

## **BILL ANALYSIS**

Senate Research Center

S.B. 9  
By: Huffman; West  
Jurisprudence  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Child abuse, family violence, and dating violence are unfortunately prevalent issues that significantly impact a student's educational and personal experiences. Though the issue is prevalent, these matters are frequently not discussed and as a result, students are ill equipped and lack resources to assist in these difficult times and challenging circumstances.

S.B. 9 provides for educational instruction pertaining to the prevention of child abuse, family violence, and dating violence. Under S.B. 9, students will be exposed to resources and gain awareness on how to manage when these challenging circumstances arise. It requires students to be exposed to this educational instruction a minimum of one time between middle school and junior high and at least one time in high school.

S.B. 9 requires that a parent be provided notice of the instruction, the right to review the material, and the right to remove the parent's student from the instruction, if desired.

S.B. 9 amends current law relating to public school instruction and materials regarding the prevention of child abuse, family violence, dating violence, and sex trafficking and the adoption of public school policies to prevent dating violence.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes this Act to be cited as the Christine Blubaugh Act.

SECTION 2. Amends Section 28.004, Education Code, as effective September 1, 2021, by amending Subsections (c) and (j) and adding Subsections (j-2), (q), (q-1), (q-2), (q-3), (q-4), (q-5), and (q-6), as follows:

(c) Provides that the local school health advisory council's duties include recommending:

(1)-(5) makes no changes to these subdivisions;

(6) and (7) makes nonsubstantive changes to these subdivisions; and

(8) appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local school health advisory council's recommendations under this subdivision do not conflict with the essential knowledge and skills developed by the State Board of Education (SBOE) under Subchapter A (Essential Knowledge and Skills; Curriculum).

(j) Requires a school district to make all curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family

violence, dating violence, and sex trafficking, rather than all curriculum materials used in the district's human sexuality instruction, available by:

(1) makes no changes to this subdivision; and

(2) for copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:

(A) makes no changes to this paragraph;

(B) purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials under Subsection (j-1) or (j-2), rather than under Subsection (j-1); or

(C) makes no changes to this paragraph.

(j-2) Requires a school district, if the district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, to ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district is authorized to purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

(q) Requires that any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking be selected by the board of trustees of each school district (board) with the advice of the local school health advisory council.

(q-1) Requires the board to adopt a policy establishing a process for the adoption of curriculum materials for the school district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. Requires that the policy require:

(1) the board to adopt a resolution convening the local school health advisory council for the purpose of making recommendations regarding the curriculum materials;

(2) the local school health advisory council to:

(A) after the board's adoption of the resolution under Subdivision (1), hold at least two public meetings on the curriculum materials before adopting recommendations; and

(B) provide the recommendations adopted under Paragraph (A) to the board at a public meeting of the board; and

(3) the board, after receipt of the local school health advisory council's recommendations under Subdivision (2), to take action on the adoption of the recommendations by a record vote at a public meeting.

(q-2) Requires that curriculum materials proposed to be adopted for the school district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking be made available as provided by Subsection (j)(1) (relating to requiring a school district to make curriculum materials in the public domain available by providing a copy of the curriculum materials by mail or e-mail to a parent of a student enrolled in the district on the parent's request and by posting the curriculum materials on the district's Internet website) or (2)(A) (relating to requiring a school district to allow a parent of a student enrolled in the district to review copyrighted curriculum materials at the student's campus at any time during regular business hours) or (C) (relating to requiring a school district to allow a parent of a student enrolled in the district to review copyrighted curriculum materials online through a secure electronic account in a manner that prevents

the curriculum materials from being copied and that otherwise complies with copyright law), as applicable.

(q-3) Requires the board, before adopting curriculum materials for the school district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, to ensure that the curriculum materials are:

- (1) based on the advice of the local school health advisory council;
- (2) suitable for the subject and grade level for which the curriculum materials are intended; and
- (3) reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

(q-4) Requires the board to determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking in accordance with this subchapter, including the essential knowledge and skills addressing these topics developed by SBOE.

(q-5) Requires a school district, before each school year, to provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. Requires that the notice, if instruction will be provided, include:

- (1) a statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
- (2) a detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
- (3) a statement of the parent's right to:
  - (A) at the parent's discretion, review or purchase a copy of curriculum materials as provided by Subsection (j);
  - (B) remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
  - (C) use the grievance procedure as provided by Subsection (i-1) (relating to authorizing a parent to use a certain grievance procedure concerning a complaint of a violation of a school district's requirement to provide written notice to a student's parent of the board's decision regarding whether the district will provide human sexuality instruction to district students) or the appeals process under Section 7.057 (Appeals) concerning a complaint of a violation of Section 28.004 (Local School Health Advisory Council and Health Education Instruction);
- (4) a statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking are required to be posted on the district's Internet website address at which the curriculum materials are located; and
- (5) information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention

of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local school health advisory council established under Subsection (a) (relating to requiring the board to establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction).

(q-6) Requires a school district, before a student is authorized to be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, to obtain the written consent of the student's parent. Provides that a request for written consent under this subsection:

(1) is prohibited from being included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (q-5); and

(2) is required to be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

SECTION 3. Amends the heading to Section 37.0831, Education Code, to read as follows:

Sec. 37.0831. DATING VIOLENCE POLICIES; EDUCATIONAL MATERIALS AND RESOURCES.

SECTION 4. Amends Section 37.0831, Education Code, as amended by S.B. No. 1267, Acts of the 87th Legislature, Regular Session, 2021, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires that a dating violence policy:

(1) include:

(A) creates this paragraph from existing text and makes no further changes;

(B) a clear statement that dating violence is not tolerated at school; and

(C) reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence; and

(2) makes no changes to this subdivision;

(c) Requires a school district, to the extent possible, to make available to students:

(1) age-appropriate educational materials that include information on the dangers of dating violence; and

(2) resources to students seeking help.

SECTION 5. (a) Provides that, except as otherwise provided by Subsection (b) of this section, Section 28.004, Education Code, as amended by this Act, applies beginning with the 2022-2023 school year.

(b) Makes application of Section 28.004(j-2), Education Code, as added by this Act, prospective.

SECTION 6. Effective date: the first day that occurs after August 31, 2021, and is on or after the earliest date on which this Act is authorized to take effect or on the 91st day after the last day of the legislative session.