



Guidance and Counseling CHILD ABUSE PREVENTION

CHILD ABUSE PREVENTION POLICIES

FFG (Legal), FFG (Exhibit)

FFE (Legal), FFG (Local), GRA (Legal), EHBAF (Local), DGC (Local), FFH (Local),
DH (Local), GRA (Local)

House Bill 1041 – — Jenna’s Law AN ACT relating to school district policies addressing sexual abuse of children and establishment of a state strategy to reduce child abuse and neglect and improve child welfare.

STUDENT AWARENESS

- Definition of Child Abuse
- Be familiar school counselor and/or social worker assistance
- Be familiar with resources available to seek help if they or someone they know is suffering from child abuse
- Guidance Lessons
- Counseling Services
- Brochures

PARENT AWARENESS

- Definition of Child Abuse
- Attend district wide parent meetings
- Should be comfortable to report to a school counselor and/or social worker
- Brochures

STAFF AWARENESS

- Definition of Child Abuse
- Attend staff development campus training conducted by Student Support Services Staff Member
- Complete the on-line Safe School Trainings
- Report any child abuse suspicion or outcries to Texas Department of Family and Protective Services at 1-800-252-5400 within 48 hours. You may ask a school counselor and/or social worker for assistance, if needed.
- Brochures

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Definitions of Abuse and Neglect

as defined by Texas' Health and Safety Code (Chapter 481) and Penal Code (Chapter 21, 22, 43):

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.

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.

Sexual Abuse

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

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 extreme forms of punishment such as confining a child in a dark closet, habitual scapegoating, belittling, and rejecting treatment for a child.

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Know the Warning Signs:

Suspect Physical Abuse When You See:

- Frequent injuries such as bruises, cuts, black eyes, or burns without adequate explanations
- Frequent complaints of pain without obvious injury
- Burns or bruises in unusual patterns that may indicate the use of an instrument or human bite; cigarette burns on any part of the body
- Lack of reaction to pain
- Aggressive, disruptive, and destructive behavior
- Passive, withdrawn, and emotionless behavior
- Fear of going home or seeing parents
- Injuries that appear after a child has not been seen for several days
- Unreasonable clothing that may hide injuries to arms or legs

Suspect Neglect When You See:

- Obvious malnourishment
- Lack of personal cleanliness
- Torn or dirty clothing
- Stealing or begging for food
- Child unattended for long periods of time
- Need for glasses, dental care, or other medical attention
- Frequent tardiness or absence from school

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

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
- Knowledge of or interest in sexual behaviors that are not age appropriate

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JUDSON INDEPENDENT SCHOOL DISTRICT

Responsibilities and Procedures for Reporting Suspected Child Abuse and Neglect

YOUR DUTY: ***All citizens have a duty to protect children and a legal responsibility to report suspected abuse and neglect to the proper authorities.*** Impulsively reporting a family with no substantive basis for doing so is improper; however, it is important to guard against the strong tendency to deny facts and ignore evidence of abuse.

You cannot be held liable for reporting suspected abuse or neglect of a child when it is done in good faith. On the other hand, a report that is knowingly or intentionally false when it is made is a crime. What you need to know is this: ***if you have cause to believe that a child has been or may be abused or neglected or has died of abuse or neglect, you must immediately make a report to the proper authority.*** If you knowingly fail to make the required report when you have cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect, you may be found guilty of a crime under Section 261.109 of the Texas Family Code. You may also be subject to sanctions by the State Board for Educator Certification, by the Commissioner of Education and/or by the JISD Board of Trustees or Superintendent. The duty to make an immediate report of suspected child abuse applies to all individuals, including paraprofessionals, teacher's aides, custodians, and other non-certified and certified personnel.

FOR PROFESSIONALS: For a School District employee who is a "professional" --- that is, a person who is licensed or certified by the state and who, in the normal course of your official duties or duties for which a license or certification is required, has direct contact with children --- ***the law requires you to make a report to the proper authorities not later than the 48th hour after the hour you first suspect that a child has been or may be abused or neglected or is a victim of the offense of "Indecency with a Child" under Section 21.11 of the Penal Code.*** You may not delegate this responsibility to any other person or rely on another person to make the report.

CONFIDENTIALITY: Unless waived in writing by the person making the report, the identity of an individual making a report is confidential and may be disclosed only by Court order or to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

REPORTING PROCEDURES AUTHORIZED BY TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES:

The Texas Department of Protective and Regulatory Services (TDPRS) has advised the School District that compliance with the reporting law will be satisfied if the person required to make a report does the following:

- ***Makes an oral report within 48 hours of the time the person first suspects that a child has been or may be abused or neglected or is a victim of Indecency with a Child;***

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Texas Education Code

Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE AND OTHER MALTREATMENT OF CHILDREN. (a) Each school district and open-enrollment charter school shall adopt and implement a policy addressing sexual abuse and other maltreatment of children, to be included in the district improvement plan under Section 11.252 and any informational handbook provided to students and parents.

