

**POLICY STATEMENT:**

The public education system plays an important role in reporting suspected abuse and neglect of Texas children. School personnel represent the largest professional resource for reporting child abuse and neglect in Texas. Texas Leadership Public Schools (TLPS) agrees with this philosophy and supports compliance with state requirements in the area of reporting child abuse and neglect. Increasing awareness about child abuse and neglect, including the development of effective reporting policies, programs, and staff development is important to protect children attending TLPS.

**Definitions**

- A. "Charter system" refers to Texas Leadership and all of its associated locations and facilities to include, but not be limited to, administrative offices and all school campuses.
- B. "DFPS" refers to the Texas Department of Family and Protective Services.
- C. "Parent" refers to the custodial parent or legal guardian of a student.
- D. "Professional" refers to any individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers. (*Family Code 261.101 (b)*)
- E. "TLPS" is an acronym for Texas Leadership Public Schools.

**Duty to Report**

- A. Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within forty-eight (48) hours after the professional first suspects abuse or neglect.
  - 1. A professional may not delegate to or rely on another person to make the report.
  - 2. A professional may not rely on another or administrator to report suspected child abuse and/or neglect for them.

3. A person acting in good faith reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *(Family Code 261.106)*
4. The Charter System may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. *(Family Code 261.110)*
5. A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *(Family Code 261.201)*
  - a. Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report or, as ordered by a court under Family Code 261.201. *(Family Code 261.101 (d))*
6. A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *(Family Code 261.107(a))*
7. A person commits a class A misdemeanor if he or she has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report it as provided by law. *(Family Code 261.109)*
8. Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 Administrative Code Chapter 249. *(19 TAC 61.1051(a)(2)(A))*
9. An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *(Penal Code 39.06)*

### **Contents of Report**

- A. The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:
  - 1. The name and address of the child;
  - 2. The name and address of the person responsible for the care, custody, or welfare of the child; and
  - 3. Any pertinent information concerning the alleged or suspected abuse or neglect.

### **To Whom Reported**

- A. If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to the DFPS, unless the report is made under item 3, below.
- B. All other reports shall be made to:
  - 1. Any local or state law enforcement agency;
  - 2. The DFPS, including a local office where available;
  - 3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
  - 4. The agency designated by the court to be responsible for the protection of children. (*Family Code 261.103, 19 TAC 61.1051(a)(1)*)

### **Investigations**

- A. The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. (*Family Code 261.302(b)*)
- B. A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS. (*Family Code 261.303(a)*)
- C. School officials are prohibited from requiring the presence of a parent or school administrator during an interview by an investigator. (*19 TAC 61.1051(a)(2)(B)(ii)*)

### **Reports of Investigations to Charter System**

- A. If the DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public primary or secondary school, and that the child is

a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. (*Family Code 261.105(d)*)

B. The DFPS shall send a copy of the completed report of the department's investigation to the Texas Education Agency. On request, DFPS shall provide a copy of the completed report of the investigation to the State Board for Educator Certification, the school's governing body, the superintendent of the school district, the public school principal or director, unless the principal or director is alleged to have committed the abuse or neglect, for appropriate action. On request, DFPS shall provide a copy of the report of the investigation to the parent, managing conservator, or legal guardian of a child who is the subject of the investigation and to the person alleged to have committed the abuse or neglect. The report of investigation shall be edited to protect the identity of the persons who made the report of abuse or neglect. (*Family Code 261.406(b)*)

#### **Psychotropic Drugs and Psychological Testing**

A. An employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child, or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child (*Education Code 26.0091, Family Code 261.111(a)*)

#### **Miscellaneous**

A. The charter system shall provide child abuse anti-victimization programs in elementary and secondary schools. (*Texas Education Code 38.004*)

B. The Board shall establish and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261.

1. The policies must require every school employee, agent, or contractor who suspects child abuse or neglect to submit a written or oral report to at least one of the authorities listed above (see TO WHOM REPORTED) within 48 hours or less, as determined by the Board, after learning of facts giving rise to the suspicion.

2. The policies must also be consistent with 40 Administrative Code Chapter 700 regarding investigations by the DFPS, including regulations governing investigation of abuse by school personnel and volunteers. *(19 TAC 61.1051(a)(3))*
3. The policies must notify school personnel of the following:
  - a. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
  - b. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:
    - i. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and
    - ii. The prohibition, under Family Code 261.302, against 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 a report of suspected child abuse or neglect;
  - e. Any disciplinary action that may result from noncompliance with the District's reporting policy;
  - f. The prohibition under Education Code 26.0091 (see PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING above), and
  - g. The current toll-free number for the DFPS.
4. The policies must not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above. *(19 TAC 61.1051(a)(4))*

**Annual Distribution and Staff Development**

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board.

*(19 TAC 61.1051(b))*

**Telephone Numbers**

- A. Texas Department of Family and Protective Services: 1-800-252-5400
- B. San Angelo Police Department (Non-emergency): (325) 657-4315
- C. Tom Green County Sheriff's Officer (Non-emergency): (325) 655-8111