

BILL ANALYSIS

Senate Research Center

S.B. 1231
By: Bettencourt
Education
6/11/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties have reported that when the Department of Family and Protective Services (DFPS) receives a report and begins an investigation of alleged child abuse or neglect involving an employee of a private school, current law does not require the investigative reports to be provided to the private school administration.

The goal of S.B. 1231 is to require DFPS to release the information to private school administrators at the same level that it releases it to public schools to end the unintended result of giving private schoolchildren less protection than is afforded public schoolchildren.

S.B. 1231 amends current law relating to DFPS investigative processes to ensure that public and private schools are given equal notification and report access to properly protect students. (Original Author's/Sponsor's Statement of Intent)

S.B. 1231 amends current law relating to providing certain public and private school administrators with information regarding certain child abuse and neglect investigations and allegations.

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 261.105(d), Family Code, to require the Department of Family and Protective Services (DFPS), if DFPS determines that certain abuse or neglect involves an employee of a public or private, rather than a public, elementary or secondary school, to orally notify the superintendent of the school district, the director of the open-enrollment charter school, or the chief executive officer of the private school, rather than the superintendent of the school district, in which the employee is employed about the investigation.

SECTION 2. Amends Section 261.308(d), Family Code, to add the public school principal or director, the director of the open-enrollment charter school, or the chief executive officer of the private school to a list of persons to whom DFPS is required to release information regarding a person alleged to have committed abuse or neglect if DFPS makes certain determinations and to make a nonsubstantive change.

SECTION 3. Amends Section 261.406(a) and (b), Family Code, as follows:

- (a) Deletes existing text relating to the jurisdiction of the Texas Education Agency (TEA).
- (b) Requires DFPS to send a copy of the completed report of DFPS's investigation to TEA or, in the case of a private school, to the school's chief executive officer, rather than to TEA. Provides that, except as otherwise provided by this subsection, Section 261.201(b) (relating to court ordered disclosure of confidential information) applies to the release of the report relating to the investigation of abuse or neglect under this section

(Investigations in Schools) and to the identity of the person who made the report of abuse or neglect. Deletes existing text relating to persons authorized by the section to receive a copy of the report. Makes conforming and nonsubstantive changes.

SECTION 4. Effective date: September 1, 2019.