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

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

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

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

(c) The methods under Subsection (b)(1) for increasing awareness of issues regarding sexual abuse and other maltreatment of children must include training, as provided by this subsection, concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children. The training:

(1) must be provided, as part of a new employee orientation, to all new school district and open-enrollment charter school employees and to existing district and open-enrollment charter school employees on a schedule adopted by the agency by rule until all district and open-enrollment charter school employees have taken the training; and

(2) must include training concerning:

(A) factors indicating a child is at risk for sexual abuse or other maltreatment;

(B) likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;

(C) internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;

(D) techniques for reducing a child's risk of sexual abuse or other maltreatment; and

(E) community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff members, students, and parents.

(d) For any training under Subsection (c), each school district and open-enrollment charter school shall maintain records that include the name of each district or charter school staff member who participated in the training.

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(e) If a school district or open-enrollment charter school determines that the district or charter school does not have sufficient resources to provide the training required under Subsection (c), the district or charter school shall work in conjunction with a community organization to provide the training at no cost to the district or charter school.

(f) The training under Subsection (c) may be included in staff development under Section [21.451](#).

(g) A school district or open-enrollment charter school employee may not be subject to any disciplinary proceeding, as defined by Section [22.0512\(b\)](#), resulting from an action taken in compliance with this section. The requirements of this section are considered to involve an employee's judgment and discretion and are not considered ministerial acts for purposes of immunity from liability under Section [22.0511](#). Nothing in this section may be considered to limit the immunity from liability provided under Section [22.0511](#).

(h) For purposes of this section, "other maltreatment" has the meaning assigned by Section [42.002](#), Human Resources Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1115 (H.B. [1041](#)), Sec. 2, eff. June 19, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1323 (S.B. [471](#)), Sec. 2, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 443 (S.B. [715](#)), Sec. 34, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 592 (S.B. [939](#)), Sec. 2, eff. September 1, 2013.

Sec. 38.0042. POSTING CHILD ABUSE HOTLINE TELEPHONE NUMBER. (a) Each public school and open-enrollment charter school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and in Spanish that contains the toll-free telephone number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect.

(b) The commissioner may adopt rules relating to the size and location of the sign required by Subsection (a).

Added by Acts 2013, 83rd Leg., R.S., Ch. 592 (S.B. [939](#)), Sec. 3, eff. September 1, 2013.

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House Bill 1041 – Jenna's Law AN ACT relating to school district policies addressing sexual abuse of children and establishment of a state strategy to reduce child abuse and neglect and improve child welfare.

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

SECTION 2. 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 and any informational handbook provided to students and parents.
- (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 3.

- (a) In this section, "task force" means the task force established under this section to establish a strategy for reducing child abuse and neglect and improving child welfare.
- (b) The task force consists of nine members appointed as follows:
 - (1) five members appointed by the governor;
 - (2) two members appointed by the lieutenant governor; and
 - (3) two members appointed by the speaker of the house of representatives.
- (c) Members of the task force must be individuals who are actively involved in the fields of the prevention of child abuse and neglect and child welfare. The appointment of members must reflect the geographic diversity of the state.
- (d) The task force shall elect a presiding officer by a majority vote of the membership of the task force.
- (e) The task force shall meet at the call of the presiding officer.
- (f) Chapter 2110, Government Code, does not apply to the task force.
- (g) The task force shall establish a strategy for reducing child abuse and neglect and for improving child welfare in this state. In establishing that strategy, the task force shall:
 - (1) gather information concerning child safety, child abuse and neglect, and child welfare throughout the state;
 - (2) review the exemptions from criminal liability provided under the Penal Code to a mother who injures her unborn child by using a controlled substance, as defined by Chapter 481,

Report Abuse

By Phone: 1-800-252-5400

Call our Abuse Hotline toll-free 24 hours a day, 7 days a week, nationwide, or report with our secure website and get a response within 24 hours.

Online: <https://www.txabusehotline.org>

Use this website to report situations that **do not** need to be investigated right away. It may take more than 24 hours to process online reports due to high volume.

Email reports of suspected abuse or neglect are not accepted. For security purposes: If you created an account on the Abuse Hotline Website before December 18, 2016, you'll need to create a new account.



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EXHIBIT A

Notice of Employee Responsibilities for Reporting Child Abuse and Neglect

What are the District's policies addressing child abuse or neglect and my responsibilities for reporting suspected child abuse or neglect?

