

The Texas Education Agency (TEA) proposes new §61.1053, concerning reporting child abuse or neglect, including trafficking of a child. The proposed new section would implement Senate Bill (SB) 1831 and House Bill (HB) 1540, 87th Texas Legislature, Regular Session, 2021, by specifying signage requirements for posting the offenses of human trafficking on public and private school premises.

**BACKGROUND INFORMATION AND JUSTIFICATION:** SB 1831 and HB 1540, 87th Texas Legislature, Regular Session, 2021, added Texas Education Code (TEC), §37.086, requiring TEA to develop rules around signage requirements for posting the penal offenses of human trafficking on public and private school premises.

Proposed new §61.1053 would implement statute by specifying the penalties under Texas Penal Code, §20A.02(b-1), that must be included on each warning sign. The proposed new rule would also provide definitions and the required locations for warning signs in alignment with TEC, §37.086.

**FISCAL IMPACT:** Justin Porter, director for special education programs, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government required to comply with the proposal beyond what the authorizing statute requires. School districts, open-enrollment charter schools, and private schools will incur costs to comply with SB 1831 and HB 1540, 87th Texas Legislature, Regular Session, 2021. The costs would include printing, purchase, and posting of signage on and surrounding school premises.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation to implement legislation that requires TEA to adopt rules related to signage requirements for human trafficking warning signs.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Mr. Porter has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be an increase in the safety of youth and the awareness of the penalties of trafficking of children and youth. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins July 15, 2022, and ends August 15, 2022. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be

received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on July 15, 2022. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §37.086, as added by Senate Bill 1831 and House Bill 1540, 87th Texas Legislature, Regular Session, 2021, which requires Texas Education Agency to adopt rules regarding the placement, installation, design, size, wording, and maintenance procedures for the warning signs required under TEC, §37.086.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §37.086.

<rule>

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

- (a) The following words and terms, when used in this section, have the following meanings.
- (1) Premises--This term has the meaning assigned by Texas Health and Safety Code, §481.134.
  - (2) School--This term means a public or private primary or secondary school.
- (b) Each school shall post warning signs at the following locations:
- (1) parallel to and along the exterior boundaries of the school's premises;
  - (2) at each roadway or way of access to the premises;
  - (3) for premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;
  - (4) at each entrance to the premises and building; and
  - (5) at conspicuous places reasonably likely to be viewed by all persons entering the premises.
- (c) Each warning sign must:
- (1) describe the offense of trafficking in persons as provided under Texas Penal Code, §20A.02(a). The sign must emphasize that an offense under Texas Penal Code, §20A.02, is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:
    - (A) on the premises of or within 1,000 feet of the premises of a school; or
    - (B) on premises or within 1,000 feet of premises where:
      - (i) an official school function was taking place; or
      - (ii) an event sponsored or sanctioned by the University Interscholastic League was taking place;
  - (2) be written in English and Spanish;
  - (3) be at least 8.5 by 11 inches in size; and
  - (4) be properly maintained to ensure readability and protection from the elements for outdoor signs.