

## 48 HOUR TEA/SBEC REPORTING REQUIREMENTS FOR PRINCIPALS AND SUPERINTENDENTS

- A superintendent must report the following types of allegations of misconduct **by SBEC-certified or non-certified employees as well as service providers to TEA/SBEC** within **48 hours** of becoming aware of evidence of the following types of misconduct:
- Principals must report to superintendents within 48 Hours** if the principal becomes aware of any allegations or evidence of misconduct **by SBEC-certified or non-certified employees as well as service providers to TEA/SBEC** below:

**Abused or otherwise committed an unlawful act with a student or minor**, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor, regardless of whether the conduct resulted in bodily injury.

- Engaged in **inappropriate communications with a student or minor, as defined by SBEC rule:**
- Having overly personal conversations, especially about romantic, affectionate, or sexual topics
  - Using private messaging apps or social media to communicate with students outside of school hours or about non-school topics
  - Counseling students when it's not part of the educator's job
  - Ignoring school rules that limit contact with students

Was **involved in or solicited a romantic relationship** with or **solicited or engaged in sexual contact with a student or minor.**

- Failure to maintain appropriate boundaries with a student or minor:**
- Favoritism, such as giving gifts, special privileges, or excessive praise to one student.
  - Manipulation or Grooming
    - Gradually building a relationship that blurs professional boundaries
  - Isolation
    - Discouraging a student from spending time with peers or trusted adults
  - Emotional Dependency
    - Making a student feel emotionally dependent on the educator

## HOW TO REPORT

- The report must be in writing.
- Superintendents must file through the internet portal developed and maintained by TEA.
- Must contact TEA Help Desk to request access to the TEA Misconduct Reporting Portal:
  - <https://helpdesk.tea.texas.gov/>

## □ INVESTIGATION

- **A superintendent must complete an investigation into allegation of misconduct above by an educator despite the educator's resignation before the investigation is completed.**
- Unless disclosure is required by other law, § 22A.002 protects the confidentiality of misconduct complaints and investigations involving an employee or service provider from the public.

## □ PARENT/LEGAL GUARDIAN NOTIFICATION REQUIREMENTS

- **The Board is required to adopt a policy for immediate parental notification of misconduct.**
- The notice must "be provided as soon as feasible after the educational entity becomes aware that the **alleged** misconduct **may have occurred**. TEC § 22A.053.
- Before sending the notice, the district should have already engaged in direct communication with the parent or guardian about the alleged misconduct. The notice should not be used to initially inform the parent/guardian of the alleged misconduct.

## 7 DAY TEA/SBEC REPORTING REQUIREMENTS FOR PRINCIPALS AND SUPERINTENDENTS

- **For all other misconduct in TEC 22A.051 and 22A.052:**
  - Possessed, transferred, sold or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code or by 21 U.S.C. Section 801 et seq.
  - Illegally transferred, appropriated, or expended funds or other property of the entity;
  - Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or
  - Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;
  - Engaged in conduct that violated the assessment instrument security procedures established under Section 39.0301.
- **Principals must report 7 business days from:**
  - An educator's termination or resignation following an alleged incident of misconduct above.
  - The date the principal knew an educator employed by or seeking employment has a criminal record that was obtained by the district by a means other than the criminal history clearinghouse.
- **Superintendents must report 7 business days from:**
  - Notice from a principal of alleged misconduct above.
  - The date the superintendent knew of an educator's termination or resignation following an alleged incident of misconduct or an educator's criminal record.

## 24 HOUR LAW ENFORCEMENT / CPS REPORTING REQUIREMENTS FOR ALL SCHOOL PROFESSIONALS

- A professional employee must make a report of suspected child abuse or neglect **not later than the 24th hour** after the professional first **has reasonable cause** to suspect that a child has been abused or neglected.

Although the definition of abuse is extensive, common abuse types seen within Texas schools that are **REQUIRED** to be reported include:

<input type="checkbox"/> Improper relationship between educator and student.	<input type="checkbox"/> Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked.
<input type="checkbox"/> Sexual conduct harmful to a child's mental, emotional, or physical welfare.	<input type="checkbox"/> The failure to make a reasonable effort to prevent a child from being trafficked.
<input type="checkbox"/> Failure to make a reasonable effort to prevent sexual conduct harmful to a child.	<input type="checkbox"/> Indecency with a child.
<input type="checkbox"/> Compelling or encouraging the child to engage in sexual conduct.	<input type="checkbox"/> Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child.
<input type="checkbox"/> Physical Abuse <ul style="list-style-type: none"><li>• Frequent injuries such as bruises, cuts, black eyes, or burns without adequate explanations</li><li>• Frequent complaints of pain without obvious injury</li><li>• 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</li><li>• Lack of reaction to pain</li><li>• Extreme fear of going home or seeing parents</li><li>• Injuries that appear after a child has not been seen for several days</li><li>• Unreasonable clothing that may hide injuries to arms or legs</li></ul>	<input type="checkbox"/> Neglect <ul style="list-style-type: none"><li>• Obvious malnourishment</li><li>• Consistent concern for lack of personal hygiene that poses a health risk</li><li>• Stealing or begging for food</li><li>• Child unattended for long periods of time</li><li>• Unaddressed need for dental care or other medical attention</li></ul>
<input type="checkbox"/> Emotional Abuse <ul style="list-style-type: none"><li>• Over compliance or low self-esteem caused by scapegoating or verbal abuse by caregivers</li><li>• Severe depression, anxiety, or aggression</li><li>• Lagging in physical, emotional, and intellectual development</li></ul>	<input type="checkbox"/> Sexual Abuse <ul style="list-style-type: none"><li>• Physical signs of sexually transmitted diseases</li><li>• Evidence of injury to the genital area</li><li>• Pregnancy in a young girl</li><li>• Difficulty in sitting or walking</li><li>• Extreme fear of being alone with adults of a certain sex</li><li>• Sexual comments, behaviors, or play beyond what is considered age-appropriate behavior</li><li>• Knowledge of sexual relations beyond what is expected for a child's age</li><li>• Sexual victimization of other children</li></ul>

## HOW TO REPORT

- If you believe a child is being abused, is a victim of sexual misconduct, or any other crime, contact law enforcement immediately.
- If the situation is life-threatening or requires immediate help:
  - Call **911** or your local law enforcement agency right away.
- If you suspect child abuse or neglect, but the child is not in immediate danger:
  - Report it to DFPS. **Please note, school employees are required to report abuse to DFPS.**
    - Online: Texas Abuse Hotline.
    - By phone: **1-800-252-5400**.
- If the suspected abuse involves human trafficking, you must report it to **both**:
  - DFPS online or at 1-800-252-5400, and
  - Local law enforcement, the National Human Trafficking Hotline at **1-888-373-7888**, or the iWatchTexas website or phone number **844-643-2251**.
- Reminders:
  - Reporting requirement applies to **all professionals** who are required by law to report suspected abuse or neglect.
  - A professional **may not** delegate to or rely on another person to make the report.

## FAILURE TO REPORT

- A person who is a professional commits an offense if the person is required to make a report and knowingly fails to make a report as provided by Texas Family Code § 261.109. This is a **Class A Misdemeanor**, except that the offense is a state jail felony if it is shown on the trial of the offense that the actor intended to conceal the abuse or neglect.

### Class A Misdemeanor Penalties:

- A fine not to exceed \$4,000; or
- Confinement in jail for a term not to exceed one year; or
- Both such fine and confinement.