

By: Luther

H.B. No. 4209

A BILL TO BE ENTITLED

AN ACT

relating to a report of child abuse or neglect made by an employee of a school district or an open-enrollment charter school.

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

SECTION 1. Section 38.004(a), Education Code, is amended to read as follows:

(a) The agency shall develop a policy governing the reports of child abuse or neglect, including reports related to the trafficking of a child under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, as required by Chapter 261, Family Code, for school districts, open-enrollment charter schools, and their employees. The policy must provide for cooperation with law enforcement child abuse investigations without the consent of the child's parents if necessary, including investigations by the Department of Family and Protective Services. The policy must require each school district and open-enrollment charter school employee to report child abuse or neglect, including the trafficking of a child under Section 20A.02(a)(5) or (7), Penal Code, in the manner required by Chapter 261, Family Code, except that a school district or open-enrollment charter school employee must make the report to both the Department of Family and Protective Services and a local or state law enforcement agency if the report is based on evidence that a person engaged in misconduct described by Section 22.093(c)(1)(A) or (B). Each school district and open-enrollment charter school

1 shall adopt the policy.

2 SECTION 2. Section 261.103, Family Code, is amended by
3 amending Subsection (a) and adding Subsection (d) to read as
4 follows:

5 (a) Except as otherwise provided by this section
6 [~~Subsections (b) and (c)~~] and Section 261.405, a report shall be
7 made to:

8 (1) any local or state law enforcement agency;

9 (2) the department; or

10 (3) the state agency that operates, licenses,
11 certifies, or registers the facility in which the alleged abuse or
12 neglect occurred.

13 (d) Notwithstanding any other provision of this section, an
14 employee of a school district or open-enrollment charter school who
15 is required to make a report of child abuse or neglect that is based
16 on evidence that a person engaged in misconduct described by
17 Section 22.093(c)(1)(A) or (B), Education Code, must make the
18 report to both the department and a local or state law enforcement
19 agency.

20 SECTION 3. This Act takes effect September 1, 2025.