

SENATE AMENDMENTS

2nd Printing

By: Parker

H.B. No. 1041

A BILL TO BE ENTITLED

AN ACT

relating to school district policies addressing sexual abuse of children.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0041 to read as follows:

Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE OF CHILDREN.

(a) Each school district shall adopt and implement a policy addressing sexual abuse of children to be included in the district improvement plan under Section 11.252.

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

(1) methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse, using resources developed by the agency under Section 38.004;

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

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

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this

H.B. No. 1041

1 Act takes effect September 1, 2009.

ADOPTED

MAY 25 2009

Adair Spaw
Secretary of the Senate

By: Parker/West

H.B. No. 1041

Substitute the following for H.B. No. 1041:

By: Articia VandePutte

C.S. H.B. No. 1041

A BILL TO BE ENTITLED

AN ACT

1

2 relating to school district policies addressing sexual abuse of
3 children.

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

5

SECTION 1. This Act shall be known as Jenna's Law.

6

7 SECTION 2. Subchapter A, Chapter 38, Education Code, is
amended by adding Section 38.0041 to read as follows:

8

Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE OF CHILDREN.

9 (a) Each school district shall adopt and implement a policy
10 addressing sexual abuse of children to be included in the district
11 improvement plan under Section 11.252.

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

13 (1) methods for increasing teacher, student, and
14 parent awareness of issues regarding sexual abuse of children,
15 including knowledge of likely warning signs indicating that a child
16 may be a victim of sexual abuse, using resources developed by the
17 agency under Section 38.004;

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

20 (3) available counseling options for students
21 affected by sexual abuse.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2009.

ADOPTED

MAY 25 2009

Antony Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *[Signature]*

1 Amend C.S.H.B. No. 1041 (Senate committee printing) in
2 SECTION 2 of the bill, in added Section 38.0041(a), Education Code
3 (page 1, line 19), between "11.252" and the period, by inserting
4 "and any informational handbook provided to students and parents".

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 25 2009 BY: *[Signature]*

1 Amend H.B. No. 1041 by adding ^{*Acting Speaker*}~~Secretary of the Senate~~ following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS
3 of the bill as appropriate:

4 SECTION ____ (a) In this section, "task force" means the
5 task force established under this section to establish a
6 strategy for reducing child abuse and neglect and improving
7 child welfare.

8 (b) The task force consists of 15 members appointed as
9 follows:

10 (1) five members appointed by the governor;

11 (2) five members appointed by the lieutenant
12 governor; and

13 (3) five members appointed by the speaker of the
14 house of representatives.

15 (c) Members of the task force must be individuals who are
16 actively involved in the fields of the prevention of child abuse
17 and neglect and child welfare. The appointment of members must
18 reflect the geographic diversity of the state.

19 (d) The task force shall elect a presiding officer by a
20 majority vote of the membership of the task force.

21 (e) The task force shall meet at the call of the presiding
22 officer.

23 (f) Chapter 2110, Government Code, does not apply to the
24 task force.

25 (g) The task force shall establish a strategy for reducing
26 child abuse and neglect and for improving child welfare in this
27 state. In establishing that strategy, the task force shall:

28 (1) gather information concerning child safety, child
29 abuse and neglect, and child welfare throughout the state;

1 (2) review the exemptions from criminal liability
2 provided under the Penal Code to a mother who injures her unborn
3 child by using a controlled substance, as defined by Chapter
4 481, Health and Safety Code, other than a controlled substance
5 legally obtained by prescription, during her pregnancy and
6 examine the effect that repealing the exemptions will have on
7 reducing the number of babies who are born addicted to a
8 controlled substance;

9 (3) receive reports and testimony from individuals,
10 state and local agencies, community-based organizations, and
11 other public and private organizations;

12 (4) create goals for state policy that would improve
13 child safety, prevent child abuse and neglect, and improve child
14 welfare; and

15 (5) submit a strategic plan to accomplish those
16 goals.

17 (h) The strategic plan submitted under Subsection (g) of
18 this section may include proposals for specific statutory
19 changes, the creation of new programs, and methods to foster
20 cooperation among state agencies and between the state and local
21 government.

22 (i) The task force shall consult with employees of the
23 Department of Family and Protective Services, the Department of
24 State Health Services, and the Texas Department of Criminal
25 Justice as necessary to accomplish the task force's
26 responsibilities under this section.

27 (j) The task force may cooperate as necessary with any
28 other appropriate state agency.

29 (k) The governor, lieutenant governor, and speaker of the
30 house of representatives shall appoint the members of the task
31 force not later than October 1, 2009.

1 (1) Not later than November 1, 2010, the task force shall
2 submit the strategic plan required by Subsection (g) of this
3 section to the governor, lieutenant governor, and speaker of the
4 house of representatives.

5 (m) The task force is abolished and this section expires
6 on September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1041 by Parker (relating to school district policies addressing sexual abuse of children.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would create a 15-member task force to establish a strategy for reducing child abuse and neglect and improving child welfare. The members would be entitled to reimbursement for travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act. The Act would take effect on September 1, 2009 and would expire on September 1, 2011. It is assumed that any costs associated with the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Costs for school districts, in implementing the bill's requirement to develop and implement a policy addressing sexual abuse of children, are not expected to be significant.

Source Agencies: 530 Family and Protective Services, Department of, 537 State Health Services,
Department of, 696 Department of Criminal Justice

LBB Staff: JOB, JSp, CL, NM, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1041 by Parker (relating to school district policies addressing sexual abuse of children.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Costs for school districts, in implementing the bill's requirement to develop and implement a policy addressing sexual abuse of children, are not expected to be significant.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, WG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1041 by Parker (Relating to school district policies addressing sexual abuse of children.),
As Engrossed

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Costs for school districts, in implementing the bill's requirement to develop and implement a policy addressing sexual abuse of children, are not expected to be significant.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, WG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 29, 2009

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1041 by Parker (relating to school district policies addressing sexual abuse of children.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Costs for school districts, in implementing the bill's requirement to develop and implement a policy addressing sexual abuse of children, are not expected to be significant.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, WG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1041 by Parker (Relating to school district policies addressing sexual abuse of children.),
As Introduced

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Costs for school districts, in implementing the bill's requirement to develop and implement a policy addressing sexual abuse of children, are not expected to be significant.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, WG

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