

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 an 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:

☐ Improper relationship between educator and student.	☐ Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked.
☐ Sexual conduct harmful to a child's mental, emotional, or physical welfare.	☐ The failure to make a reasonable effort to prevent a child from being trafficked.
☐ Failure to make a reasonable effort to prevent sexual conduct harmful to a child.	☐ Indecency with a child.
☐ Compelling or encouraging the child to engage in sexual conduct.	☐ Physical injury that results in substantial harm to the child, or genuine threat of substantial harm from physical injury to the child.
☐ Physical Abuse • Frequent injuries such as bruises, cuts, black eyes, or burns without adequate explanations • Frequent complaints of pain without obvious injury • 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 • Lack of reaction to pain • Extreme fear of going home or seeing parents • Injuries that appear after a child has not been seen for several days • Unreasonable clothing that may hide injuries to arms or legs	☐ Neglect • Obvious malnourishment • Consistent concern for lack of personal hygiene that poses a health risk • Stealing or begging for food • Child unattended for long periods of time • Unaddressed need for dental care or other medical attention
☐ Emotional Abuse • Over compliance or low self-esteem caused by scapegoating or verbal abuse by caregivers • Severe depression, anxiety, or aggression • Lagging in physical, emotional, and intellectual development	☐ Sexual Abuse • Physical signs of sexually transmitted diseases • Evidence of injury to the genital area • Pregnancy in a young girl • Difficulty in sitting or walking • Extreme fear of being alone with adults of a certain sex • Sexual comments, behaviors, or play beyond what is considered age-appropriate behavior • Knowledge of sexual relations beyond what is expected for a child's age • Sexual victimization of other children

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.