

# THE 87<sup>th</sup> TEXAS LEGISLATURE *and* TEEN DATING VIOLENCE

## *Senate Bill 9: Implementation Brief*

Texas Council on Family Violence (TCFV) offers this resource as an overview of the provisions of the new law under Senate Bill (SB) 9 of the 87th Texas Legislature Second Special Session in an effort to clarify education efforts relating to teen dating violence prevention. This document will offer guidance on those provisions that require careful navigation to better support the safety of students.

If you have questions about this law and its impact on your continued and meaningful prevention efforts, please contact the TCFV Policy team at [\*policy@tcfv.org\*](mailto:policy@tcfv.org) or TCFV's Prevention team at [\*prevention@tcfv.org\*](mailto:prevention@tcfv.org).



## TCFV's Work to Support Young People

Since 2001, TCFV and statewide partners have championed laws to keep Texas youth safer in their relationships and communities. Here are some important highlights:

2001

● **Section 71.0021** is amended to include dating violence in the Texas Family Code.

2003

● **Chapter 32** of the Family Code is expanded to allow supportive remedies, such as access to emergency shelter and counseling for certain minors, including victims of dating violence.

2007

● TCFV helped champion **HB 121 (80R)** requiring all Texas schools to adopt a dating violence policy through revisions to the Texas Education Code. Additionally, school campuses are required to provide awareness education to students, administrators, and parents.

2011

● Our work resulted in further updates to the Texas Family Code. TCFV worked to promote membership of family violence centers as part of school health advisory councils (SHACs).

● **Section 82.002** of the Texas Family Code is amended, allowing minor victims of dating violence to apply for protective orders on their own behalf.

2021

### The 87th Legislative Session

During the 87th Regular Legislative Session, **SB 1109**, also called The Christine Blubaugh Act, was filed by Senator Royce West and championed by family members of Christine Blubaugh. Local law enforcement also stood with Sen. West and Christine's family in support of this bill. Christine was a teen from Grand Prairie, TX, who was murdered by her boyfriend in an act of teen dating violence. The bill, supported by TCFV, received wide support and passed through the Senate and the House. Despite the overwhelming support and final passage of the bill, Gov. Abbott vetoed SB 1109 citing the need for legislators to revisit the legislation and add language with parental opt-outs.

During the Second Special Session of the 87th Legislature in the Summer of 2021, Senator Joan Huffman filed and passed **SB 9**. This bill was significantly different from SB 1109 and included additional provisions. Some provisions took effect December 2nd, 2021, with others starting in the 2022-2023 school year.

*The purpose of this document is to offer an overview of Senate Bill 9 and examine the intersections with prevention education provided by family violence centers.*



## SB 9 – Key Provisions

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### **Overview and Intersections with Prevention Efforts**

The language of SB 9 requires school campuses to engage in parental notification when offering ‘*curriculum and education*’ around ‘*child abuse, family violence, dating violence and sex trafficking.*’ These provisions broadly fall under various sections of Chapter 28 of the Education Code. SB 9 addresses the more formal provision of an established curriculum by a school campus as opposed to governing the engagements that family violence centers typically perform. These engagements can be (but are not limited to):

- » One-time presentations on school campus
- » Participating in health and information fairs
- » Delivering a multi-session curriculum designed by your organization or other party
- » Providing written materials to students related to teen dating violence
- » Providing other forms of mobile advocacy and education
- » Hosting community events that engage youth, school personnel, and parents occurring on campus or elsewhere
- » Various youth leadership engagement opportunities existing at your program
- » Youth leadership/advisory boards
- » Speakers’ bureau type activities
- » Supporting teen survivors, as outlined in the Texas Family Code, at your organization.

TCFV’s reading of this statute indicates these types of activities should not require the review or parental opt-in outlined in the new law.

SB 9 also added provisions to Section 37.0831 of the Texas Education Code which state, in part, that schools should seek to offer age-appropriate education materials on the issue of dating violence. The legislation establishes this as separate from the curricula. For prevention educators, the list above outlines the ways this can be delivered to your school community.

### **Curriculum and Instructional Materials under SB 9: School Health Advisory Councils (SHACs)**

The bulk of the text of SB 9 pertains to the aforementioned ‘*curriculum and education*’ and requires school board trustees to select curricula based on the advice of the SHAC.

