

Sexual Abuse Training Required at Texas Colleges and Universities Senate Bill 1414 – effective September 1, 2011

On June 17, 2011, the Texas Governor signed SB 1414, which creates new requirements for ‘institutions of higher education’ that provide or host campus programs for minors. Sexual Abuse Awareness Training is now required by the newly enacted Section 51.976 of the Texas Education Code.

What is a ‘Campus Program for Minors’ – Section 51.976(a)(2)

College campuses regularly host ‘campus programs for minors’ – camps for various activities including athletics, cheerleading, debate, theater, dance, music, and more. College campuses are usually teeming in the summers with high-school-aged students attending various programs, camps and conferences.

Sometimes these campus programs are created and provided by the college; other times, the programs are provided by third-parties that negotiate the use of campus facilities.

The new legislation defines a ‘campus program for minors’ as any program that is:

- operated by or on the campus of an institution for higher learning
- for the purpose of recreation, athletics, religion or education
- for at least twenty (20) campers
- who attend or temporarily reside at the camp for all or part of at least four (4) days.

This is a very broad definition, and intended so by the legislature.

Who is Impacted by the New Law – Section 51.976(a)(4) and (5)

SB 1414 creates requirements for those who offer ‘campus programs’ – a host college or campus **and** the entity providing the program. (These can be identical when the campus program is created **and** hosted by the college). Though the term ‘college’ is used above, the definition of ‘institution of higher learning’ in the new law is much more broad, including all institutions from the University of Texas to Clarendon Community College (see Texas Education Code, Section 61.003 for a list of those entities covered by the new statute).

What is Required– Section 51.976(b) and (d)

Each campus program for minors has a program operator – whether an employee of the college or an independent third-party. The program operator is responsible for staffing the program that delivers services to minors. Each person employed in or by the program having contact with campers must complete a state-approved Sexual Abuse Awareness Training (see also analysis of the Texas Youth Camp Act, Texas Health and Safety Code, Section 142.001 et seq.: <http://www.ministrysafe.com/resources.html> and <http://www.abusepreventionsystems.com/resources.html>).

The program operator must submit information to the Texas Department of State Health Services (TDSHS or ‘department’) demonstrating that each employee of the

campus program for minors has completed a state-approved Sexual Abuse Awareness training. The training is to be renewed every 24 months; the program operator is to retain certificates of completion (or other written records of compliance) for 24 months, or until the employee renews the training.

What is Sexual Abuse Awareness Training

Sexual Abuse Awareness Training, generally, provides the following information:

- the definitions and effects of sexual abuse and child molestation
- typical patterns of behavior/methods abusers employ to victimize children
- common grooming behaviors
- the warning signs and symptoms associated sexual abuse
- requirements and methods of reporting suspected abuse
- recommended procedures to reduce the risk of sexual abuse.

Sexual Abuse Awareness Training serves as the foundation of any safety system designed to protect children from child sexual abuse.

Availability of Online Training

Section 51.967 requires only that the Sexual Abuse Awareness Training comply with the requirements of Chapter 141 or the Texas Health and Safety Code. State-approved trainings *can* be obtained online.

State-Approved Awareness Training for Colleges

MinistrySafe and Abuse Prevention Systems provide live and online Sexual Abuse Awareness Training; both are state-approved trainings. MinistrySafe and Abuse Prevention Systems members have access to sample policies, screening forms, and an online control panel for generating training links and tracking completion and renewal, in compliance with new state law.

Learn more at www.AbusePreventionSystems.com and www.MinistrySafe.com.

S. B. No. 1414

AN ACT

relating to sexual abuse and child molestation training and examination for employees of certain programs for minors held on campuses of institutions of higher education; providing penalties.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.976 to read as follows:

Sec. 51.976. TRAINING AND EXAMINATION PROGRAM FOR EMPLOYEES OF CAMPUS PROGRAMS FOR MINORS ON WARNING SIGNS OF SEXUAL ABUSE AND CHILD MOLESTATION.

(a) In this section:

(1) "Camper" means a minor who is attending a campus program for minors.

