

By: Cole

H.B. No. 3489

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

23 (3) the barriers to creation and implementation of  
24 policies, procedures, and programs to prevent sex-based harassment

1 in public schools;

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

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

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

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

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

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

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

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

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

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

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

27 (7) one member who has served as a Title IX coordinator

1 at a school district or an institution of higher education;

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

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

6 (10) one member who is an agency employee.

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

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

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

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

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

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

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

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

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

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

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

9           (2) school district policies and procedures,  
10 including:

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

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

18                   (i) training in trauma-informed practices;  
19                   (ii) information relating to the contents  
20 of Title IX regarding sex-based harassment;

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

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

26           (C) hearing procedures for ensuring due process  
27 for a person who experiences sex-based harassment and a person

1 accused of sex-based harassment;

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

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

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

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

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

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

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

24 SECTION 3. 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, 2019.