

Fort Stockton Independent School District

Plan for Addressing Sexual Abuse and Other Maltreatment of Children



As Required by HB 1041 and SB 471

Updates April 2026

Fort Stockton Independent School District

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Methods for Increasing Awareness Regarding Sexual Abuse and Maltreatment of Children

Teachers:	Teachers will be trained annually in all content areas addressed in the Fort Stockton Independent School District Plan for Addressing Sexual Abuse and Other Maltreatment of Children . Training may be provided through campus staff, district staff, on-line or outside agencies as appropriate at the discretion of the campus administration. Training will include contents of the adopted board policy FFG (LEGAL) and FFG exhibit.
Students:	District counseling staff will address issues awareness regarding sexual abuse and maltreatment of children, utilizing anti victimization programs with age-appropriate conversations and materials, as needed throughout the school year in grades Pk-8. Awareness regarding sexual abuse and other maltreatment of children will be addressed with students in grades 9-12 as needed throughout the school year.
Parents:	Information concerning the district Plan for Addressing Sexual Abuse and Other Maltreatment of Children will be posted on the district web site at: https://www.fsisd.net/ Additionally, reference to the plan will be included in each of the campuses' student handbooks within the district. These handbooks are available to parents in a printed format, as well as on-line at the district web site. For a printed copy, please contact your child's campus.

What is Sexual Abuse of a Child?

Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare, as well as a failure to make a reasonable effort to prevent sexual conduct with a child.

Sexual abuse includes fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or producing pornographic materials.

Suspect Sexual Abuse When You See:

- Physical signs of sexually transmitted diseases
- Evidence of injury to the genital area
- Pregnancy in a young girl
- Difficulty in sitting or walking
- Extreme fear of being alone with adults of a certain sex
- Sexual comments, behaviors or play
- Knowledge of sexual relations beyond what is expected for a child's age
- Sexual victimization of other children

Warning Signs in Children and Adolescents of Possible Child Sexual Abuse

Any one sign does not mean that a child has been or is being sexually abused, but the presence of several different signs suggests that one should begin asking questions and consider seeking help. Keep in mind that some of these signs can emerge at other times of stress such as: during a divorce, death of a family member or pet, problems at school. or with friends, and other anxiety-inducing or traumatic events.

Possible Psychological and Behavioral Signs of Sexual Abuse of Children

- Changes in sleeping patterns
- Bedwetting
- Nightmares or bad dreams
- Depression, irritability or anger
- Low self-esteem, guilt or shame
- Avoidance of people or places
- Sexual advances of "touching" inappropriately
- Sexual drawings
- Changes in socialization (social withdrawal or social isolation)

Possible Physical Symptoms of Sexual Abuse of children

- Becomes pregnant or contracts a venereal disease, particularly if under the age of 14

- Trauma to the mouth or genitals
- Rectal Bleeding
- Pain around the genital area
- Poor appetite
- Weight loss or weight gain

Signs More Typical in Younger Children

- Using new words for private body parts
- Resisting the removal of clothes even at appropriate times when clothing should be removed, such as bath, bed, toileting, etc.
- Asking other children to behave sexually or play sexual games
- Copying adult-like sexual behavior with toys or stuffed animals
- Wetting and soiling accidents unrelated to toilet training
- Returning to habits previously broken, such as bed-wetting or thumb sucking

Signs More Typical in Early Adolescents

- Has nightmares or other sleep problems without an explanation
- Seems distracted or distant at odd times
- Has a sudden change in eating habits
- Refuses to eat
- Loses or drastically increase appetite
- Has trouble swallowing
- Sudden mood swings: rage, fear, insecurity or withdrawal
- Leaves "clues" that seem likely to provoke a discussion about sexual issues
- Writes, draws, plays or dreams of sexual or frightening images
- Refuses to talk about a secret shared with an adult or older child
- Talks about a new older friend
- Suddenly has money, toys, or other gifts without reason
- Exhibits adult-like sexual behaviors, language and knowledge

Signs More Typical in Teens

- Self-injury (cutting, burning)
- Inadequate personal hygiene
- Drug and alcohol abuse
- Sexual promiscuity
- Running away from home
- Depression, anxiety
- Suicide attempts
- Fear of intimacy or closeness
- Compulsive eating or dieting

Physical Warning Signs of Sexual Abuse

Physical warning signs of sexual abuse are rare. If one should notice any of

these signs, the child should be seen by a doctor as soon as possible. The doctor can help you and your child understand what may be happening and test for sexually transmitted diseases.

