

By: González

H.B. No. 70

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 11.174 to read as follows:

Sec. 11.174. 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 biennially 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 two school years. The agency shall include the  
23 information, disaggregated by campus, in the comprehensive  
24 biennial report required by Section 39.332.

25 SECTION 2. (a) Notwithstanding Section 11.174(e),  
26 Education Code, as added by this Act, each school district shall  
27 submit to the Texas Education Agency information described by that

1 section for the 2015-2016 school year not later than October 1,  
2 2016, and the Texas Education Agency shall include the submitted  
3 information in the comprehensive biennial report required by  
4 Section 39.332, Education Code, to be submitted by the agency not  
5 later than December 1, 2016. As authorized by Section 11.174(e),  
6 Education Code, as added by this Act, the commissioner of education  
7 in a timely manner shall adopt any rules necessary to implement the  
8 deadlines specified by this subsection.

9 (b) Beginning with the comprehensive biennial report  
10 required by Section 39.332, Education Code, to be submitted not  
11 later than December 1, 2018, the Texas Education Agency shall  
12 include information submitted by school districts in accordance  
13 with Section 11.174(e), Education Code, as added by this Act, for  
14 the preceding two school years.

15 SECTION 3. This Act applies beginning with the 2015-2016  
16 school year.

17 SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2015.