

AN ACT

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.

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

SECTION 1. This Act may be cited as the Christine Blubaugh Act.

SECTION 2. Section 28.004, Education Code, as effective September 1, 2021, is amended 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) to read as follows:

(c) The local school health advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in:

(A) health education in kindergarten through grade eight; and

(B) if the school district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical

1 health concerns, including obesity, cardiovascular disease, Type 2
2 diabetes, and mental health concerns, including suicide, through
3 coordination of:

4 (A) health education, which must address
5 physical health concerns and mental health concerns to ensure the
6 integration of physical health education and mental health
7 education;

8 (B) physical education and physical activity;

9 (C) nutrition services;

10 (D) parental involvement;

11 (E) instruction on substance abuse prevention;

12 (F) school health services, including mental
13 health services;

14 (G) a comprehensive school counseling program
15 under Section [33.005](#);

16 (H) a safe and healthy school environment; and

17 (I) school employee wellness;

18 (3) appropriate grade levels and methods of
19 instruction for human sexuality instruction;

20 (4) strategies for integrating the curriculum
21 components specified by Subdivision (2) with the following elements
22 in a coordinated school health program for the district:

23 (A) school health services, including physical
24 health services and mental health services, if provided at a campus
25 by the district or by a third party under a contract with the
26 district;

27 (B) a comprehensive school counseling program

1 under Section 33.005;

2 (C) a safe and healthy school environment; and

3 (D) school employee wellness;

4 (5) if feasible, joint use agreements or strategies
5 for collaboration between the school district and community
6 organizations or agencies;

7 (6) strategies to increase parental awareness
8 regarding:

9 (A) risky behaviors and early warning signs of
10 suicide risks and behavioral health concerns, including mental
11 health disorders and substance use disorders; and

12 (B) available community programs and services
13 that address risky behaviors, suicide risks, and behavioral health
14 concerns; ~~and~~

15 (7) appropriate grade levels and curriculum for
16 instruction regarding opioid addiction and abuse and methods of
17 administering an opioid antagonist, as defined by Section 483.101,
18 Health and Safety Code; and

19 (8) appropriate grade levels and curriculum for
20 instruction regarding child abuse, family violence, dating
21 violence, and sex trafficking, including likely warning signs that
22 a child may be at risk for sex trafficking, provided that the local
23 school health advisory council's recommendations under this
24 subdivision do not conflict with the essential knowledge and skills
25 developed by the State Board of Education under this subchapter.

26 (j) A school district shall make all curriculum materials
27 used in the district's human sexuality instruction or instruction

1 relating to the prevention of child abuse, family violence, dating
2 violence, and sex trafficking, available by:

3 (1) for curriculum materials in the public domain:

4 (A) providing a copy of the curriculum materials
5 by mail or e-mail to a parent of a student enrolled in the district
6 on the parent's request; and

7 (B) posting the curriculum materials on the
8 district's Internet website, if the district has an Internet
9 website; and

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

12 (A) review the curriculum materials at the
13 student's campus at any time during regular business hours;

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

17 (C) review the curriculum materials online
18 through a secure electronic account in a manner that prevents the
19 curriculum materials from being copied and that otherwise complies
20 with copyright law.

21 (j-2) If a school district purchases from a publisher
22 copyrighted curriculum materials for use in the district's
23 instruction relating to the prevention of child abuse, family
24 violence, dating violence, and sex trafficking, the district shall
25 ensure that the purchase agreement provides for a means by which a
26 parent of a student enrolled in the district may purchase a copy of
27 the curriculum materials from the publisher at a price that does not

1 exceed the price per unit paid by the district for the curriculum
2 materials.

3 (g) Any course materials relating to the prevention of child
4 abuse, family violence, dating violence, and sex trafficking shall
5 be selected by the board of trustees with the advice of the local
6 school health advisory council.

7 (q-1) The board of trustees shall adopt a policy
8 establishing a process for the adoption of curriculum materials for
9 the school district's instruction relating to the prevention of
10 child abuse, family violence, dating violence, and sex trafficking.
11 The policy must require:

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

15 (2) the local school health advisory council to:

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

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

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

25 (q-2) Curriculum materials proposed to be adopted for the
26 school district's instruction relating to the prevention of child
27 abuse, family violence, dating violence, and sex trafficking must

1 be made available as provided by Subsection (j)(1) or (2)(A) or (C),
2 as applicable.