The applicable District policies—FFG(LEGAL) and (LOCAL), GRA(LEGAL) and (LOCAL), and DH(LOCAL) and (EXHIBIT)—are enclosed in this packet. This distribution is required by state law. At regular intervals, these policies will be addressed in staff development as well. If you have any questions about these policies, please contact your supervisor or the District's legislative liaison at (210) 945-5101 or (210) 945-5230.

What are my state law responsibilities for reporting if I suspect that a child has been or may be abused or neglected?

Anyone, be it a District employee, agent, or contractor, who suspects that a child's physical or mental health or welfare has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Any District employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion.

An employee will make a report if the employee has cause to believe that an adult was a victim of abuse or neglect as a child and the employee 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.

Are there any restrictions on reporting?

Under state law, an employee is prohibited from using or threatening to use a parent's refusal to consent to the 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:

- Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
- Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

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To whom do I make a report?

Reports may be made to any of the following:

- A law enforcement agency: Local Law Enforcement Agency or The Judson ISD Police, at (210) 659-9789.
- The CPS division of the Texas Department of Family and Protective Services, at (800) 252-5400 or a report may be made online at the following Internet address: www.txabusehotline.org; or
- 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 CPS, 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.

Reporting your suspicion to a school counselor, a principal, or another school staff member does **NOT** fulfill your responsibilities under the law. Furthermore, the District cannot require you to report your suspicion to a school administrator before reporting to a law enforcement agency or CPS or other state agency.

Will my report be kept confidential?

State law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential and not subject to public release.

Will I be liable in any way for making a report?

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.

What will happen if I don't report suspected child abuse or neglect?

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board for Educator Certification may be suspended, revoked, or canceled.

Do I have other reporting responsibilities as a District employee under Board policy?

In addition to the reporting requirements imposed by state law, a District employee will report suspected abuse or neglect of a child to the alleged perpetrator's campus principal, the department head, or the

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Superintendent or Superintendent's designee when the alleged perpetrator is also or may be a District employee. [See FFG(LOCAL)]

This reporting requirement will be in addition to, not in lieu of, the employee's responsibility to make a report to CPS or a local or state law enforcement agency as required by state law and described above. [See To whom do I make a report?]

Duty of person receiving a report

In the event that a report is made to a campus principal, a department head, or the Superintendent or designee, the person receiving the report will also file a report with CPS or a local or state law enforcement agency as required by state law and described above. [See To whom do I make a report?]

Are there any additional requirements for District Head Start personnel?

The District must comply with federal Head Start performance standards (federal Head Start regulations) and all applicable federal, state, and local laws relating to child safety, including requirements relating to child abuse and neglect. In this regard, the following additional requirements will be followed:

- Head Start personnel will be familiar with and trained in procedures to respond to, among other things, reporting responsibilities when a staff member has knowledge of a claim or report of, or is aware of a program crisis related to, or suspects that media coverage would be negative due to, an incident of child endangerment, neglect, or abuse of a Head Start child while in the District's Head Start program.
- Reports to Head Start Center Directors — If an employee has knowledge of a claim or report of, or if the employee is aware of a program crisis related to, or if the employee suspects that media coverage would be negative due to, an incident of child endangerment, neglect or abuse of a Head Start child while in the District's Head Start program, the employee will make a report to the District's Head Start director or designee in addition to the employee's reporting requirements under state law and District policy FFG(LOCAL).
- Head Start Center Director's Duty to Report — The Head Start Center Director will comply with his or her state and local reporting requirements as above referenced. In addition, the Head Start Center Director or designee will:
 - Within 24 hours, contact the designated representative of the City of San Antonio of the alleged incident of child endangerment, neglect, or abuse, even if the alleged incident has not been fully investigated by the District; and
 - Immediately notify the Superintendent or Superintendent's designee and the director's supervisor of the alleged incident.

If the Head Start Center Director or designee is unable to reach the city's designated representative, the director or designee will leave a verbal or written message via electronic mail notifying the city that the District is attempting to notify the city of the alleged incident.

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The Head Start Center Director or designee will also notify the parent of a Head Start child in any situation in which the child has received physical discipline, whether or not the instance may be characterized as suspected child abuse.

Will a District-initiated investigation take place when a report of suspected child abuse or neglect is received by the District?

Unless otherwise directed by CPS or law enforcement, a report of suspected abuse/neglect will be investigated by a person in authority in the District or on behalf of the District, and a report of the investigation will be provided to the Superintendent for appropriate action.

What are my responsibilities regarding investigations of abuse or neglect?

State law specifically prohibits school officials from:

- Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect; or
- Requiring that a parent or school employee be present during the interview.

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.

