

SUBJECT: Authorizing school instruction to prevent child abuse, dating violence

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Talarico, VanDeaver

0 nays

1 absent — Meza

SENATE VOTE: On final passage, August 10 — 29-0

WITNESSES: For — Mandi Kimball, Children at Risk; Claudia Ovalles; (*Registered, but did not testify*: Kevin Stewart, American Association of University Women of Texas; Monty Exter, ATPE; Julia Grizzard, Bexar County Education Coalition and San Antonio ISD; Christine Wright, City of San Antonio; Jennifer Toon, Coalition of Texans with Disabilities; Deirdre Walsh, IGC; Jacquelyn Padgett, In Good Company; Matthew Lovitt, National Alliance on Mental Illness Texas; Lukas McKenzie, Sigma Alpha Epsilon, Freemasons of Northern Nevada Lake Tahoe; Dena Donaldson, Texas American Federation of Teachers; Lonnie Hollingsworth, Texas Classroom Teachers Association; and 23 individuals)

Against — Cindi Castilla and Karole Fedrick, Texas Eagle Forum; James Buntrock, Texas Pastor Council, Glorious Way Church; Deborah Kelting, Texas Republican Party; Destiny Hallman; Teresa Thomas; (*Registered, but did not testify*: Gordy Carmona, Stripes of Pride; Tom Holman; Emilie Kopp; Craig Licciardi; Tom Nobis; Judah Rice)

On — Julie Pickren; (*Registered, but did not testify*: Eric Marin and Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code sec. 28.004 establishes local school health advisory councils to assist the district in ensuring that local community values are

reflected in the district's health education curriculum.

DIGEST:

CSSB 9 would add to the duties of a school district's local school health advisory council (SHAC) to include recommending appropriate grade levels and curriculum for instruction on child abuse, family violence, and dating violence. The bill would be known as the Christine Blubaugh Act.

Instructional materials. A school district would have to make all curriculum materials used for instruction relating to the prevention of child abuse, family violence, and dating violence available to parents under existing statutory provisions that allow parents to review materials. If a district purchased copyrighted curriculum materials for use in the instruction, it would have to ensure that the purchase agreement provided a means by which a parent could purchase a copy of the materials from the publisher at a price that did not exceed the price per unit paid by the district for the materials.

School board duties. A district's board of trustees would have to select the course materials and instruction relating to the prevention of child abuse, family violence, and dating violence with the advice of its local SHAC. The board would have to adopt a policy establishing a process to adopt the curriculum materials that required:

- the board to adopt a resolution convening the SHAC for the purpose of making recommendations on the curriculum materials;
- the SHAC to hold at least two public meetings on the curriculum materials before adopting recommendations and provide the recommendations to the board at a public meeting of the board; and
- the board, after receipt of the SHAC recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Before adopting curriculum materials for the instruction, the board would have to ensure that the materials were based on the advice of the SHAC, suitable for the intended subject and grade level, and had been reviewed by academic experts in the intended subject and grade level. The board

would have to determine the specific content of the instruction.

Parental notice. Before each school year, a district would have to provide written notice to a parent of each student of the board's decision on whether the district would provide the instruction. If instruction was to be provided, the notice would have to include a statement informing the parent of the requirements under state law regarding the instruction and a detailed description of the content of the instruction.

The notice would have to include a statement of the parent's right to:

- review or purchase a copy of the curriculum materials;
- 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 statutory grievance procedure or appeals process for appeals of school board actions to the education commissioner.

The notice also would have to include a statement that any curriculum materials in the public domain used for the instruction had to be posted on the district's website address at which the curriculum materials were located, and information describing the opportunities for parental involvement in the development of the curriculum to be used in the instruction, including information on the local SHAC.

A district would have to obtain the written consent of a student's parent before providing the instruction. The written consent could not be included with any other notification or request for written consent provided to the parent and would have to be provided to the parent not later than the 14th day before the date on which the instruction began.

Dating violence policy. CSSB 9 would add to the requirements in the Education Code on a school district's dating violence policy. The policy would have to include a clear statement that dating violence was not tolerated at school and the reporting procedures and guidelines for

students who were victims of dating violence. To the extent possible, a school district would have to make available to students age-appropriate educational materials that included information on the dangers of dating violence and resources to students seeking help.

The bill would apply beginning with the 2022-2023 school year. Requirements related to the purchase of copyrighted curriculum materials would apply only to a purchase agreement entered into, amended, or renewed on or after the bill's effective date.

The bill would take effect on the first day that occurred after August 31, 2021, and is on or after the earliest date on which it could take effect, if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect 91 days after the last day of the legislative session.

**SUPPORTERS
SAY:**

CSSB 9 would promote student safety by establishing guidelines for a school district that opted to provide instruction on the prevention of child abuse, family violence, and dating violence. The bill would ensure that instruction on these important but sensitive topics was developed in conjunction with district School Health Advisory Councils, which are designed to reflect local community values on health-related topics. It would facilitate the development of instruction on these topics with public input and provide the opportunity for parental involvement in the process of developing the curriculum and adopting instructional materials.

CSSB 9 would require schools to provide more information to and reporting procedures for students who were victims of dating violence, as teens experiencing their first dating experiences may not recognize abusive behavior. The bill would be named after Christine Blubaugh, a 16-year-old girl from Grand Prairie who was murdered by her ex-boyfriend in 2000.

The bill is similar to SB 1109 by West, enacted during the 87th Legislature's regular session but vetoed by the governor because it failed to recognize the right of parents to opt their children out of the instruction.

CSSB 9 would address these concerns by requiring parental notice and consent before a student could receive the instruction.

While the bill would not require a district to provide the abuse and violence prevention instruction in middle and high school as the Senate-passed version did, it would authorize the instruction for districts that chose to provide it. The bill would not leave students less protected because teachers already are required by state law to report suspected child abuse.

CRITICS
SAY:

CSSB 9 could lead to important instruction in public schools about child abuse, family violence, and dating violence, but some of its provisions could fail to protect the most vulnerable children. The bill should require the instruction to be provided at least once in middle school and once in high school as the Senate-passed version of the bill did.

Requiring parents to provide written consent for the instruction, rather than requiring them to sign a form opting their child out of the instruction, could put some children at risk. The reality of child abuse and family violence is that parents who engage in abusive behavior or who are experiencing abuse in the home may be less likely to want a child exposed to details about behavior that could constitute abuse.