniversary of the training, records that include the name of each staff member who participated in the training during that year.

SECTION 4. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0428, as follows:

Sec. 42.0428. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER MALTREATMENT OF CHILDREN. (a) Requires each child-care facility to adopt and implement a policy addressing sexual abuse and other maltreatment of children.

(b) Requires that a policy required by this section address:

(1) methods for preventing, and for increasing child-care facility staff and parent awareness of issues regarding, sexual abuse and other maltreatment of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment;

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

(3) actions that the parent of a child younger than five years of age who is a victim of sexual abuse or other maltreatment should take to obtain assistance and intervention; and

(4) available counseling options for children affected by sexual abuse or other maltreatment.

(c) Requires that the methods under Subsection (b)(1) for preventing, and for increasing awareness of issues regarding, sexual abuse and other maltreatment of children include:

(1) the training required under Section 42.0426(a)(1); and

(2) strategies for coordination between the child-care facility and appropriate community organizations.

SECTION 5. Provides that Section 11.252(a), Education Code, as amended by this Act, applies beginning with the 2011-2012 school year.

SECTION 6. Effective date: upon passage or September 1, 2011.