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

7 (1) based on the advice of the local school health
8 advisory council;

9 (2) suitable for the subject and grade level for which
10 the curriculum materials are intended; and

11 (3) reviewed by academic experts in the subject and
12 grade level for which the curriculum materials are intended.

13 (q-4) The board of trustees shall determine the specific
14 content of the district's instruction relating to the prevention of
15 child abuse, family violence, dating violence, and sex trafficking
16 in accordance with this subchapter, including the essential
17 knowledge and skills addressing these topics developed by the State
18 Board of Education.

19 (q-5) Before each school year, a school district shall
20 provide written notice to a parent of each student enrolled in the
21 district of the board of trustees' decision regarding whether the
22 district will provide instruction relating to the prevention of
23 child abuse, family violence, dating violence, and sex trafficking
24 to district students. If instruction will be provided, the notice
25 must include:

26 (1) a statement informing the parent of the
27 requirements under state law regarding instruction relating to the

1 prevention of child abuse, family violence, dating violence, and
2 sex trafficking;

3 (2) a detailed description of the content of the
4 district's instruction relating to the prevention of child abuse,
5 family violence, dating violence, and sex trafficking;

6 (3) a statement of the parent's right to:

7 (A) at the parent's discretion, review or
8 purchase a copy of curriculum materials as provided by Subsection
9 (j);

10 (B) remove the student from any part of the
11 district's instruction relating to the prevention of child abuse,
12 family violence, dating violence, and sex trafficking without
13 subjecting the student to any disciplinary action, academic
14 penalty, or other sanction imposed by the district or the student's
15 school; and

16 (C) use the grievance procedure as provided by
17 Subsection (i-1) or the appeals process under Section 7.057
18 concerning a complaint of a violation of this section;

19 (4) a statement that any curriculum materials in the
20 public domain used for the district's instruction regarding the
21 prevention of child abuse, family violence, dating violence, and
22 sex trafficking must be posted on the district's Internet website
23 address at which the curriculum materials are located; and

24 (5) information describing the opportunities for
25 parental involvement in the development of the curriculum to be
26 used in instruction relating to the prevention of child abuse,
27 family violence, dating violence, and sex trafficking, including

1 information regarding the local school health advisory council
2 established under Subsection (a).

3 (q-6) Before a student may be provided with instruction
4 relating to the prevention of child abuse, family violence, dating
5 violence, and sex trafficking, a school district must obtain the
6 written consent of the student's parent. A request for written
7 consent under this subsection:

8 (1) may not be included with any other notification or
9 request for written consent provided to the parent, other than the
10 notice provided under Subsection (q-5); and

11 (2) must be provided to the parent not later than the
12 14th day before the date on which the instruction relating to the
13 prevention of child abuse, family violence, dating violence, and
14 sex trafficking begins.

15 SECTION 3. The heading to Section 37.0831, Education Code,
16 is amended to read as follows:

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

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

23 (b) A dating violence policy must:

24 (1) include:

25 (A) a definition of dating violence that includes
26 the intentional use of physical, sexual, verbal, or emotional abuse
27 by a person to harm, threaten, intimidate, or control another

1 person in a dating relationship, as defined by Section 71.0021,
2 Family Code;

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

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

10 (2) address safety planning, enforcement of
11 protective orders, school-based alternatives to protective orders,
12 training for teachers and administrators at each district campus
13 that instructs students in grade six or higher, counseling for
14 affected students, and awareness education for students and
15 parents.

16 (c) To the extent possible, a school district shall make
17 available to students:

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

20 (2) resources to students seeking help.

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

24 (b) Section 28.004(j-2), Education Code, as added by this
25 Act, applies only to a purchase agreement entered into, amended, or
26 renewed on or after the effective date of this Act.

27 SECTION 6. If this Act receives a vote of two-thirds of all

1 the members elected to each house, as provided by Section 39,
2 Article III, Texas Constitution, this Act takes effect on the first
3 day that occurs after August 31, 2021, and is on or after the
4 earliest date on which this Act may take effect. If this Act does
5 not receive the vote necessary for effect on that date, this Act
6 takes effect on the 91st day after the last day of the legislative
7 session.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 9 passed the Senate on August 10, 2021, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendments on September 2, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 9 passed the House, with amendments, on September 2, 2021, by the following vote: Yeas 94, Nays 26, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor