

No. \_\_\_\_\_



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC** Discussion/Action re: Approve Updated District Improvement Plan to Comply with New

HB 1041 Law (Child Sexual Abuse)

**SUBMITTED BY:** Juan Cruz **OF:** School Attorney

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** November 18, 2009

**RECOMMENDATION:**

It is recommended that the United ISD Board of Trustees Approve Updated District Improvement Plan to Comply with New HB 1041 Law (Child Sexual Abuse)

**RATIONALE:**

**BUDGETARY INFORMATION**

**BOARD POLICY REFERENCE AND COMPLIANCE**

By: Parker

H.B. No. 1041

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to school district policies addressing sexual abuse of  
3 children.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 38, Education Code, is  
6 amended by adding Section 38.0041 to read as follows:

7 Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE OF CHILDREN.

8 (a) Each school district shall adopt and implement a policy  
9 addressing sexual abuse of children to be included in the district  
10 improvement plan under Section 11.252.

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

12 ✓(1) methods for increasing teacher, student, and  
13 parent awareness of issues regarding ~~sexual abuse~~ of children,  
14 including knowledge of likely warning signs indicating that a child  
15 may be a victim of sexual abuse;

16 ✓(2) methods for preventing sexual abuse of children;

17 ✓(3) actions that a child who is a victim of sexual  
18 abuse should take to obtain assistance and intervention; and

19 ✓(4) available counseling options for students  
20 affected by sexual abuse.

21 SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this

*Amendment to Student Handbook*

**Policies Addressing Sexual Abuse of Children**

The District supports all efforts to prevent child sexual abuse. Pursuant to Texas Education Code 38.0041, the District provides the following information:

To make a report of child sexual abuse, contact the Texas Department of Family and Protective Services at 1-800-252-5400 or <https://www.txabusehotline.org>. To obtain more information from the Texas Department of Family and Protective Services, such as recognizing signs of sexual abuse, please visit their website at <http://www.dfps.state.tx.us>.

If a parent or student would like information regarding:

1. the likely warning signs of child sexual abuse;
2. methods for preventing child sexual abuse;
3. actions that a child who is a victim of child sexual abuse should take to obtain assistance and intervention; and
4. available counseling options for students affected by sexual abuse,

please contact Christina Uribe Flores, Director of Guidance and Counseling, or the school counselor at the student's home campus.

Parents and students may also obtain information on the District's policy addressing sexual abuse of children by reading the District Improvement Plan, Goal 2 (Provide a safe and nurturing environment for all students and staff) and Goal 6 (Promote community partnerships and parental involvement), which is available at the District website ([www.uisd.net](http://www.uisd.net)) or a hard copy will be made available on request.

**Reporting Child Abuse.**

Any person who has 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)*

**Reporting by a Professional.**

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 48 hours after the professional first suspects abuse or neglect.

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, and juvenile detention or correctional officers. *Family Code 261.101(b)*

**Failure to Report Child Abuse.**

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*

Please view the District's board policies regarding child abuse and neglect contained in FFG (LEGAL) and FFG (EXHIBIT) at [www.uisd.net](http://www.uisd.net).