

The Texas Education Agency (TEA) proposes an amendment to §103.1401 and new §103.1402, concerning prevention, awareness, and reporting of child abuse or neglect, including trafficking of a child. The proposed amendment to §103.1401 would add and clarify definitions; update the timeline to report abuse and neglect of a student from 48 hours to 24 hours to align with Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025; and expand the requirements for school system policies on reporting child abuse and neglect. New §103.1402 would establish the procedures for investigating school systems' compliance with laws regarding reporting child abuse and neglect.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 103.1401, Reporting Child Abuse or Neglect, Including Trafficking of a Child, relates to the reporting of child abuse and neglect and related training requirements for school districts and open-enrollment charter schools. The proposed amendment to §103.1401(a) would clarify the definition for child abuse and neglect and add definitions for child abuse, law enforcement agency, and neglect for the purpose of Chapter 103, Subchapter EE. The proposed amendment to §103.1401(b)(1) would reduce the timeline to report abuse and neglect of a student from 48 hours to 24 hours to align with SB 571, 89th Texas Legislature, Regular Session, 2025. Proposed new §103.1401(b)(9) would require school system policies on addressing sexual abuse, trafficking, and other maltreatment of children to include safeguards requiring transparency in digital communications between school employees and students. The proposed amendment to §103.1401(c) would require local education agencies (LEAs) to make available on the LEA website the policies for reporting child abuse and neglect adopted by the board of trustees.

Proposed new §103.1402, Compliance Monitoring; Agency Review and Investigation, would implement SB 571, 89th Texas Legislature, Regular Session, 2025, by establishing the procedures for investigating school systems' compliance with laws regarding reporting child abuse and neglect. Proposed new subsection (a) would define appropriate investigative protocols. Proposed new subsection (b) would establish TEA's responsibility to review records of school systems and the investigations conducted by school systems to ensure compliance with appropriate protocols and cooperation with law enforcement agencies and state agencies. Proposed new subsection (c) would establish that TEA may investigate regardless of whether a complaint has been filed. Proposed new subsection (d) would establish the provisions that govern compliance monitoring and review, and proposed new subsection (e) would establish the circumstances under which TEA may escalate or refer actions and the process for doing so.

FISCAL IMPACT: Ashley Jernigan, associate commissioner for compliance and investigations, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by updating the requirements for school district policies related to reporting child abuse and neglect to align with statute. The proposed rulemaking would also create a new regulation regarding compliance monitoring, review, and investigation of school systems' compliance with laws on reporting child abuse and neglect.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in

future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Jernigan has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to implement legislation and ensure that rule language is based on current law. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins July 10, 2026, and ends August 10, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on July 10, 2026. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/laws-and-rules/commissioner-rules-tac/proposed-commissioner-education-rules>.

STATUTORY AUTHORITY. The amendment and new section are proposed under Texas Education Code (TEC), §22A.051(a)(2)(A), (B), (C), and (D), as transferred, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, establishes the requirements to report educator misconduct and provides the commissioner of education with the authority to review records of an educational entity to ensure compliance with the required reporting of educator misconduct; TEC, §22A.156, as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which provides the Texas Education Agency (TEA) with compliance monitoring and investigative authority related to misconduct by employees and contractors of educational entities; TEC, §37.086, as amended by SB 2069, 88th Texas Legislature, Regular Session, 2023, which requires each public school to post warning signs describing the increased penalties for trafficking of persons under Texas Penal Code, §20A.02(b-1); TEC, §38.004, which requires TEA to develop a policy governing the reports of child abuse or neglect; and TEC, §38.0041, which requires school districts and open-enrollment charter schools to adopt and implement policies addressing sexual abuse, sex trafficking, and other maltreatment of children.

CROSS REFERENCE TO STATUTE. The amendment and new section implement Texas Education Code, §22A.051(a)(2)(A), (B), (C), and (D), as transferred, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025; §22A.156, as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; §37.086, as amended by SB 2069, 88th Texas Legislature, Regular Session, 2023; §38.004; and §38.0041.

<rule>

§103.1401. Reporting Child Abuse or Neglect, Including Trafficking of a Child.

- (a) The following words and terms, when used in this subchapter, have the following meanings.
- (1) Child abuse--This term has the meaning assigned by Texas Family Code, §261.001(1).
 - (2) ~~(1)~~ Child abuse or neglect-- This phrase [The definition of child abuse or neglect] includes the trafficking of a child in accordance with Texas Education Code (TEC), §38.004.
 - (3) Law enforcement agency--This term has the meaning assigned by TEC, §22A.154.
 - (4) Neglect--This term has the meaning assigned by Texas Family Code, §261.001(4).
 - (5) ~~(2)~~ Other maltreatment--This term has the meaning assigned by Human Resources Code, §42.002.

