

A BILL TO BE ENTITLED

AN ACT

relating to policies and procedures regarding a public school student who knowingly produced or distributed certain intimate videos or images depicting another student.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.026 to read as follows:

Sec. 37.026. POLICIES AND PROCEDURES REGARDING STUDENTS WHO PRODUCE OR DISTRIBUTE CERTAIN INTIMATE VIDEOS OR IMAGES. (a) In this section:

(1) "Deep fake video" has the meaning assigned by Section 21.165, Penal Code.

(2) "Intimate parts" has the meaning assigned by Section 21.16, Penal Code.

(3) "Sexual conduct" has the meaning assigned by Section 21.16, Penal Code.

(b) If the principal of a school district campus has reason to believe that a district student has knowingly produced or distributed by any means a video or image that depicts or appears to depict another student enrolled at the same campus with that student's intimate parts exposed or engaged in sexual conduct, including a video or image created through the use of artificial intelligence technology or a deep fake video, the principal shall initiate an investigation into the alleged misconduct.

1 (c) An investigation under Subsection (b) must:

2 (1) be conducted by the principal of the district
3 campus or the principal's designee; and

4 (2) include documentation regarding:

5 (A) each student or other person interviewed;

6 (B) each item of evidence collected or
7 considered; and

8 (C) each action taken by the principal or
9 principal's designee while conducting the investigation.

10 (d) Immediately following the initiation of an
11 investigation under Subsection (b) at a school district campus, the
12 principal shall designate a campus employee to coordinate the
13 provision of supportive measures and services to each student
14 impacted by the alleged misconduct, regardless of whether the
15 student wishes to participate in the investigation.

16 (e) Each school district shall post on the district's
17 Internet website and provide in writing, at the beginning of each
18 school year, to each student and student's parent or guardian
19 information regarding supportive measures and services available
20 to students impacted by an incident described by Subsection (b).

21 (f) Not later than 10 school days after a principal first
22 has reason to believe a district student engaged in misconduct
23 described by Subsection (b), the principal or principal's designee
24 shall complete the investigation and submit to each impacted
25 student and the student's parent or guardian a written summary of
26 the principal's or designee's findings. The summary must:

27 (1) comply with federal and state laws relating to the

1 privacy of student records, including the Family Educational Rights
2 and Privacy Act of 1974 (20 U.S.C. Section 1232g); and

3 (2) include:

4 (A) a description of the information and evidence
5 considered during the investigation;

6 (B) a preliminary determination regarding
7 whether the student engaged in the misconduct described by
8 Subsection (b); and

9 (C) an explanation of the reasons for the
10 determination under Paragraph (B).

11 (g) The time period prescribed for an investigation under
12 Subsection (f) may be extended if the principal or the principal's
13 designee determines that good cause exists for the extension.

14 (h) The principal or principal's designee may not make a
15 final determination regarding whether the student engaged in the
16 misconduct described by Subsection (b) until the principal or the
17 principal's designee gives each student, parent, or guardian to
18 whom the summary was submitted under Subsection (f) an opportunity
19 to review and respond to the summary.

20 (i) The principal or principal's designee shall notify the
21 parent or guardian of each impacted student regarding:

22 (1) the principal's or designee's final determination;
23 and

24 (2) the actions taken by the district or campus to
25 ensure:

26 (A) a student depicted in a video or image that is
27 the subject of the investigation:

1 (i) may continue to access and participate
2 in district and campus activities and programs to the extent the
3 student is able; and

4 (ii) feels safe and accepted while at the
5 district campus or while attending school-sponsored events;

6 (B) the safety and security of all students
7 enrolled at the district campus; and

8 (C) if the principal or designee determines that
9 the student did engage in the conduct described by Subsection (b),
10 that the student receives education regarding the harm caused by
11 the student's actions.

12 (j) If the principal or principal's designee makes a final
13 determination that the conduct described by Subsection (b)
14 occurred, the principal or designee shall take reasonable action to
15 address the misconduct and prevent recurrence, including by:

16 (1) removing the student determined to have engaged in
17 the misconduct described by Subsection (b) from class and placing
18 the student in a disciplinary alternative education program as
19 provided by Section 37.008, if the principal or designee determines
20 removal is appropriate;

21 (2) requiring students involved in the misconduct
22 described by Subsection (b) to attend a prevention and education
23 program;

24 (3) instituting an educational program for all campus
25 students regarding the dangers and harm of misconduct described by
26 Subsection (b);

27 (4) continuing investigations to determine if the

1 student determined to have engaged in the misconduct described by
2 Subsection (b) has engaged in any new incidents of misconduct
3 described by that subsection or if a student has become subjected to
4 retaliatory conduct as a result of the original investigation
5 conducted under Subsection (b);

6 (5) establishing or continuing contact with the
7 parents, guardians, and families of the students involved in the
8 conduct to help identify issues that may contribute to the behavior
9 outside of school hours;

10 (6) increasing staff monitoring in relevant areas of
11 the campus; or

12 (7) establishing other evidence-based disciplinary
13 procedures.

14 (k) In determining which actions to take under Subsection
15 (j), the principal or principal's designee must consider:

16 (1) the impact of the misconduct described by
17 Subsection (b) on and the objectives of a student appearing in or
18 depicted by the video or image that is the subject of the
19 investigation;

20 (2) the willingness of the student who engaged in the
21 misconduct described by Subsection (b) to take responsibility for
22 the student's actions and take action to address the harm caused;

23 (3) the actions already taken to address the conduct;

24 (4) the nature, frequency, and seriousness of the
25 misconduct;

26 (5) the ages of the students involved in the
27 misconduct;

1 (6) any prior similar conduct or other bullying
2 behavior engaged in by the student who engaged in the misconduct
3 described by Subsection (b); and

4 (7) any other factors the principal or designee
5 determines appropriate or required by school district policy or
6 other law.

7 (1) Any disciplinary action taken against a student with a
8 disability shall comply with Section 37.004, the Individuals with
9 Disabilities Education Act (20 U.S.C. Section 1400 et seq.),
10 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794),
11 and all other relevant state and federal laws.

12 SECTION 2. This Act applies beginning with the 2025-2026
13 school year.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2025.