

1-1 By: Bettencourt S.B. No. 1231
 1-2 (In the Senate - Filed February 27, 2019; March 7, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 March 27, 2019, reported favorably by the following vote: Yeas 11,
 1-5 Nays 0; March 27, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to providing certain public and private school
 1-22 administrators with information regarding certain child abuse and
 1-23 neglect investigations and allegations.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 261.105(d), Family Code, is amended to
 1-26 read as follows:

1-27 (d) If the department initiates an investigation and
 1-28 determines that the abuse or neglect does not involve a person
 1-29 responsible for the child's care, custody, or welfare, the
 1-30 department shall refer the report to a law enforcement agency for
 1-31 further investigation. If the department determines that the
 1-32 abuse or neglect involves an employee of a public or private
 1-33 elementary or secondary school, and that the child is a student at
 1-34 the school, the department shall orally notify the superintendent
 1-35 of the school district, the director of the open-enrollment charter
 1-36 school, or the chief executive officer of the private school in
 1-37 which the employee is employed about the investigation.

1-38 SECTION 2. Section 261.308(d), Family Code, is amended to
 1-39 read as follows:

1-40 (d) The department shall release information regarding a
 1-41 person alleged to have committed abuse or neglect to persons who
 1-42 have control over the person's access to children, including, as
 1-43 appropriate, the Texas Education Agency, the State Board for
 1-44 Educator Certification, the local school board or the school's
 1-45 governing body, the superintendent of the school district, ~~or~~ the
 1-46 public school principal or director, the director of the
 1-47 open-enrollment charter school, or the chief executive officer of
 1-48 the private school if the department determines that:

1-49 (1) the person alleged to have committed abuse or
 1-50 neglect poses a substantial and immediate risk of harm to one or
 1-51 more children outside the family of a child who is the subject of
 1-52 the investigation; and

1-53 (2) the release of the information is necessary to
 1-54 assist in protecting one or more children from the person alleged to
 1-55 have committed abuse or neglect.

1-56 SECTION 3. Sections 261.406(a) and (b), Family Code, are
 1-57 amended to read as follows:

1-58 (a) On receipt of a report of alleged or suspected abuse or
 1-59 neglect of a child in a public or private school ~~[under the~~
 1-60 ~~jurisdiction of the Texas Education Agency]~~, the department shall
 1-61 perform an investigation as provided by this chapter.

2-1 (b) The department shall send a copy of the completed report
2-2 of the department's investigation to the Texas Education Agency or,
2-3 in the case of a private school, the school's chief executive
2-4 officer. On request, the department shall provide a copy of the
2-5 completed report of the department's investigation to the State
2-6 Board for Educator Certification, the local school board or the
2-7 school's governing body, the superintendent of the school district,
2-8 ~~[and]~~ the public school principal or director, or the chief
2-9 executive officer of the private school, unless the principal, ~~or~~
2-10 director, or chief executive officer is alleged to have committed
2-11 the abuse or neglect, for appropriate action. On request, the
2-12 department shall provide a copy of the report of investigation to
2-13 the parent, managing conservator, or legal guardian of a child who
2-14 is the subject of the investigation and to the person alleged to
2-15 have committed the abuse or neglect. The report of investigation
2-16 shall be edited to protect the identity of the persons who made the
2-17 report of abuse or neglect. Except as otherwise provided by this
2-18 subsection ~~[Other than the persons authorized by the section to~~
2-19 ~~receive a copy of the report]~~, Section 261.201(b) applies to the
2-20 release of the report relating to the investigation of abuse or
2-21 neglect under this section and to the identity of the person who
2-22 made the report of abuse or neglect.

2-23 SECTION 4. This Act takes effect September 1, 2019.

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