(2) "Campus program for minors" means a program that:

(A) is operated by or on the campus of an institution of higher education or a private or independent institution of higher education;

(B) offers recreational, athletic, religious, or educational activities for at least 20 campers who:

(i) are not enrolled at the institution; and

(ii) attend or temporarily reside at the camp for all or part of at least four days; and

(C) is not a day camp or youth camp as defined by Section 141.002, Health and Safety Code, or a facility or program required to be licensed by the Department of Family and Protective Services.

(3) "Department" means the Department of State Health Services.

(4) "Institution of higher education" has the meaning assigned by Section 61.003.

(5) "Private or independent institution of higher education" has the meaning assigned by Section 61.003.

(6) "Program operator" means a person who owns, operates, or supervises a campus program for minors, regardless of profit.

(7) "Training and examination program on sexual abuse and child molestation" means a program approved by the department under Subsection (f).

(b) A program operator may not employ an individual in a position involving contact with campers at a campus program for minors unless:

(1) the individual submits to the program operator or the campus program for minors has on file documentation that verifies the individual within the preceding two years successfully completed the training and examination program on sexual abuse and child molestation; or

(2) the individual successfully completes the campus program for minors training and examination program on sexual abuse and child molestation, which must be approved by the department, during the individual's first five days of employment by the campus program for minors and the campus program issues and files documentation verifying successful completion.

(c) Subsection (b) does not apply to an individual who is a student enrolled at the institution of higher education or private or independent institution of higher education that operates the campus program for minors or at which the campus program is conducted and whose contact with campers is limited to a single class of short duration.

(d) A program operator must:

(1) submit to the department:

(A) on the form and within the time prescribed by the department verification that each employee of the campus program for minors has complied with the requirements of this section; and

(B) the fee assessed by the department under Subsection (g);
and

(2) retain in the operator's records a copy of the documentation required or issued under Subsection (b) for each employee until the second anniversary of the examination date.

(e) A person applying for or holding an employee position involving contact with campers at a campus program for minors must successfully complete the training and examination program on sexual abuse and child molestation during the applicable period prescribed by Subsection (b).

(f) The executive commissioner of the Health and Human Services Commission by rule shall establish criteria and guidelines for the training and examination program on sexual abuse and child molestation required by this section. The program must include training and an examination on the topics listed in Section 141.0095(e), Health and Safety Code. The department may approve training and examination programs on sexual abuse and child molestation offered by trainers under contract with campus programs for minors or by online training organizations or may approve programs offered in another format authorized by the department.

(g) The department may assess a fee in the amount necessary to cover the costs of administering this section to:

- (1) each person that applies for the department's approval of a training and examination program on sexual abuse and child molestation under this section; and
- (2) each program operator who files with the department the verification form required under Subsection (d)(1)(A).

(h) The department at least every five years shall review each training and examination program on sexual abuse and child molestation approved by the department under Subsection (f) to ensure the program continues to meet the criteria and guidelines established by rule under that subsection.

(i) The department may investigate a person the department suspects of violating this section or a rule adopted under this section. A person who violates this section is subject to the enforcement provisions of Section 141.015, Health and Safety

Code, as if the person violated Chapter 141, Health and Safety Code, or a rule adopted under that chapter.

(j) The program operator and the institution that operates the campus program for minors or at which the campus program is conducted are immune from civil or criminal liability for any act or omission of an employee for which the employee is immune under Section 261.106, Family Code.

(k) A program operator shall consider the costs of compliance with this section in determining any charges or fees imposed and collected for participation in the campus program for minors.

SECTION 2.

(a) Not later than December 1, 2011, the executive commissioner of the Health and Human Services Commission by rule shall establish criteria and guidelines for the training and examination program on sexual abuse and child molestation required by Section 51.976, Education Code, as added by this Act.

(b) Notwithstanding Section 51.976, Education Code, as added by this Act, a campus program for minors or an individual employed by a campus program for minors is not required to comply with Section 51.976, Education Code, as added by this Act, before June 1, 2012.

SECTION 3.

This Act takes effect September 1, 2011.