[See policy GRA regarding requirements dealing with CPS investigators of suspected child abuse or neglect]



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EXHIBIT B

MAKING INFORMATION AVAILABLE IN A CHILD ABUSE INVESTIGATION UNDER SUBCHAPTER D, CHAPTER 261, FAMILY CODE

Note: State law requires a student record to be made available upon request by a person conducting a child abuse investigation required by Subchapter D, Chapter 261, Family Code. However, the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1231g, a federal law, prohibits the release of such information except under certain conditions. Therefore, before the District may release a student record in a child abuse investigation under Subchapter D, Chapter 261 of the Texas Family Code, the request for the record(s) must be made on this official District request form, and properly signed by the investigator who is conducting the investigation.

1. My name is: _____ ID number: _____
2. I am: (check the box that applies)
 - ☐ An investigator with the Texas Department of Protective and Regulatory Services (TDPRS) conducting an official investigation of a report of suspected abuse or neglect of a child.
 - ☐ An investigator appointed by _____, which is the agency designated by the court as responsible for the protection of children. In my appointed capacity, I am conducting an official investigation of a report of suspected abuse or neglect of a child.
 - ☐ An investigator with _____, a local law enforcement agency on whose behalf I am conducting a joint investigation with the TDPRS (or a state agency that operates, licenses, certifies, or registers a facility in which children are located) of a report of serious physical or sexual abuse of a child.
3. This is an official request for information contained in the below-named student's records, authorized under Section 552.114 of the Texas Government Code.

Name of student: _____

Name of school: _____

Student's grade level: _____

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The information requested to be made available is the following:

I hereby acknowledge that this is a government record and that a person commits an offense if he or she knowingly makes a false entry in a government record. [See Section 37.10, Texas Penal Code]

Signature of investigating officer

Date of signature on document



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EXHIBIT C

TAKING POSSESSION OF A STUDENT WHILE AT SCHOOL IN AN EMERGENCY WITHOUT A WRITTEN COURT ORDER

Note: An authorized representative of the Texas Department of Protective and Regulatory Services (TDPRS), a law enforcement officer, or a juvenile probation officer may take possession of a child without a written court order under specified conditions set out in Title 5, Subtitle E, Chapter 262, Subchapter B of the Texas Family Code. If such a representative or officer makes a demand for possession of a student while at school, the person making the demand should provide reasonable identification of the representative or officer's identity and position with the TDPRS, law enforcement, or probation department and sign this official District record.

1. My name is: _____ ID number: _____
2. I am: (check the box that applies)
 - ☐ An authorized representative of the TDPRS.
 - ☐ A Texas law enforcement officer.
 - ☐ A Bexar County juvenile probation officer.
3. I represent, by filling in the name of the student on the line provided below, that there is no time to obtain a temporary restraining order or attachment before taking possession of the following named student at your school consistent with the health and safety of the student:

Name of student: _____

Name of school: _____

Student's grade level: _____
4. I represent to the Judson Independent School District by my signature below that I am authorized to immediately take possession of the above-named student because one of the following statutory conditions is applicable on:
 - a. Personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child;
 - b. Information furnished by another that has been corroborated by personal know-ledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child;

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- c. Personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse;
- d. Information furnished by another that has been corroborated by personal know-ledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse; or
- e. Information furnished by another that has been corroborated by personal know-ledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the parent or person who has possession of the child is currently using a controlled substance as defined by Chapter 481, Health and Safety Code, and the use constitutes an immediate danger to the physical health or safety of the child.

I hereby acknowledge that this is a government record and that a person commits an offense if he or she knowingly makes a false entry in a government record. [See Section 37.10, Texas Penal Code]

Signature of representative or officer

Date of signature on document



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EXHIBIT D

NEED TO INTERVIEW A STUDENT IN THE COURSE OF AN OFFICIAL CHILD ABUSE INVESTIGATION

Note: An authorized representative of the Texas Department of Protective and Regulatory Services (TDPRS) or local law enforcement agency may request that a District student be interviewed on campus in the course of an official child abuse investigation being conducted by that agency. The investigating agency will be permitted to interview the child at any reasonable time and place, including the child's school, pursuant to Section 261.032, Texas Family Code. This official District form may be used when a person represents that he or she is a representative of such agency, is conducting an official child abuse investigation, and expresses a request to speak with a student on campus in the course of an official child abuse investigation.

1. My name is _____, identification number _____.
2. I am: (check the box that applies)
 - ☐ An authorized representative of the TDPRS.
 - ☐ A Texas law enforcement officer.
 - ☐ A Bexar County juvenile probation officer or other officer of the State of Texas who is authorized to conduct an official child abuse investigation.
3. I represent, by filling in the name of the student on the line provided below, that I am conducting an official child abuse investigation, consistent with my responsibilities under law, and that I have a need to interview the student at school in the course of my agency's official child abuse investigation:

I hereby acknowledge that this is a government record and that a person commits an offense if he or she knowingly makes a false entry in a government record. [See Section 37.10, Texas Penal Code]

Name of student

Name of school

Student's grade level

Signature of representative or officer

Date of signature on document