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HARRIS COUNTY DISTRICT ATTORNEY
SEAN TEARE

September 15, 2025

Honorable Ken Paxton
Attorney General of Texas
Attn: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

RE: Request for Attorney General Opinion - Scope of "Law Enforcement Agency"
Definition Under Senate Bill 571

Dear Attorney General Paxton:

This is to request that the Attorney General of Texas issue an Attorney General opinion pursuant to sections 402.042–.043 of the Texas Government Code.

QUESTIONS PRESENTED

1. Whether the exclusion of "a law enforcement agency of a school district" from the definition of "law enforcement agency" in Texas Family Code section 261.001(4), as amended by Senate Bill 571 (89th Legislative Session), is intended to apply only to the specific abuse and neglect reporting requirements under Texas Family Code section 261.101(b), or to the entirety of Family Code Chapter 261, including all provisions relating to child abuse and neglect investigations?
2. Whether school district police departments remain qualified to serve as the "appropriate law enforcement agency" under the Texas Family Code for child abuse and neglect investigations occurring within their jurisdiction?

BACKGROUND

School District Police Departments

Under Texas Education Code section 37.081, school districts may employ peace officers who are commissioned by the Texas Commission on Law Enforcement (TCOLE). School district peace officers possess the same powers, privileges, and immunities as any other peace officer in the state.¹ School district police departments have primary territorial jurisdiction over all property

¹ See Texas Education Code Section 37.081.

owned or controlled by the school district, making them the law enforcement agency with immediate authority and responsibility for criminal investigations on school premises. School district police departments currently provide immediate law enforcement response and investigation capabilities that would otherwise fall to county sheriff's offices or municipal police departments. House Bill (HB) 3 from the 88th Texas Legislature requires school districts to have armed personnel on campus and explicitly allows districts to fulfill this mandate by commissioning school district police departments.

Senate Bill 571 (89th Legislative Session)

Senate Bill (SB) 571, signed into law by Governor Abbott on June 20, 2025, and effective immediately, institutes reforms to how Texas schools must handle suspected child abuse and educator misconduct. Among these changes, it now mandates 24-hour reporting of suspected abuse to the Department of Family and Protective Services (DFPS) or law enforcement (excluding campus police).

Section 1.29 of SB 571 amends Texas Family Code section 261.001 in several ways, including by adding Subdivision (3-a) as follows:

- (3-a) "Law enforcement agency" means:
- (A) the Department of Public Safety;
 - (B) the police department of a municipality;
 - (C) the sheriff's office of a county; or
 - (D) a constable's office of a county.

In Texas Family Code Chapter 261, "law enforcement" (as now defined) is used over 50 times for a host of purposes, including the confidential receipt of information from DFPS and the coordination of investigations.² The bill analysis and legislative testimony indicate that SB 571 was intended to address concerns about potential conflicts of interest when school districts investigate their own employees.³ Meaning, that the redefinition of "law enforcement agency" to specifically exclude school district police departments was intended to require reports of potential abuse or neglect by school employees to be reported outside of the school system.

The Texas Education Agency ("TEA"), in June 26, 2025, guidance to school districts regarding SB 571, interpreted the redefined "law enforcement agency" to apply specifically to the reporting requirements under Family Code Section 261.101.⁴ TEA's guidance states that the definition "does *not* include a police department of an educational entity" in the context of reporting requirements, without suggesting this exclusion affects broader investigative authority or coordination responsibilities under other sections of Chapter 261.⁵ (emphasis added). However, because the SB 571 change to the definition of "law enforcement agency" appears in Section

² See Texas Family Code Chapter 261.

³ See <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=89R&Bill=SB571>.

⁴ See <https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/required-misconduct-reporting-and-notices-sb-571-and-liability-of-public-schools-and-professional-school-employees-hb-4623>.

⁵ *Id.*

261.001, the plain language of the statute would require it to be applied to Chapter 261 as a whole, including all provisions relating to child abuse and neglect investigations.

This interpretation leads to the first question presented: **Whether the exclusion of "a law enforcement agency of a school district" from the definition of "law enforcement agency" in Section 261.001, as amended by SB 571, was intended to apply only to the specific reporting requirements, or to the entirety of the statute more broadly?**

Statement Of Uncertainty

This office seeks clarification on the apparent conflict between the definitional exclusion of school district police departments in Section 261.001 and the practical realities of law enforcement jurisdiction. Specifically:

1. **Jurisdictional Authority vs. Definitional Exclusion:** School district police officers retain all powers of peace officers under state law, including the authority and duty to investigate crimes within their territorial jurisdiction. However, the amended definition of "law enforcement agency" in SB 571 appears to create uncertainty about whether school district police officers can still be considered an "appropriate law enforcement agency" for school-related child abuse investigations.
2. **Legislative Intent vs. Plain Language:** While SB 571's legislative history suggests a narrow intent to address conflicts of interest in specific reporting scenarios, the placement of the definition in Section 261.001 raises questions about its broader application to investigation and coordination provisions throughout Chapter 261.

The uncertainty creates operational confusion for school district police departments regarding their authority to investigate child abuse and neglect allegations within their jurisdiction and their ability to coordinate with DFPS as contemplated by Texas Family Code sections 261.105 and 261.301. This uncertainty also prompts the second question proffered by this request: **Whether school district police departments remain qualified to serve as the "appropriate law enforcement agency" under the Texas Family Code for child abuse and neglect investigations occurring within their territorial jurisdiction?**

For the reasons stated above, this office respectfully requests the Attorney General's opinion on the question presented. This opinion will provide essential guidance for the proper administration of school-related child abuse investigations.

Thank you for your consideration of this matter.

Respectfully submitted,



Sean Teare
District Attorney
Harris County, Texas