

By: Garcia

H.B. No. 3788

A BILL TO BE ENTITLED

AN ACT

1
2 relating to school district policies on dating violence, sexual
3 assault, stalking, sexual abuse, and sexual harassment; providing
4 an administrative penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 37.0812, Education Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) A school district peace officer or school resource
9 officer shall complete the school district's comprehensive
10 training program on dating violence, sexual assault, stalking,
11 sexual abuse, and sexual harassment as required by Section 37.0831.

12 SECTION 2. Section 37.0831, Education Code, is amended to
13 read as follows:

14 Sec. 37.0831. DATING VIOLENCE, SEXUAL ASSAULT, STALKING,
15 SEXUAL ABUSE, AND SEXUAL HARASSMENT POLICIES; EDUCATIONAL
16 MATERIALS AND RESOURCES. (a) Each school district shall adopt and
17 implement a ~~[dating violence]~~ policy on dating violence, sexual
18 assault, stalking, sexual abuse, and sexual harassment to be
19 included in the district improvement plan under Section 11.252.

20 (b) The ~~[A dating violence]~~ policy must:

21 (1) include:

22 (A) definitions of "dating violence," "sexual
23 assault," and "stalking" that have the meanings assigned by the
24 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

1 Statistics Act (20 U.S.C. Section 1092(f)(6)(A)) [~~a definition of~~
2 ~~dating violence that includes the intentional use of physical,~~
3 ~~sexual, verbal, or emotional abuse by a person to harm, threaten,~~
4 ~~intimidate, or control another person in a dating relationship, as~~
5 ~~defined by Section 71.0021, Family Code~~];

6 (B) a definition of "sexual harassment" that
7 means unwelcome, sex-based verbal or physical conduct that:

8 (i) in the employment context, unreasonably
9 interferes with a person's work performance or creates an
10 intimidating, hostile, or offensive work environment; or

11 (ii) in the education context, is
12 sufficiently severe, persistent, or pervasive that the conduct
13 interferes with a student's ability to participate in or benefit
14 from education programs or activities at a secondary school;

15 (C) a clear statement that dating violence,
16 sexual assault, stalking, sexual abuse, and sexual harassment are
17 ~~[is]~~ not tolerated at school; ~~[and]~~

18 (D) ~~[(C) reporting]~~ procedures, protocols, and
19 guidelines for reporting and responding to incidents [~~students who~~
20 ~~are victims]~~ of dating violence, sexual assault, stalking, sexual
21 abuse, and sexual harassment, including a procedure for immediately
22 notifying the parent or guardian of a student about a report
23 received by the district identifying the student as an alleged
24 victim or perpetrator of dating violence, sexual assault, stalking,
25 sexual abuse, or sexual harassment; ~~[and]~~

26 (E) a comprehensive training program in
27 accordance with Subsection (d) or (e); and

1 (F) interim measures to protect victims of dating
2 violence, sexual assault, stalking, sexual abuse, and sexual
3 harassment during the pendency of the school's disciplinary
4 process, including protection from retaliation, and any other
5 accommodations available to those victims at the school; and

6 (2) address safety planning, enforcement of
7 protective orders, [~~school-based alternatives to protective~~
8 ~~orders, training for teachers and administrators at each district~~
9 ~~campus that instructs students in grade six or higher,~~] counseling
10 for affected students, and awareness education for students and
11 parents.

12 (c) To the extent possible, a school district shall make
13 available to students:

14 (1) age-appropriate educational materials that
15 include information on the dangers of dating violence, sexual
16 assault, stalking, sexual abuse, and sexual harassment; and

17 (2) resources to students seeking help.

18 (d) The comprehensive training program:

19 (1) must be provided annually to school counselors,
20 teachers, nurses, administrators, and other staff, as well as law
21 enforcement officers and social workers who regularly interact with
22 students;

23 (2) must be completed not later than the 30th
24 instructional day following the first day of school and may be
25 offered online;

26 (3) must be included in the employee school district
27 handbook;

1 (4) may include participation by community
2 organizations with relevant existing research-based programs aimed
3 at providing training for school staff;

4 (5) must include information on:

5 (A) the meanings of and methods for preventing
6 and identifying incidents of dating violence, sexual assault,
7 stalking, sexual abuse, and sexual harassment;

8 (B) the school district's policy on dating
9 violence, sexual assault, stalking, sexual abuse, and sexual
10 harassment;

11 (C) procedures, protocols, and guidelines for
12 responding to and reporting incidents of dating violence, sexual
13 assault, stalking, sexual abuse, and sexual harassment; and

14 (D) the name, location, and contact information
15 of the district's Title IX coordinator; and

16 (6) may include information relating to the district's
17 trauma-informed care policy under Section [38.036](#).

18 (e) If a school district does not have sufficient resources
19 to provide the comprehensive training program required under
20 Subsection (d), the district shall work in conjunction with a
21 community organization to provide the training at no cost to the
22 district.

23 (f) Not later than the 30th instructional day following the
24 first day of school, each school district shall make the school's
25 policy on dating violence, sexual assault, stalking, sexual abuse,
26 and sexual harassment available to parents and students by:

27 (1) including the policy in the annual student

1 handbook;

2 (2) posting the policy on the school's Internet
3 website that is accessible from the home page of the Internet
4 website by use of not more than three links; and

5 (3) providing a written copy of the policy to the
6 parent of or other person standing in parental relation to each
7 student enrolled in the school.

8 (g) Each school district shall ensure that any
9 informational materials distributed to students are
10 age-appropriate.

11 (h) Not later than the 30th day following the last
12 instructional day of the school year, the Title IX coordinator of
13 each school district shall prepare and submit an annual written
14 report to the agency regarding incidents of dating violence, sexual
15 assault, stalking, sexual abuse, and sexual harassment at the
16 district. The report must include:

17 (1) a certification by the superintendent that each
18 school within the district is in substantial compliance with the
19 training and reporting requirements under this section;

20 (2) the total number of reported incidents of dating
21 violence, sexual assault, stalking, sexual abuse, and sexual
22 harassment;

23 (3) a summary of each investigation of a reported
24 incident; and

25 (4) a summary of the disposition of each reported
26 incident:

27 (A) that resulted in disciplinary measures by the

1 district; or

2 (B) for which the district determined that
3 disciplinary measures were not necessary.

4 (i) If the agency determines that a school district is not
5 in compliance with the training or reporting requirements, the
6 commissioner may take any appropriate action authorized to be taken
7 by the commissioner under Chapter 39A.

8 (j) The agency shall prepare and submit an annual written
9 report to the governor, lieutenant governor, speaker of the house
10 of representatives, and standing committees with primary
11 jurisdiction over education that includes:

12 (1) the number of incidents of dating violence, sexual
13 assault, stalking, sexual abuse, and sexual harassment in each
14 school district;

15 (2) a list of school districts that are in compliance
16 or out of compliance with the training and reporting requirements
17 under this section; and

18 (3) penalties imposed on any district.

19 SECTION 3. Each school district shall implement a policy on
20 dating violence, sexual assault, stalking, sexual abuse, and sexual
21 harassment as required by Section 37.0831, Education Code, as
22 amended by this Act, not later than the beginning of the 2023-2024
23 school year.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.