- Pain, discoloration, bleeding or discharge in genitals, anus or mouth
- Persistent or recurring pain during urination and bowel movements
- Wetting and soiling accidents unrelated to toilet training

Consider the Possibility of Sexual Abuse when the Parent or other Adult Caregiver

- Is unduly protective of the child or severely limits the child's contact with other children, especially of the opposite sex
- Is secretive and isolated
- Is jealous or controlling with family members

What is Maltreatment of a Child?

According for the Centers for Disease Control and Prevention (CDC}, child maltreatment is defined as "any act or series of acts of commission or omission by a parent or other caregiver (e.g., clergy, coach, teacher) that results in harm, potential for harm, or threat of harm to a child."

Commission can be defined as child abuse with the following examples: physical abuse, sexual abuse and psychological abuse. Child neglect defines the term "omission" and includes the following examples: physical neglect, emotional neglect, medical/dental neglect, educational neglect, inadequate supervision and exposure to violent environments.

Physical Abuse

Physical abuse is physical injury that results in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child. The physical injury (ranging from minor bruises to *severe* fractures or death) can result from punching, beating, shaking, kicking, biting, throwing, stabbing, hitting, burning, choking, or otherwise harming a child. Such injury is considered abuse regardless of whether the caretaker intended to hurt the child.

Suspect Physical Abuse When You See:

- Frequent injuries such as bruises, cuts, black eyes or burns, especially when the child cannot adequately explain their causes
- Burns or bruises in an unusual pattern that may indicate the use of an instrument or a human bite; cigarette burns on any part of the body
- Frequent complaints of pain without obvious injury
- Aggressive, disruptive and destructive behavior
- Lack of reaction to pain

- Passive, withdrawn, emotionless behavior
- Fear of going home or seeing parents
- Injuries that appear after the child has not been seen for several days
- Unseasonable clothes that may hide injuries to arms or legs

Neglect

Neglect is failure to provide for a child's basic needs necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services have been offered and refused.

Suspect Neglect When You See:

- Obvious malnourishment
- Lack of personal cleanliness
- Torn and/or dirty clothes
- Obvious fatigue and listlessness
- A child unattended for long periods of time
- Need for glasses, dental, care or other medical attention
- Stealing or begging for food
- Frequent absences or tardiness from school

Emotional Abuse

Emotional abuse is mental or emotional injury that results **in** an observable and material impairment in a child's growth, development, or psychological functioning. It includes forms of punishment such as confining a child in a dark closet, habitual scapegoating, belittling and rejecting treatment for a child.

Suspect Emotional Abuse When You See:

- Over compliance
- Low self-esteem
- Severe depression, anxiety, or aggression
- Difficulty making friends or doing things with other children
- Lagging in physical, emotional, and intellectual development
- Caregiver who belittles the child, withholds love, and seems unconcerned about the child's problems

Parents/Guardians' Responsibilities Concerning Sexual Abuse and Other Maltreatment of Children

- Parents are legally responsible for the care of your child. Parents must provide their child with safe and adequate food, clothing, shelter, protection, medical care and supervision, or must arrange for someone else to provide these things. Failure to do so may be considered neglect.

- It is important for parents to be aware of warning signs that could indicate a child may have been or is being abused or neglected. A child who has experienced sexual abuse should be encouraged to seek out a trusted adult.
- Parent must be aware that disclosures of sexual abuse may be more indirect than disclosures of physical abuse, and it is important to be calm and comforting if your child, or another child, confides in them. Parents must reassure the child that he or she did the right thing by telling them.
- As a parent, if a child is a victim of sexual abuse, the campus counselor or principal will provide information regarding counseling options for the parents and the child available in the area. The Texas Department of Family and Protective Services also manages early intervention counseling programs.
- If a parent permits their child to be in a situation where he or she may be injured, then the parent may be prosecuted for child abuse. The fact that the abuser is a parent or other family member does not remove the parents obligation to protect the child. If you a parent is frightened for their own safety or that of the child, call 911 or the Child Abuse Hotline at 1-800-252-5400.

