

By: M. Gonzalez of El Paso

H.B. No. 2402

A BILL TO BE ENTITLED

AN ACT

relating to prevention of discrimination and harassment in public schools.

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

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.173 to read as follows:

Sec. 11.173. DISCRIMINATION, HARASSMENT, AND RETALIATION PROHIBITED. (a) In this section:

(1) "Gender identity or expression" means a person's having, or being perceived as having, a gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that commonly associated with the person's assigned sex at birth.

(2) "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

(b) A school district or employee of a school district may not:

(1) discriminate against or harass an employee of the district or a student enrolled in the district on account of:

(A) the actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin of the employee, student, or student's parent; or

(B) one or more persons with whom the employee,

1 student, or student's parent associates; or

2 (2) retaliate against an employee of the district or a
3 student enrolled in the district for reporting potential
4 discrimination or harassment prohibited by Subdivision (1).

5 (c) This section applies to conduct that occurs:

6 (1) on school property;

7 (2) while attending a school-sponsored or
8 school-related activity on or off of school property; or

9 (3) in connection with transportation of students in a
10 vehicle owned or operated by a school district or owned or operated
11 by another entity under contract with a school district.

12 (d) A school district shall provide periodic training to
13 district employees regarding prevention of discrimination and
14 harassment prohibited by this section and procedures for responding
15 to reported or observed incidents of prohibited discrimination or
16 harassment. The training may be provided in conjunction with any
17 training provided under Section 37.083.

18 (e) In accordance with rules adopted by the commissioner,
19 each school district shall report annually to the agency
20 information regarding each incident of alleged discrimination or
21 harassment that occurred at each campus in the district during the
22 preceding year. The agency shall include the information,
23 disaggregated by campus, in the comprehensive annual report
24 required by Section 39.332.

25 SECTION 2. (a) Each school district shall submit to the
26 Texas Education Agency information as required under Section
27 11.173(e), Education Code, as added by this Act, beginning with the

1 2014-2015 school year based on incidents of discrimination or
2 harassment during the 2013-2014 school year.

3 (b) The Texas Education Agency shall include the
4 information required under Section 11.173(e), Education Code, as
5 added by this Act, in the comprehensive annual report required by
6 Section 39.332, Education Code, beginning with the report required
7 to be submitted not later than December 1, 2014.

8 SECTION 3. This Act applies beginning with the 2013-2014
9 school year.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.