

## **IDEA PUBLIC SCHOOLS POLICY ON CHILD ABUSE AND NEGLECT**

### **Sec. 1. ANTIVICTIMIZATION PROGRAM**

IDEA Public Schools shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004.*

### **Sec. 2. DUTY TO REPORT**

#### ***a) General Duty to Report***

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)*. IDEA Public Schools 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 Sec. 4 below. *19 TAC 61.1051(b)(5)*.

#### ***b) Reporting Abuse or Neglect of Persons with Disabilities***

Any person who has cause to believe that a person with a disability who is over the age of 18 or who has had the disabilities of minority removed 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 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, .054.*

#### ***c) Reporting Abuse or Neglect 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, employees of a clinic or health care facility that provides reproductive services, and juvenile probation, detention or correctional officers. *Family Code 261.101(b)*.



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or the Superintendent or designee under the circumstances and in the manner required by Education Code 21.006 and 19 TAC 249.14(d)-(f). 19 TAC 249.15(b)(4).

### **Sec. 8. CONFIDENTIALITY**

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). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201.*

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).*

### **Sec. 9. INVESTIGATIONS**

#### **a) *Reports to the School***

If the DFPS initiates an investigation and determines that the abuse or neglect involves an IDEA Public Schools employee, and that the child is a student at IDEA Public Schools, the department shall orally notify the Superintendent. *Family Code 261.105(d).*

The DFPS shall, upon request, send a written report of its investigation, as appropriate, to the Principal, unless the Principal is alleged to have committed the abuse or neglect, to the Board, and to the Superintendent. *Family Code 261.406(b).*

#### **b) *Interviewing Students***

The investigating agency shall be permitted to interview the child at any reasonable time and place, including the child's home.

