

By: Calanni

H.B. No. 1509

A BILL TO BE ENTITLED

AN ACT

relating to consent instruction and instruction on the prevention of sexual abuse and sex trafficking for certain public school students.

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

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0045 to read as follows:

Sec. 28.0045. CONSENT INSTRUCTION. (a) A school district shall include in the district's health curriculum for students in kindergarten through fifth grade instruction on the importance of obtaining a person's consent before engaging in any physical activity with that person.

(b) The State Board of Education shall adopt the essential knowledge and skills for age-appropriate curricula to be used by a school district in providing consent instruction under this section.

(c) A school district shall ensure that each student in kindergarten through fifth grade receives consent instruction under this section at least once in each grade level, unless the student's parent removes the student from the instruction for the applicable grade level.

(d) Before the beginning of each school year, a school district shall provide to the parent of each student enrolled in the district in kindergarten through fifth grade written notice that

1 includes:

2           (1) a statement that the district will provide consent  
3 instruction as provided by this section to students in the  
4 applicable grade level;

5           (2) a description of the material that will be used in  
6 providing instruction to those students; and

7           (3) a statement that the parent has the right to review  
8 the material and remove the parent's student from the instruction.

9           SECTION 2. Section 28.017, Education Code, as added by  
10 Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular  
11 Session, 2017, is reenacted and amended to read as follows:

12           Sec. 28.017. INSTRUCTION ON PREVENTION OF SEXUAL ABUSE AND  
13 SEX TRAFFICKING. (a) The commissioner, in cooperation with [~~the~~  
14 ~~human trafficking prevention task force created under Section~~  
15 ~~402.035, Government Code, and~~] any [~~other~~] persons the commissioner  
16 considers appropriate, shall develop one or more sexual abuse and  
17 sex trafficking instructional modules for use by [~~that~~] a school  
18 district as provided by this section [~~may use in the district's~~  
19 ~~health curriculum~~]. The modules may include:

20           (1) information on the different forms of sexual abuse  
21 and assault, sex trafficking, and risk factors for sex trafficking;

22           (2) the procedures for reporting sexual abuse and sex  
23 trafficking or suspected sexual abuse or sex trafficking;

24           (3) strategies for sexual abuse and assault prevention  
25 and overcoming peer pressure;

26           (4) information on establishing healthy boundaries  
27 for relationships, recognizing potentially abusive or harmful

relationships, and avoiding high-risk activities;

(5) the recruiting tactics of sex traffickers and peer recruiters, including recruitment through the Internet;

(6) the legal aspects of sexual abuse and sex trafficking under state and federal law; and

(7) the influence of culture and mass media on perceptions of sexual abuse and sex trafficking, including stereotypes and myths about victims and abusers, victim blaming, and the role of language.

(a-1) As age-appropriate, a school district:

(1) shall use the modules developed under Subsection (a) in the district's health curriculum for students in grade levels 6 through 12; and

(2) may use those modules in the district's health curriculum for students not described by Subdivision (1).

(a-2) A school district shall ensure that each student in grade levels 9 through 12 receives age-appropriate instruction using the modules developed under Subsection (a) at least once in each grade level, unless the student's parent removes the student from the instruction for the applicable grade level.

(b) The module or modules developed under Subsection (a) must emphasize compassion for victims of sexual abuse or sex trafficking and the creation of a positive reentry experience for survivors of sexual abuse or sex trafficking into schools.

(c) Before the beginning of each school year, a school district ~~[that elects to use a module developed under Subsection (a) in the district's health curriculum]~~ shall provide ~~[written~~

1 ~~notice]~~ to the parent of each student enrolled in the district in a  
2 grade level for which a module developed under Subsection (a) will  
3 be used written notice that includes [~~the following~~]:

4           (1) a statement that the district will provide  
5 instruction relating to sexual abuse and sex trafficking awareness  
6 to students in the applicable grade level [~~enrolled in the~~  
7 ~~district~~];

8           (2) a description of the material that will be used in  
9 providing instruction to those students; and

10           (3) a statement that the parent has the right to review  
11 the material and remove the parent's student from the instruction.

12           (d) If a school district does not comply with the  
13 requirements of Subsection (c), a parent of a student enrolled in  
14 the district may file a complaint in accordance with the district's  
15 grievance procedure developed under Section 26.011.

16           SECTION 3. This Act applies beginning with the 2020-2021  
17 school year.

18           SECTION 4. This Act takes effect September 1, 2019.