

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.

S.B. No. 1414  
SECTION 3. This Act takes effect September 1, 2011.

S.B. No. 1414

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1414 passed the Senate on April 29, 2011,  
by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1414 passed the House on May 20, 2011, by  
the following vote: Yeas 145, Nays 4, one present not voting.

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Chief Clerk of the House

Approved:

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Date

S.B. No. 1414

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Governor