

## **BILL ANALYSIS**

Senate Research Center

S.B. 2039  
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Education  
7/10/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Despite great strides forward in the effort to combat human trafficking and sexual assault in recent years, these problems stubbornly persist. Although the state's law-enforcement efforts have been robust, there remains significant room for improvement in our approach to victims' services and prevention. Once a person has become a victim, it is extremely difficult and resource-intensive to prevent a recurrence. For that reason, it is especially important for the state to focus on age-appropriate, early intervention and prevention practices as potentially the most effective approaches to this horrific problem. To help address this, S.B. 2039 would require the commissioner of education, in coordination with the Human Trafficking Prevention Task Force and other appropriate parties, to develop a sexual abuse and sex trafficking prevention program that a school district may use in the district's health curriculum. Such a curriculum could begin educating young persons—even persons too young to be aware of trafficking—to be alert to signs of unhealthy relationships or risky behaviors, thereby reducing their vulnerability to the influence of traffickers and peer recruiters. (Original Author's / Sponsor's Statement of Intent)

S.B. 2039 amends current law relating to the development and use of instructional modules and training for public schools on the prevention of sexual abuse and sex trafficking and participation by the human trafficking prevention task force in that development.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.017, as follows:

Sec. 28.017. INSTRUCTION ON PREVENTION OF SEXUAL ABUSE AND SEX TRAFFICKING. (a) Requires the commissioner of education (commissioner), in cooperation with the human trafficking prevention task force created under Section 402.035 (Human Trafficking Prevention Task Force), Government Code, and any other persons the commissioner considers appropriate, to develop one or more sexual abuse and sex trafficking instructional modules (modules) that a school district may use in the district's health curriculum. Authorizes the modules to include:

- (1) information on the different forms of sexual abuse and assault, sex trafficking, and risk factors for sex trafficking;
- (2) the procedures for reporting sexual abuse and sex trafficking or suspected sexual abuse or sex trafficking;
- (3) strategies for sexual abuse and assault prevention and overcoming peer pressure;

(4) information on establishing healthy boundaries for relationships, recognizing potentially abusive or harmful relationships, and avoiding high-risk activities;

(5) the recruiting tactics of sex traffickers and peer recruiters, including recruitment through the Internet;

(6) the legal aspects of sexual abuse and sex trafficking under state and federal law; and

(7) the influence of culture and mass media on perceptions of sexual abuse and sex trafficking, including stereotypes and myths about victims and abusers, victim blaming, and the role of language.

(b) Requires that the module or modules developed under Subsection (a) emphasize compassion for victims of sexual abuse or sex trafficking and the creation of a positive reentry experience for survivors of sexual abuse or sex trafficking into schools.

(c) Requires a school district that elects to use a module developed under Subsection (a) in the district's health curriculum, before the beginning of each school year, to provide written notice to the parent of each student enrolled in the district that includes certain information materials.

(d) Authorizes a parent of a student enrolled in the district, if a school district does not comply with the requirements of Subsection (c), to file a complaint in accordance with the district's grievance procedure developed under Section 26.011 (Complaints).

SECTION 2. Amends Section 38.0041, Education Code, by amending Subsections (a), (b), and (c) and adding Subsection (a-1), as follows:

(a) Requires each school district and open-enrollment charter school to adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan under Section 11.252 (District-Level Planning and Decision-Making) and any informational handbook provided to students and parents.

(a-1) Authorizes a school district to collaborate with local law enforcement and outside consultants with expertise in the prevention of sexual abuse and sex trafficking to create the policy required under Subsection (a), and to create a referral protocol for high-risk students.

(b) Requires that a policy required by this section address:

(1) methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse, sex trafficking, or other maltreatment, using resources developed by the Texas Education Agency under Section 38.004 (Child Abuse Reporting and Programs) or by the commissioner under Section 28.017;

(2) actions that a child who is a victim of sexual abuse, sex trafficking, or other maltreatment should take to obtain assistance and intervention; and

(3) available counseling options for students affected by sexual abuse, sex trafficking, or other maltreatment.

(c) Makes conforming changes.

SECTION 3. Amends Section 402.035(h), Government Code, to provide that this section expires September 1, 2019, rather than September 1, 2017.

SECTION 4. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 5. Provides this Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

SECTION 6. Effective date: upon passage or September 1, 2017.