(6) ~~(4)~~ Trafficking of a child--This term has the meaning assigned by Texas Penal Code, §20A.02(a)(5), (6), (7), or (8).

(b) The board of trustees of a school district or governing body of an open-enrollment charter school shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements outlined in Texas Family Code, Chapter 261.

(1) The policies must require that 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 submit a written or oral report to at least one of the following authorities within 24 ~~48~~ hours or less, as determined by the board of trustees, after learning of facts giving rise to the suspicion:

- (A) a ~~local or state~~ law enforcement agency;
- (B) the Texas Department of Family and Protective Services, Child Protective Services Division;
- (C) a local office of Child Protective Services, where available; or
- (D) the state agency that operates, licenses, certifies, or registers the facility in which the alleged child abuse or neglect occurred.

(2) The policies must require a report to the Texas Department of Family and Protective Services 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:

- (A) penalties under Texas Penal Code, §39.06; Texas Family Code, §261.109; and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) for failure to submit a required report of child abuse or neglect;
- (B) applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including the following:
 - (i) Texas Family Code, §261.302 and §261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
 - (ii) Texas Family Code, §261.302, prohibiting school officials from 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) oral reports made to the Texas Department of Family and Protective Services are recorded;
- (E) confidentiality provisions relating to reports of suspected child abuse or neglect, including the following:
 - (i) the requirement for the individual making the report to provide the individual's ~~his or her~~ name and telephone number;
 - (ii) the requirement for the individual making the report to provide the individual's ~~his or her~~ home address or, if the individual making the report is a school employee, agent, or contractor, provide the individual's ~~his or her~~ business address and profession; and
 - (iii) the limited circumstances under which the identity of the individual making a report may be disclosed;
- (F) any disciplinary action that may result from noncompliance with the district's reporting policy;
- (G) the prohibition under TEC, §26.0091, against using or threatening to use the refusal to consent to administration of a psychotropic drug to a child or to any other psychiatric or

psychological testing or treatment of a child as the sole basis for making a report of neglect, except as authorized by TEC, §26.0091; and

- (H) the Texas Department of Family and Protective Services is not authorized to accept an anonymous report of abuse or neglect.
- (3) Each school district and open-enrollment charter school shall adopt and implement a policy addressing sexual abuse, trafficking, and other maltreatment of children. The policy must be included in any informational handbook provided to students and parents and must address the following:
 - (A) 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;
 - (B) actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
 - (C) available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.
- (4) The policies must be consistent with Texas Family Code, Chapter 261, and 40 TAC Chapter 700 (relating to Child Protective Services) regarding investigations by the Texas Department of Family and Protective Services, including regulations governing investigation of abuse by school personnel and volunteers.
- (5) The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator prior to making a report to one of the agencies identified in paragraph (1) of this subsection.
- (6) The policies must include the current toll-free telephone number of the Texas Department of Family and Protective Services.
- (7) The policies must provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by the Texas Department of Family and Protective Services.
- (8) The policies must 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.
- (9) The policies must include safeguards requiring transparency in digital communications between school employees and students, including a prohibition on contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernable professional purpose.
- (c) The policies required by this section and adopted by the board of trustees shall be distributed to all school personnel at the beginning of each school year and made available on the website of the local education agency. The policies shall be addressed in staff development programs at regular intervals determined by the board of trustees.
- (d) Training concerning prevention techniques for, and recognition of, sexual abuse, trafficking, and all other maltreatment of children, including the sexual abuse, trafficking, and other maltreatment of children with significant cognitive disabilities, must be provided as a part of new employee orientation to all new school district and open-enrollment charter school employees as required by TEC, §38.0041.
 - (1) The training must include:
 - (A) factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
 - (B) warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;

- (C) internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, 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 for sexual abuse, trafficking, or other maltreatment; and
 - (E) information on community organizations that have relevant research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff, students, and parents.
- (2) Each school district and open-enrollment charter school must maintain records that include the name of each staff member who participated in training.
- (3) To the extent that resources are not yet available from the Texas Education Agency or commissioner of education, school district and open-enrollment charter schools shall implement the policies and trainings with existing or publicly available resources. The school district or open-enrollment charter school may also work in conjunction with a community organization to provide the training at no cost to the district or charter school.
- (e) Using a format and language that is clear, simple, and understandable to students, each public school and open-enrollment charter school shall post, in English and in Spanish:
 - (1) the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number;
 - (2) instructions to call 911 for emergencies; and
 - (3) directions for accessing the Texas Department of Family and Protective Services website (www.txabusehotline.org) for more information on reporting abuse, neglect, and exploitation.
- (f) School districts and open-enrollment charter schools shall post the information specified in subsection (e) of this section 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 Protective Services Abuse Hotline telephone number should be in bold print.

