

The Texas Education Agency (TEA) adopts the repeal of §61.1051 and §61.1053, concerning prevention, awareness, and reporting of child abuse or neglect, including trafficking of a child. The repeal is adopted without changes to the proposed text as published in the August 16, 2024 issue of the *Texas Register* (49 TexReg 6139) and will not be republished. The repeal relocates the existing requirements relating to school district policies on reporting child abuse and neglect and required signage pertaining to criminal offenses of human trafficking to new 19 TAC Chapter 103, Subchapter EE. The adopted new rules include updates to align with legislation from the 88th Texas Legislature, Regular Session, 2023.

REASONED JUSTIFICATION: Section 61.1051 relates to the reporting of child abuse and neglect and related training requirements for school districts and open-enrollment charter schools.

Section 61.1053 relates signage requirements for posting the offenses of human trafficking on public school premises.

In order to align the rules with other provisions on health and safety, the repeal relocates the requirements from §61.1051 and §61.1053 to new 19 TAC Chapter 103, Health and Safety, Subchapter EE, Commissioner's Rules on Prevention, Awareness, and Reporting of Child Abuse or Neglect, Including Trafficking of a Child. The new sections incorporate legislative updates from the 88th Texas Legislature, Regular Session, 2023. A separate rule action for adopted new 19 TAC Chapter 103, Subchapter EE, provides a detailed description of the changes from the existing rules.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began August 16, 2024, and ended September 16, 2024. No public comments were received.

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §37.086, as amended by Senate Bill 2069, 88th Texas Legislature, Regular Session, 2023, which requires each public school to post warning signs describing the increased penalties for trafficking of persons under Texas Penal Code, §20A.02(b-1); TEC, §38.004, which requires the agency to develop a policy governing the reports of child abuse or neglect; TEC, §38.0041, which requires school districts and open-enrollment charter schools to adopt and implement policies addressing sexual abuse, sex trafficking, and other maltreatment of children; TEC, §38.0042, which authorizes the commissioner to adopt rules relating to the size and location of the required posting of the child abuse hotline telephone number; Texas Family Code, §261.001, which defines child abuse and neglect, which includes knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Texas Penal Code, §20A.02(a)(5)-(8); and Texas Penal Code, §20A.02(a)(5)-(8), which provides a person commits an offense if the person knowingly: traffics a child with the intent that the trafficked child engage in forced labor or services; receives a benefit from participating in such a venture; traffics a child and by any means causes the trafficked child to engage in, or become a victim of, conduct prohibited by §20A.02(a)(7)(A)-(K); or receives a benefit from participating in such a venture or engages in sexual conduct with a child trafficked in this manner.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§37.086, as amended by Senate Bill 2069, 88th Texas Legislature, Regular Session, 2023; 38.004; 38.0041; and 38.0042; Texas Family Code, §261.001; and Texas Penal Code, §20A.02(a)(5)-(8).

<rule>

§61.1051. Reporting Child Abuse or Neglect, Including Trafficking of a Child.

§61.1053. Required Signage Pertaining to Criminal Offenses of Human Trafficking.