Educational Personnel's Responsibilities Concerning Sexual Abuse and Other Maltreatment of Children

<p>Legal Obligation:</p>	<p>Current law requires that professionals such as teachers, doctors, nurses, or child daycare workers must make a verbal report within 24 hours of suspected abuse or neglect. Failure to report suspected child abuse or neglect is a misdemeanor punishable by imprisonment of up to 180 days and/or a fine of up to \$2000 (Texas Family code, Chapter 261). Reporting suspected child abuse to your principal, school counselor or superintendent will not satisfy your obligation under this law. Fort Stockton ISD Board Policy FFG (EXHIBIT), attached to this plan, provides the Notice of Employee Responsibilities for Reporting Child Abuse and Neglect.</p>

<p>Legal Protection:</p>	<p>A report of child abuse or neglect is confidential and immune from civil or criminal liability as long as the report is made in "good faith" and "without malice". In good faith means that the person making the report took reasonable steps to learn facts that were readily available and at hand. Without malice means that the person did not intend to injure or violate the rights of another person. Provided these two conditions are met, one will also be immune from liability if asked to participate in any judicial proceedings that might result from a report.</p>
<p>If You Suspect Abuse:</p>	<p>DON'T try to investigate</p> <p>DON'T confront the abuser</p> <p>DO report your reasonable suspicions</p> <p>It is not necessary to determine if one's suspicions are true. A trained investigator will evaluate the child's situation. Even if a report does not bring decisive action, it may help establish a pattern that will eventually be clear enough to help the child.</p>
<p>A Disclosure:</p>	<p>If you are the first person the child tells about sexual abuse, your testimony as "outcry witness" may be especially important in future legal proceedings. What you say the child told you is not considered "hearsay" but is admissible evidence in a trial involving a sexual offence against a child. This exception applies only to the first person the child approaches.</p>
<p>Report to the</p>	<p>Texas Abuse Hotline: (800)252-5400</p>

Following:	<p>Texas Department of Family and Protective Services: http://www.txabusehotline.org</p> <p>Use the relay service of your choice or use Relay Texas External Link at 7-1-1. Tell the relay operator to call the Texas Abuse Hotline at (800) 252-5400.</p> <p>Fort Stockton Police Department: (432) 336-4600</p> <p>Pecos County Sheriffs Office: (432) 336-3521</p> <p>For emergencies call 911</p>
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Available Counseling Options and Other Resources

To find out what services may be available in your county, see:
https://www.dfps.texas.gov/prevention_and_early_intervention/default.asp

The following Web sites might help you become more aware of child sexual abuse and neglect:

- Prevent Child Abuse America: www.preventchildabuse.org
- Prevent Child Abuse Texas: www.preventchildabusetexas.org
- Texas Association Against Sexual Assault: www.taasa.org
- Child Welfare Information Gateway: www.childwelfare.gov
- Texas Department of Family Services: www.dfps.texas.gov/

Resources to Share and Keep

- Recognize the Signs of Child Abuse:
https://www.dfps.texas.gov/Child_Protection/Child_Safety/recognize_abuse.asp
- For a quick reference about reporting, download this 2-page flyer:
[Reporting Abuse, Neglect or Exploitation PDF Document / en Español PDF Document](#)
- For instructions on how to use the reporting website, download the user guide:
[Online Texas Abuse Hotline User Guide PDF Document](#)

Other Resources

- [National Suicide Prevention Lifeline](https://988lifeline.org/) - Find out about suicide prevention. 988 Lifeline, <https://988lifeline.org/>
- [National Sexual Assault Hotline](https://www.hopehotline.org/) - Reach out if you have experienced or suspect sexual assault. (800) 656-HOPE or Text HOPE to 646673
- [National Human Trafficking Hotline](https://www.humantraffickinghotline.org/) - Get help or report human trafficking. You can also call 888-373-7888, text HELP to BEFREE (233733), or help@humantraffickinghotline.org, or chat online.
- [Adoption Services](https://www.texashealthandhuman.com/adoptionservices) - Learn about adoption services from Texas Health and Human Services if you are pregnant and considering offering your baby for adoption.
- [Mental Health Texas](https://www.mentalhealthtexas.org/) - Get information, resources, and direction if you have mental health-related needs or want to support someone who does.
- [One Pill Kills](https://www.onepillkills.org/) - Get information on how to protect your teen from counterfeit (fake) prescription pills and fentanyl poisoning. Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin.