§103.1402. Compliance Monitoring; Agency Review and Investigation.

- (a) When used in this section, the term "appropriate investigative protocols" means, for purposes of Texas Education Code (TEC), §22A.156, the minimum procedural standards expected of an educational entity, as defined by TEC, §22A.001(3), when conducting an internal investigation into allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D). At a minimum, appropriate investigative protocols include procedures that are reasonably designed and effectively implemented to:
 - (1) ensure all required reports and notifications are made to the Texas Department of Family and Protective Services, law enforcement, and the Texas Education Agency (TEA) within the timeframes and in the manner required by law;
 - (2) preserve and maintain investigative records sufficient to permit TEA review, including, but not limited to, documentation of actions taken and decisions made;
 - (3) provide for cooperation with investigations conducted by the Texas Department of Family and Protective Services, law enforcement, or TEA and avoid actions that may interfere with those investigations;
 - (4) include reasonable measures to protect student safety during the pendency of the investigation; and
 - (5) be conducted in an objective manner that avoids bias, undue influence, or favoritism and prioritizes student safety throughout the investigative process.

- (b) As required by TEC, §22A.156, TEA shall:
- (1) periodically review the records of educational entities to ensure compliance with TEC, §22A.151(b); and
 - (2) review the investigations conducted by educational entities involving allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), to ensure the investigations are conducted using appropriate investigative protocols, including when cooperating with a law enforcement agency or the Texas Department of Family and Protective Services in accordance with the policy adopted under TEC, §38.004. If TEA determines that an educational entity failed to follow appropriate investigative protocols, the commissioner of education may authorize a special investigation under TEC, §39.003.
- (c) TEA may directly investigate allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), regardless of whether a report or complaint was filed with TEA.
- (d) The following provisions govern compliance monitoring and review by TEA.
- (1) TEA may conduct compliance monitoring to evaluate whether an educational entity has complied with:
 - (A) reporting requirements under TEC, Chapter 22A;
 - (B) cooperation and investigative protocol requirements under TEC, §22A.156, and this chapter; and
 - (C) applicable policies adopted under TEC, §38.004.
 - (2) Compliance monitoring under this section may include review of:
 - (A) reports, complaints, or data submitted to TEA;
 - (B) documentation related to reporting timelines, notifications, or investigative actions; and
 - (C) policies, training records, or investigative materials necessary to assess compliance.
 - (3) Compliance monitoring conducted under this subsection does not constitute a determination regarding the occurrence of abuse, neglect, or misconduct under the Texas Penal Code or Texas Family Code.
 - (4) An educational entity shall cooperate with compliance monitoring conducted by TEA and shall provide requested records or information within the timeframe specified by TEA, unless otherwise extended by TEA.
- (e) TEA may take escalation or referral actions as provided in this subsection.
- (1) Based on the results of compliance monitoring, TEA may:
 - (A) issue advisory guidance;
 - (B) initiate a compliance review;
 - (C) issue a formal notice of noncompliance; or
 - (D) require remedial training or other corrective action or take other action authorized by law.
 - (2) TEA may escalate its response on the basis of findings determined during compliance monitoring, including initiation of a compliance review or referral of the matter for further action.
 - (3) Escalation under this subsection may be warranted when TEA identifies circumstances including, but not limited to, substantial or repeated reporting delays; failure to follow appropriate investigative protocols under TEC, §22A.156, or this chapter; failure to cooperate with TEA review; systemic or pattern-based noncompliance; or conduct indicating concealment, interference, or disregard of statutory duties, or as determined by the commissioner.
 - (4) If TEA determines that an educational entity failed to follow appropriate investigative protocols, the commissioner may authorize a special investigation under TEC, §39.003.

- (5) When information identified during compliance monitoring or review indicates potential educator misconduct or administrator culpability, TEA may refer the matter to the State Board for Educator Certification or appropriate division within TEA for investigation or enforcement, as authorized under applicable law.
- (6) When information identified during compliance monitoring or review indicates a failure to comply with mandatory reporting laws or the presence of potential criminal conduct, TEA may refer the matter to law enforcement or the Texas Department of Family and Protective Services, in accordance with applicable statutory reporting requirements, as appropriate.
- (7) Nothing in this section limits the authority of TEA or the commissioner to take any other action authorized by statute, including coordination among divisions or with external agencies, as appropriate.