- » The board may convene the SHAC to specifically discuss the adoption of the curriculum review process.
- » After the curriculum review process is developed, the board will hold two public meetings related to curriculum materials before the adoption of materials.

Please note, previous legislative efforts recognized the expertise family violence program membership brought to SHACs. With the passage of this new law, family violence programs joining or continuing engagement with these groups will be imperative to inform curricula decisions around dating violence prevention.

- » The best way to engage with your local SHAC is to visit your local school district’s website. There, you will find contact information for your local SHAC contact.
- » If you need help getting connected to your SHAC, contact [prevention@tcfv.org](mailto:prevention@tcfv.org).



## ***SB 9 and Parental Involvement***

More levels of parental involvement are attached to this bill, including that they must opt-in to their child participating in curricula outlined in Chapter 28 of the Education Code. TCFV raised concern about these provisions during the First Called Special Session and maintains those around support for youth most affected by dating violence, child abuse, or trafficking if they are not opted-in to this critical education.

These requirements are towards the school administration and include:

- » Providing parents the opportunity to opt-in to this instruction no later than 14 days prior to the instruction. Note, this is a requirement of the school campus.
- » Providing parents the opportunity to review curriculum materials that will be presented.
  - If materials are under copyright, the parent should be able to purchase materials at the same cost the school paid.
- » Requires the school to provide parental notification that includes:
  - Statement of the requirements under the law.
  - Detailed lesson plans that outline the instruction planned.
  - Statement of rights: purchasing curricula, child removal, grievance procedures, and other parental involvement opportunities

## ***SB 9 and Reporting Provisions***

SB 9 offers new considerations for the reporting of dating violence to parents that raise significant safety and privacy concerns. Found in Section 37.0831(b)(1)(C) of the Education Code, the new provision charges schools with developing and utilizing reporting procedures to immediately notify the parent or guardian of a student who is an alleged victim or perpetrator of dating violence. It is important to note that parental notification under this new law is separate and distinct from existing law related to mandatory reporting of child abuse, neglect, and exploitation.

Youth victims of dating violence most often first tell a peer about their experiences because they are already apprehensive about the support they will receive from adults. Compounding this are the serious safety questions that must be thought through on the timing of these notifications, for example:

- » What if, for a variety of potential reasons, the victim has not felt comfortable or safe to share information about their relationship with their parents?
- » How will the school seek to support safety planning with the student victim?
- » What happens if the school calls the perpetrator's parents first? This could put the victim at enhanced risk.
- » Does the victim believe their safety will be enhanced or further reduced with these provisions?

While perhaps a well-intentioned addition to bringing in the support of parents, for all too many students this could be another safety risk. Further, this does not replace provisions under Title IX of federal law, which includes requirements to reach out to the student victim first and offer choice in the process moving forward, as well as supportive services to reduce the impact of the victimization. TCFV advises caution and thoughtful preparation to engage the survivor in all matters related to these new reporting requirements.

Need more support on this? Contact [prevention@tcfv.org](mailto:prevention@tcfv.org).



## ***Required Education and Resource Materials on Teen Dating Violence***

A new provision added to Section 37.0831 of the Education Code requires schools to “make available to students: (1) age-appropriate educational materials that include information on the dangers of dating violence; and (2) resources to students seeking help.”

This new requirement offers an opportunity for preventionists and advocates to connect with schools through offering materials, information, and resources, particularly around services available for young people.

## ***SB 9 – Next Steps***

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As the implementation of this new law begins, we need to hear from you. What support would your agency like in implementing this new law? What questions or concerns do you hold? How are your ISDs implementing this legislation? Do you see more barriers, opportunities, or other important issues?

TCFV will hold further meetings relating to SB 9. Until then, please contact [\*\*\*prevention@tcfv.org\*\*\*](mailto:prevention@tcfv.org) or [\*\*\*policy@tcfv.org\*\*\*](mailto:policy@tcfv.org) to discuss any issues related to SB 9 or other teen dating violence and healthy relationship education in your community.

***Please note, TCFV is preparing further guidance and support on navigating the reporting requirements before prevention educators and advocates broadly.***