Counseling Options:

Child Help: Includes programs designated to serve children who are abused including their "Good-Touch-Bad-Touch" program which hopes to eliminate child abuse by bringing prevention education to children and adults everywhere.

Phone: (480)922-8212

Web site: <http://www.childhelp.org>

Stop It Now: Provides a national helpline for supportive guidance, information, and resources. The Helpline is staffed by professionals who can provide assistance in how to deal with suspected child abuse situations. Additional resources are available on their web site.

Phone: 1-888-PREVENT

Email: helpline@stopitnow.org

Web site: <http://www.stopitnow.org>

Tools: <https://www.stopitnow.org/help-guidance/prevention-tools>

**Policy and Program
to Address Sexual
Abuse, Trafficking,
and Maltreatment**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 103.1401(b)(3)

Definitions

Child Abuse

“Abuse” includes the following acts or omissions by a person:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Penal Code 21.02, indecency with a child under Penal Code 21.11, improper relationship between educator and student under Penal Code 21.12, sexual assault under Penal Code 22.011, or aggravated sexual assault under Penal Code 22.021;
6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
7. Compelling or encouraging the child to engage in sexual conduct as defined by Penal Code 43.01, compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Penal Code 20A.02(a)(7) or (8), solicitation of prostitution under Penal Code 43.021, or compelling prostitution under Penal Code 43.05(a)(2);
8. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Penal Code or pornographic;
9. The current use by a person of a controlled substance as defined by Health and Safety Code Chapter 481, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
10. Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Health and Safety Code Chapter 481;
11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Penal Code 43.25;
12. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Penal Code 20A.02(a)(5), (6), (7), or (8), or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
13. Forcing or coercing a child to enter into a marriage.

Abuse does not include the refusal by a person responsible for a child's care, custody, or welfare to affirm a child's perception of the child's gender, including a refusal to use a child's preferred name

or pronouns, regardless of whether the child's name has been legally changed or to affirm a child's expressed sexual orientation.

Neglect

“Neglect” means an act or failure to act by a person responsible for a child’s care, custody, or welfare evidencing the person’s blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child’s physical health or safety.

Neglect includes:

1. The leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
2. The following acts or omissions by a person:
 - a. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;
 - b. Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - c. The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - d. Placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or
 - e. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse as defined above at items 5-9 committed against another child;
3. The failure by the person responsible for a child’s care, custody, or welfare to permit the child to return to the child’s home without arranging for the necessary care for the child after the child has been absent from the home for any reason,

including having been in residential placement or having run away; or

4. A negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

Neglect does not include:

1. The refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:
 - a. The child has a severe emotional disturbance;
 - b. The person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and
 - c. The person has exhausted all reasonable means available to the person to obtain the mental health services described at item b, above;
2. Allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; or
3. A decision by a person responsible for a child's care, custody, or welfare to:
 - a. Obtain an opinion from more than one medical provider relating to the child's medical care;
 - b. Transfer the child's medical care to a new medical provider;
 - c. Transfer the child to another health care facility;
4. The refusal by a person responsible for a child's care, custody, or welfare to administer or consent to the administration of a psychotropic medication to the child, or to consent to any other psychiatric or psychological treatment of the child, unless the refusal presents a substantial risk of death, disfigurement, or bodily injury to the child or results in an observable and material impairment to the growth, development, or functioning of the child;

5. Choosing a recognized alternative health-care treatment or therapy for the child that could be considered as new, emerging, or nonstandard, unless the treatment or therapy presents a substantial risk of death, disfigurement, or bodily injury to the child or results in an observable and material impairment to the growth, development, or functioning of the child; or
6. The refusal by a person responsible for a child's care, custody, or welfare to affirm a child's perception of the child's gender, including a refusal to use a child's preferred name or pronouns, regardless of whether the child's name has been legally changed or to affirm a child's expressed sexual orientation.

