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**“WHEN THE ABUSER IS A SCHOOL  
EMPLOYEE AND THE VICTIM  
RECEIVES SPECIAL EDUCATION:  
WHAT ACTIONS TO TAKE UNDER SB  
571”**



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## RECENT LEGISLATIVE CHANGES REGARDING CHILD ABUSE

- SB 571 was signed into law in June of 2025. The new law updates how schools must report child abuse and misconduct.
- The new law created Chapter 22A to the Texas Education Code.
- Structurally, the new law expanded who must report suspected abuse and when it must be reported.
- The law created enhanced criminal sanctions for failure to report.
- SB 571's companion bill, HB 4623 created civil liability for failure to report and grossly negligent hiring.

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## WAS THE DEFINITION OF ABUSE EXPANDED?

The definition in Family Code § 261.001 now explicitly includes sexual conduct harmful to a child's mental, emotional, or physical welfare, such as an improper relationship between an educator and a student under Penal Code § 21.12.

Under § 21.12, the statute of limitations (for criminal offenses) was increased to ten years.

Educators convicted under this section are required to register as sex offenders.

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## WHEN MUST CHILD ABUSE BE REPORTED NOW UNDER SB 571?

SB 571 changed the **reporting period to 24 hours** rather than 48 hours. Mandatory reporters now must make a report to DFPS or law enforcement within 24 hours of forming a reasonable belief of child abuse or neglect—down from the previous 48-hour window.

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## IS THE SCHOOL'S POLICE DEPARTMENT CONSIDERED LAW ENFORCEMENT?

The term *excludes* campus-based or school-run police; it now officially refers to:

- Texas DPS
- City police
- County sheriff's or constable's offices

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## GOOD FAITH REPORTING

- Any school personnel with reason to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect is legally required to make a report.
- Educators may not delegate their duty to report suspected abuse or neglect to any other person (e.g., a supervisor or colleague).
- Educators who report in good faith are still immune from civil or criminal liability.
- Texas law assumes reports are made in good faith *unless* there is *clear evidence* that the report was false or made to cause harm.
- **When in doubt, report.**

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## WHAT ARE THE CRIMINAL CONSEQUENCES FOR FAILURE TO REPORT?

| Offense  | Penalty             |
|--|---------------------|
| Knowingly failing to report abuse with intent to conceal | State jail felony   |
| Professional fails to report (without intent)            | Class A misdemeanor |
| Knowingly helping someone else conceal abuse             | State jail felony   |

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## WHO ARE MANDATORY REPORTERS?

According to Texas Family Code § 261.101, the following are mandatory reporters:

Anyone who is licensed or certified by the state or who works in a role requiring training and/or certification and has direct contact with children in the normal course of duties:

- Teachers
- School counselors
- Principals and administrators
- School nurses
- Licensed childcare workers
- Doctors, nurses, dentists, mental health professionals
- Law enforcement officers
- Juvenile justice workers
- Clergy (in some circumstances)
- Daycare employees
- Social workers

Under SB 571 (2025), all school staff, including paraprofessionals and bus drivers, should assume mandatory reporting duties if they work directly with students. The law also expands to service providers and contractors.

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## WARNING SIGNS OF REPORTABLE MISCONDUCT

- Unnecessary or inappropriate touching, hugging, or being physically close to a student.
- Gradually building a relationship that blurs professional boundaries.
- Showing favoritism, such as giving gifts, special privileges, or excessive praise to one student.
- Overly personal conversations, particularly about romantic, affectionate, or sexual topics.
- Counseling students when it's not part of the educator's job.
- Using private messaging apps or social media to communicate with students outside of school hours or about non-school topics.
- Ignoring school rules that limit contact with students.
- Discouraging a student from spending time with peers or trusted adults.

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## WARNING SIGNS OF REPORTABLE CONDUCT

- Receiving unexplained gifts or money from a teacher.
- Trying to hide communication with students.
- Making a student feel emotionally dependent on the educator.
- Sudden anxiety, fear, or reluctance to attend school or be around a specific teacher.
- Drop in grades or participation, especially if linked to increased time with one educator.

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## INSTITUTIONAL “RED FLAGS”

- School leadership not promptly responding to concerns or complaints.
- Multiple reports or rumors about the same educator, even if not officially confirmed.
- Ignoring school policies on student-teacher interactions, or failing to enforce boundaries.

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## REPORTING REQUIREMENTS FOR SUPERINTENDENTS AND PRINCIPALS

- SB 571 requires:
- Principals to report the following types of misconduct involving a student or minor to their superintendent within 48 hours of becoming aware:
  - Physical abuse;
  - Threats of violence;
  - Romantic or sexual relationships; or
  - Inappropriate communication or boundary violations

*Superintendents must report these allegations to TEA/SBEC within 48 hours of becoming aware of the evidence.*

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## CIVIL LIABILITY

- For the first time in decades, the Texas Legislature created a new waiver to sovereign immunity.
- Under Texas Civil Practice and Remedies Code section 118.002, a district that exhibits gross negligence, recklessness, or intentional misconduct in *hiring, supervising, or employing* an employee may be liable for an *act or omission that is committed by the employee against a student* enrolled in school and that is:
  - Sexual misconduct; or
  - Failure to report suspected child abuse or neglect.

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## CIVIL LIABILITY-WAIVER OF GOVERNMENT IMMUNITY

- A public school's government immunity to suit and liability is waived to the extent of liability created (by the new law).
- A professional school employee may not assert official immunity in an action brought under the new law. Also, in a suit under this chapter against a district, the professional school employee must be named as a defendant.

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## CIVIL LIABILITY-DAMAGES

- Victims and families may pursue legal action when misconduct occurs and is not properly addressed and be awarded actual damages, in a maximum amount of \$500,000, as well as court costs, attorney's fees and other legal remedies.

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