

By: Talarico

H.B. No. 4416

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to school district policies on dating violence, sexual  
3 assault, stalking, sexual abuse, and sexual harassment; providing  
4 an administrative penalty.

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

6 SECTION 1. Section 37.0812, Education Code, is amended by  
7 adding Subsection (c) to read as follows:

8 (c) A school district peace officer or school resource  
9 officer shall complete the school district's comprehensive  
10 training program on dating violence, sexual assault, stalking,  
11 sexual abuse, and sexual harassment as required by Section 37.0831.

12 SECTION 2. Section 37.0831, Education Code, is amended to  
13 read as follows:

14 Sec. 37.0831. DATING VIOLENCE, SEXUAL ASSAULT, STALKING,  
15 SEXUAL ABUSE, AND SEXUAL HARASSMENT POLICIES. (a) Each school  
16 district shall adopt and implement a [~~dating violence~~] policy on  
17 dating violence, sexual assault, stalking, sexual abuse, and sexual  
18 harassment to be included in the district improvement plan under  
19 Section 11.252.

20 (b) The [~~A dating violence~~] policy must:

21 (1) include:

22 (A) definitions of "dating violence," "sexual  
23 assault," and "stalking" that have the meanings assigned by the  
24 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

1 Statistics Act (20 U.S.C. Section 1092(f)(6)(A)); and  
2 (B) a definition of "sexual harassment" that  
3 means unwelcome, sex-based verbal or physical conduct that:  
4 (i) in the employment context, unreasonably  
5 interferes with a person's work performance or creates an  
6 intimidating, hostile, or offensive work environment; or  
7 (ii) in the education context, is  
8 sufficiently severe, persistent, or pervasive that the conduct  
9 interferes with a student's ability to participate in or benefit  
10 from education programs or activities at a secondary school [~~a~~  
11 ~~definition of dating violence that includes the intentional use of~~  
12 ~~physical, sexual, verbal, or emotional abuse by a person to harm,~~  
13 ~~threaten, intimidate, or control another person in a dating~~  
14 ~~relationship, as defined by Section 71.0021, Family Code]; and~~  
15 (2) address safety planning, enforcement of  
16 protective orders, [~~school-based alternatives to protective~~  
17 ~~orders, training for teachers and administrators,~~] counseling for  
18 affected students, and awareness education for students and  
19 parents; and  
20 (3) include:  
21 (A) a comprehensive training program in  
22 accordance with Subsection (c) or (d);  
23 (B) a protocol for reporting and responding to  
24 reports of dating violence, sexual assault, stalking, sexual abuse,  
25 and sexual harassment; and  
26 (C) interim measures to protect victims of dating  
27 violence, sexual assault, stalking, sexual abuse, and sexual

1 harassment during the pendency of the school's disciplinary  
2 process, including protection from retaliation, and any other  
3 accommodations available to those victims at the school.

4 (c) The comprehensive training program:

5 (1) must be provided annually to school counselors,  
6 teachers, nurses, administrators, and other staff, as well as law  
7 enforcement officers and social workers who regularly interact with  
8 students;

9 (2) must be completed not later than the 30th  
10 instructional day following the first day of school and may be  
11 offered online;

12 (3) must be included in the employee school district  
13 handbook;

14 (4) may include participation by community  
15 organizations with relevant existing research-based programs aimed  
16 at providing training for school staff;

17 (5) must include information on:

18 (A) the meanings of and methods for preventing  
19 and identifying incidents of dating violence, sexual assault,  
20 stalking, sexual abuse, and sexual harassment;

21 (B) the school district's policy on dating  
22 violence, sexual assault, stalking, sexual abuse, and sexual  
23 harassment;

24 (C) a protocol for responding to and reporting  
25 incidents of dating violence, sexual assault, stalking, sexual  
26 abuse, and sexual harassment; and

27 (D) the name, location, and contact information

1 of the district's Title IX coordinator; and

2 (6) may include information relating to the district's  
3 trauma-informed care policy under Section 38.036.

4 (d) If a school district does not have sufficient resources  
5 to provide the comprehensive training program required under  
6 Subsection (c), the district shall work in conjunction with a  
7 community organization to provide the training at no cost to the  
8 district.

9 (e) Not later than the 30th instructional day following the  
10 first day of school, each school district shall make the school's  
11 policy on dating violence, sexual assault, stalking, sexual abuse,  
12 and sexual harassment available to parents and students by:

13 (1) including the policy in the annual student  
14 handbook;

15 (2) posting the policy on the school's Internet  
16 website that is accessible from the home page of the Internet  
17 website by use of not more than three links; and

18 (3) providing a written copy of the policy to the  
19 parent of or other person standing in parental relation to each  
20 student enrolled in the school.

21 (f) Each school district shall ensure that any  
22 informational materials distributed to students are  
23 age-appropriate.

24 (g) Not later than the 30th day following the last  
25 instructional day of the school year, the Title IX coordinator of  
26 each school district shall prepare and submit an annual written  
27 report to the agency regarding incidents of dating violence, sexual

1 assault, stalking, sexual abuse, and sexual harassment at the  
2 district. The report must include:

3 (1) a certification by the superintendent that each  
4 school within the district is in substantial compliance with the  
5 training and reporting requirements under this section;

6 (2) the total number of reported incidents of dating  
7 violence, sexual assault, stalking, sexual abuse, and sexual  
8 harassment;

9 (3) a summary of each investigation of a reported  
10 incident; and

11 (4) a summary of the disposition of each reported  
12 incident:

13 (A) that resulted in disciplinary measures by the  
14 district; or

15 (B) for which the district determined that  
16 disciplinary measures were not necessary.

17 (h) If the agency determines that a school district is not  
18 in compliance with the training or reporting requirements, the  
19 commissioner may take any appropriate action authorized to be taken  
20 by the commissioner under Chapter 39A.

21 (i) The agency shall prepare and submit an annual written  
22 report to the governor, lieutenant governor, speaker of the house  
23 of representatives, and standing committees with primary  
24 jurisdiction over education that includes:

25 (1) the number of incidents of dating violence, sexual  
26 assault, stalking, sexual abuse, and sexual harassment in each  
27 school district;

1           (2) a list of school districts that are in compliance  
2 or out of compliance with the training and reporting requirements  
3 under this section; and

4           (3) penalties imposed on any district.

5           SECTION 3. Each school district shall implement a policy on  
6 dating violence, sexual assault, stalking, sexual abuse, and sexual  
7 harassment as required by Section [37.0831](#), Education Code, as  
8 amended by this Act, not later than the beginning of the 2021-2022  
9 school year.

10           SECTION 4. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section [39](#), Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2021.