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By:  Cole H.B. No. 3489

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a task force on sex-based harassment in public schools.

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

SECTION 1.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0834 to read as follows:

Sec. 37.0834.  TASK FORCE ON SEX-BASED HARASSMENT IN SCHOOLS. (a) In this section:

(1)  "Sex-based harassment" includes "dating violence," "sexual assault," "sexual harassment," and "stalking," as those terms are defined in Section 51.9365.

(2)  "Task force" means the task force on sex-based harassment in public schools established under this section.

(3)  "Title IX" means Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.).

(b)  The agency shall establish a task force on sex-based harassment in public schools to evaluate and provide recommendations on:

(1)  the prevalence of incidents of sex-based harassment against students on campuses of public schools;

(2)  current federal, state, and local laws and rules related to sex-based harassment;

(3)  the barriers to creation and implementation of policies, procedures, and programs to prevent sex-based harassment in public schools;

(4)  strategies for collecting data on the prevalence of sex-based harassment and the response by public schools to incidents of sex-based harassment;

(5)  best practices for the agency to provide guidance and support to public schools regarding sex-based harassment;

(6)  best practices for public schools providing guidance and support to students regarding sex-based harassment; and

(7)  any other issues identified by the task force related to sex-based harassment in public schools.

(c)  The task force is composed of 15 members appointed by the commissioner. The commissioner shall appoint:

(1)  two members who represent nonprofit organizations that focus on mental health or trauma;

(2)  one member who represents a nonprofit organization that focuses on youth;

(3)  two members who represent legal advocacy nonprofit organizations;

(4)  three members who represent nonprofit organizations that focus on gender-based or interpersonal violence;

(5)  one member who represents a nonprofit organization that focuses on schools;

(6)  two members who are school district employees or members of a local school health advisory council;

(7)  one member who has served as a Title IX coordinator at a school district or an institution of higher education;

(8)  one parent or guardian of a student enrolled in a public school in this state;

(9)  one member of the public who is under 25 years of age; and

(10)  one member who is an agency employee.

(d)  The commissioner shall select one member to serve as the presiding officer of the task force.

(e)  Members of the task force serve at the will of the commissioner. A vacancy on the task force must be filled in the same manner as the original appointment.

(f)  The task force shall meet at least four times at the call of the presiding officer and at any other times determined by the presiding officer.

(g)  A task force member is not entitled to compensation for service on the task force but is entitled to reimbursement for actual and necessary expenses incurred in performing task force duties. The task force may accept gifts, grants, and donations to pay for those expenses.

(h)  In determining best practices for public schools, the task force must evaluate and provide recommendations related to:

(1)  improving student and parent or guardian awareness of school policies and student rights, including awareness of:

(A)  how to access information about a school district's sex-based harassment policy;

(B)  how to report sex-based harassment, including how to contact a school district's Title IX coordinator;

(C)  investigation procedures and associated rights and policies for the accused and complainant in sex-based harassment incidents;

(D)  counseling and mental health services available on campus or by referral to off-campus resources for students who experience sex-based harassment; and

(E)  accommodations available to support students who experience sex-based harassment; and

(2)  school district policies and procedures, including:

(A)  providing information to students, guardians, school employees, and members of the public in languages prevalent in the school district on the district's sex-based harassment policies and procedures and contact information for each school's Title IX coordinator;

(B)  professional development training for school district employees that includes:

(i)  training in trauma-informed practices;

(ii)  information relating to the contents of Title IX regarding sex-based harassment;

(iii)  reporting and investigation procedures, including the referral of a student or parent or guardian to the Title IX coordinator; and

(iv)  any other training relevant to the implementation of Title IX in public schools;

(C)  hearing procedures for ensuring due process for a person who experiences sex-based harassment and a person accused of sex-based harassment;

(D)  providing trauma-informed counseling or mental health services on public school campuses or referring students to off-campus mental health services;

(E)  enabling public schools to evaluate the need for and provide necessary academic or other accommodations to students affected by sex-based harassment; and

(F)  any other issues identified by the task force regarding sex-based harassment and the implementation of Title IX in public schools.

(i)  The agency, using existing resources, shall provide administrative support for the task force.

(j)  Not later than August 31, 2020, the task force shall submit a written report to the governor, the lieutenant governor, the speaker of the house of representatives, and the commissioner that includes the task force's findings and recommendations, including any recommended changes to state law.

(k)  The task force is abolished and this section expires on June 1, 2021.

SECTION 2.  Not later than December 1, 2019, the commissioner of education shall appoint the members of the task force established under Section 37.0834, Education Code, as added by this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.