

## Chapter 61. School Districts

### Subchapter EE. Commissioner's Rules on Reporting Child Abuse and Neglect

#### §61.1051. Reporting Child Abuse and Neglect.

- (a) The board of trustees of a school district or governing body of an open-enrollment charter school shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements outlined in the Family Code, Chapter 261.
- (1) The policies must require that every school employee, agent, or contractor who suspects child abuse or neglect submit a written or oral report to at least one of the following authorities within 48 hours or less, as determined by the board of trustees, after learning of facts giving rise to the suspicion:
    - (A) a local or state law enforcement agency;
    - (B) the Texas Department of Family and Protective Services, Child Protective Services Division;
    - (C) a local office of Child Protective Services, where available; or
    - (D) the state agency that operates, licenses, certifies, or registers the facility in which the alleged child abuse or neglect occurred.
  - (2) The policies must notify school personnel of the following:
    - (A) penalties under the Penal Code, §39.06, Family Code, §261.109, and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) for failure to submit a required report of child abuse or neglect;
    - (B) applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including the following:
      - (i) Family Code, §261.302 and §261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
      - (ii) Family Code, §261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator;
    - (C) immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
    - (D) confidentiality provisions relating to reports of suspected child abuse or neglect;
    - (E) any disciplinary action that may result from noncompliance with the district's reporting policy; and
    - (F) the prohibition under the Texas Education Code (TEC), §26.0091, against using or threatening to use the refusal to consent to administration of a psychotropic drug to a child or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, except as authorized by the TEC, §26.0091.
  - (3) The policies must be consistent with the Family Code, Chapter 261, and 40 TAC Chapter 700 (relating to Child Protective Services) regarding investigations by the Texas Department of Family and Protective Services, including regulations governing investigation of abuse by school personnel and volunteers.
  - (4) The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator prior to making a report to one of the agencies identified in subsection (a)(1) of this section.

- (5) The policies must include the current toll-free telephone number of the Texas Department of Family and Protective Services.
- (b) The policies required by this section and adopted by the board of trustees shall be distributed to all school personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by the board of trustees.
- (c) For the 2014-2015 school year, school districts and open-enrollment charter schools shall provide training as required by the TEC, §38.0041, to all currently employed school district and open-enrollment charter school employees on or by the following dates:
  - (1) September 30, 2014, for all kindergarten-Grade 5 teachers, campus principals, and bus drivers;
  - (2) December 31, 2014, for all remaining teachers, campus principals, and bus drivers; and
  - (3) May 31, 2015, for all remaining school staff.
- (d) Each subsequent school year, as a part of new employee orientation, school districts and open-enrollment charter schools shall provide training as required by the TEC, §38.0041, to all new school district and open-enrollment charter school employees.
- (e) Using a format and language that is clear, simple, and understandable to students, each public school and open-enrollment charter school shall post, in English and in Spanish:
  - (1) the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number;
  - (2) instructions to call 911 for emergencies; and
  - (3) directions for accessing the Texas Department of Family and Protective Services website ([www.txabusehotline.org](http://www.txabusehotline.org)) for more information on reporting abuse, neglect, and exploitation.
- (f) School districts and open-enrollment charter schools shall post the information specified in subsection (e) of this section at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

*Statutory Authority: The provisions of this §61.1051 issued under the Texas Education Code, §§38.004, 38.0041, and 38.0042.*

*Source: The provisions of this §61.1051 adopted to be effective December 5, 1999, 24 TexReg 10527; amended to be effective January 20, 2004, 29 TexReg 457; amended to be effective July 22, 2014, 39 TexReg 5573.*