Family Code 261.001(1), (1-a), (4)

Other Maltreatment This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

19 TAC 103.1401(a)

Duty to Report

Report by Any Person

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Report by Any Professional

Any professional who has reasonable 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 24 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person 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, juvenile probation officers, and juvenile detention or correctional officers.

Family Code 261.101(b)

Abuse of Persons
with Disabilities

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, .052, .054

Adult Victims of
Abuse

A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

**Restrictions on
Reporting**

Psychotropic Drugs
and Psychological
Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the 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) [See FFEB]

Contents of Report

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 individual 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;

3. The facts that caused the individual to believe the child has been abused or neglected and the source of the information;
4. The individual's name and telephone number;
5. The individual's:
 - a. Home address; or
 - b. If the individual is a professional as defined by Family Code 261.101(b) [see Report by Any Professional, above], the individual's business address and profession; and
6. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

Confidentiality of Report

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) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)-(a)(1)*

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)*

Abuse and Neglect Involving School Personnel and Those Responsible for Care

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 DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. A law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 103.1401(b)(1)-(2)

"Law enforcement agency" means:

1. The Department of Public Safety;
2. The police department of a municipality;
3. The sheriff's office of a county; or
4. A constable's office of a county.

Family Code 261.001(3-a)

"Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child's family or household as defined by Family Code Chapter 71;
3. A person with whom the child's parent cohabits;
4. School personnel or a volunteer at the child's school;
5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Human Resources Code Chapter 42.

Family Code 261.001(5)

**Reporting Abuse,
Neglect, or
Exploitation in a
JJAEP**

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

**Immunity from
Liability**

A person acting in good faith who 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*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment

action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

Criminal Offenses

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

False Report

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)*

Coercion

A public servant, including as a school administrator, 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*

Civil Liability

A school district that is grossly negligent or reckless, or engages in intentional misconduct, in hiring, supervising, or employing a professional school employee is liable for an act or omission that is committed by the employee against a student enrolled in the school and that is failure to report suspected child abuse or neglect under Family Code 261.101 [see Duty to Report, above]. *Civil Practice and Remedies Code 118.001*

SBEC Disciplinary Action

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by Education Code 22A.051, 22A.052, 22A.301, and 19 Administrative Code 249.14(d)-(f). *19 TAC 249.15(b)(4)*

Note: The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. See 40 Administrative Code Chapter 707, Subchapter B for more information regarding investigations of abuse or neglect in a school setting.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary 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)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student

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)* [See GRA]

Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 103.1401(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 24 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 103.1401(b)(1)*

The policies must be consistent with the Family Code Chapter 261 and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. 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;
2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
 - a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
 - b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Oral reports made to DFPS are recorded;
5. Confidentiality provisions relating to a report of suspected child abuse or neglect, including the following:
 - a. The requirement for the individual making the report to provide his or her name and telephone number;
 - b. The requirement for the individual making the report to provide his or her home address or, if the individual making the report is a school employee, agent, or contractor, provide his or her business address and profession; and
 - c. The limited circumstances under which the identity of the individual making a report may be disclosed;
6. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

7. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 103.1401(b)(2)

The policies may 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.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 103.1401(b)(5)-(8)

Annual Distribution
and Staff
Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 103.1401(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS [Texas Abuse Hotline website](#)¹ for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above 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 Pro-

ective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 103.1401(e)-(f)

¹ Texas Abuse Hotline website: <https://www.txabusehotline.org/>

**Program to Address
Child Sexual Abuse,
Trafficking, and
Maltreatment**

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

**Reporting Child
Abuse and Neglect**

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 24 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, 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.

Making a Report

Reports may be made to any of the following:

1. A law enforcement agency, as defined in law;
2. The Child Protective Services (CPS) division of DFPS at 800-252-5400 or the [Texas Abuse Hotline website](#)¹;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers.

[See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

**Failing to Report
Suspected Child
Abuse or Neglect**

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

**Responsibilities
Regarding
Investigations**

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

¹ Texas Abuse Hotline website: <http://www.txabusehotline.org>