

## **BILL ANALYSIS**

C.S.S.B. 9  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Child abuse, family violence, and dating violence are sensitive issues that can significantly impact a student's educational and personal experiences. There have been calls to ensure that public school instruction on these topics is adopted in a manner that facilitates public input and provides parents with the opportunity for involvement in the process. C.S.S.B. 9 seeks to do so by establishing requirements for a public school district that provides instruction on the prevention of child abuse, family violence, and dating violence relating to the adoption and availability of curriculum materials and relating to parental notice and consent.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 9 amends the Education Code to include recommending appropriate grade levels and curriculum for instruction regarding child abuse, family violence, and dating violence among the duties of a local school health advisory council.

C.S.S.B. 9 requires a public school district to make available all curriculum materials used in the district's instruction relating to the prevention of child abuse, family violence, and dating violence in the same manner required for curriculum materials used in the district's human sexuality instruction. The bill requires a district that purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, and dating violence to ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may 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.

C.S.S.B. 9 requires a district board to select any course materials and instruction relating to the prevention of child abuse, family violence, and dating violence with the advice of the local school health advisory council and to adopt a policy establishing a process for the adoption of curriculum materials for such instruction. The policy must do the following:

- require the board to adopt a resolution convening the council for the purpose of making recommendations regarding the curriculum materials;
- require the council to hold at least two public meetings on the curriculum materials before adopting recommendations and to provide the adopted recommendations to the board at a public board meeting; and

- require the board to take action on the adoption of the council's recommendations by a record vote at a public meeting.

Curriculum materials proposed to be adopted must be made available in the same manner that the bill requires materials being used in such instruction to be made available, except that requirements relating to copyrighted curriculum materials purchased from a publisher do not apply to proposed materials.

C.S.S.B. 9 requires the board, before adopting the curriculum materials, to ensure that the materials meet the following criteria:

- are based on the advice of the local school health advisory council;
- are suitable for the subject and grade level for which they are intended; and
- are reviewed by academic experts in that subject and grade level.

The bill requires the board to determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, and dating violence in accordance with the bill's applicable provisions.

C.S.S.B. 9 requires a district, before each school year, to provide written notice to a parent of each enrolled student of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, and dating violence. The notice, if applicable, must include the following:

- a statement informing the parent of the requirements under state law regarding the instruction;
- a detailed description of the content of the instruction;
- a statement of the parent's rights to do the following:
  - at the parent's discretion, review or purchase a copy of curriculum materials as provided by the bill;
  - remove the student from any part of the instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
  - use the grievance procedure adopted by the district to address complaints concerning violations of certain parental rights or use the statutory process for appeals to the commissioner of education;
- a statement that any public domain curriculum materials used for the instruction must be posted on the district's website address at which the materials are located; and
- information describing the opportunities for parental involvement in the development of the curriculum for the instruction, including information regarding the local school health advisory council.

C.S.S.B. 9 requires a district to obtain the written consent of a student's parent before the student may be provided with instruction relating to the prevention of child abuse, family violence, and dating violence and sets out requirements for the written consent request.

C.S.S.B. 9 requires a district's dating violence policy to include the following:

- a clear statement that dating violence is not tolerated at school; and
- reporting procedures and guidelines for students who are victims of dating violence.

The bill requires a district, to the extent possible, to make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help.

The provisions of C.S.S.B. 9 relating to the adoption and availability of curriculum materials and instructional content and provisions relating to associated parental consent and notice requirements apply beginning with the 2022-2023 school year, except that the bill's requirement relating to a district's purchase agreement with a publisher for copyrighted curriculum materials applies to an agreement entered into, amended, or renewed on or after the bill's effective date.

**EFFECTIVE DATE**

On the first day that occurs after August 31, 2021, and is on or after the earliest date on which the bill may take effect, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

**COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 9 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include requirements that were in the engrossed version for the State Board of Education to adopt rules requiring instruction on the prevention of child abuse, family violence, and dating violence at certain academic levels.

The substitute includes provisions that were not in the engrossed version relating to the adoption of curriculum materials and instructional content regarding the prevention of child abuse, family violence, and dating violence by a public school district board that opts to provide such instruction and relating to parental consent and public transparency requirements for such a district, including:

- making available all curriculum materials used in the district's instruction relating to the prevention of child abuse, family violence, and dating violence in the same manner required for curriculum materials used in the district's human sexuality instruction; and
- requiring a district that purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, and dating violence to ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may 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.

These provisions of the substitute also provide for the required role of the appropriate local school health advisory council in making applicable curriculum and grade level recommendations to the board.

While both the engrossed version and the substitute require certain parental notice regarding instruction relating to the prevention of child abuse, family violence, and dating violence, the substitute changes the nature of the notice from a notice to parents of students who will receive such instruction to a notice to all parents informing them of the district board's decision regarding whether the district will provide such instruction. The substitute makes certain notice content requirements contingent on the instruction being provided. The substitute includes certain additional information that must be provided to parents of students who will receive instruction relating to the following:

- the requirements under state law regarding the instruction;
- the availability of curriculum materials in the public domain on the district's website;
- the parent's right to use the grievance procedure adopted by the district to address complaints concerning violations of certain parental rights or use the statutory process for appeals to the commissioner of education; and
- information describing the opportunities for parental involvement in the development of the curriculum.

The substitute includes a requirement not present in the engrossed version for a district to obtain written parental consent in a certain manner before providing instruction relating to the prevention of child abuse, family violence, and dating violence to a student.

Whereas the engrossed version made all the provisions of the bill, including those relating to the content of a district's dating violence policy, applicable beginning with the 2022-2023 school

year, the substitute makes only those provisions relating to the adoption and availability of curriculum materials and instructional content and relating to associated parental consent and notice requirements applicable beginning with that school year, with an exception for a requirement applicable to purchase agreements for copyrighted curriculum materials.

The substitute revises the effective date that applies if the bill receives a vote of two-thirds of the members elected to each house.