Chapter 762

AN ACT
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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subchapter A, Chapter 28, Education Code, is
amended by adding Section 28.017 to read as follows:

Sec. 28.017. INSTRUCTION ON PREVENTION OF SEXUAL ABUSE AND
SEX TRAFFICKING. (a) The commissioner, in cooperation with the
human trafficking prevention task force created under Section
402.035, Government Code, and any other persons the commissioner
considers appropriate, shall develop one or more sexual abuse and
sex trafficking instructional modules that a school district may
use in the district's health curriculum. The modules may 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) The module or modules developed under Subsection (a) must 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) Before the beginning of each school year, a school district that elects to use a module developed under Subsection (a) in the district's health curriculum shall provide written notice to the parent of each student enrolled in the district that includes the following:

(1) a statement that the district will provide instruction relating to sexual abuse and sex trafficking awareness to students enrolled in the district;

(2) a description of the material that will be used in providing instruction to students; and

(3) a statement that the parent has the right to review the material and remove the parent's student from the instruction.

(d) If a school district does not comply with the requirements of Subsection (c), a parent of a student enrolled in the district may file a complaint in accordance with the district's
S.B. No. 2039

1 grievance procedure developed under Section 26.011.

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

(a) Each school district and open-enrollment charter school shall 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 and any informational handbook provided to students and parents.

(a-1) A school district may 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) A policy required by this section must 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 agency under Section 38.004 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.
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(c) The methods under Subsection (b)(1) for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children must include training, as provided by this subsection, concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children. The training:

(1) must be provided, as part of a new employee orientation, to all new school district and open-enrollment charter school employees and to existing district and open-enrollment charter school employees on a schedule adopted by the agency by rule until all district and open-enrollment charter school employees have taken the training; and

(2) must include training concerning:

(A) factors indicating a child is at risk for sexual abuse, sex trafficking, or other maltreatment;

(B) likely warning signs indicating a child may be a victim of sexual abuse, sex trafficking, or other maltreatment;

(C) internal procedures for seeking assistance for a child who is at risk for sexual abuse, sex trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;

(D) techniques for reducing a child's risk of sexual abuse, sex trafficking, or other maltreatment; and

(E) community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter
S.B. No. 2039

1 school staff members, students, and parents.
2
3 SECTION 3. Section 402.035(h), Government Code, is amended
4 to read as follows:
5
6 (h) This section expires September 1, 2019 [2017].
7
8 SECTION 4. This Act applies beginning with the 2017-2018
9 school year.
10
11 SECTION 5. This Act takes effect only if a specific
12 appropriation for the implementation of the Act is provided in a
13 general appropriations act of the 85th Legislature.
14
15 SECTION 6. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.
S.B. No. 2039

President of the Senate

I hereby certify that S.B. No. 2039 passed the Senate on May 8, 2017, by the following vote: Yeas 27, Nays 4; and that the Senate concurred in House amendment on May 28, 2017, by the following vote: Yeas 26, Nays 5.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 2039 passed the House, with amendment, on May 24, 2017, by the following vote: Yeas 141, Nays 5, two present not voting.

Chief Clerk of the House

Approved:

6 - 9 - 2017

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

3:30 PM O'CLOCK

JUN 12 2017

Secretary of State
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2039 by Zaffirini (Relating to the development 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.), As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require the commissioner, in cooperation with the Human Trafficking Prevention Task Force, to develop one or more sexual abuse and sex trafficking instructional modules that a school district may use in the district health curriculum. In addition, the bill would require school districts and open-enrollment charter schools to adopt and implement policies on sex trafficking, including prevention training and a referral protocol, to be included in district improvement plans. The bill would permit districts and charter schools to collaborate with local law enforcement and outside consultants to develop policies and create a referral protocol. The bill would require school districts to provide written notice to the parents of each student related to the sexual abuse and sex trafficking curriculum.

The bill would result in some costs related to technical development of online sex trafficking prevention modules, including costs for interactives, video materials, focus group review, web hosting, and delivery and distribution of the modules. Some operating expenses associated with updating rules and resources and maintaining online materials would be ongoing. It is anticipated that the sexual abuse and sex trafficking module required by the bill would be developed by the Human Trafficking Prevention Task Force created under Chapter 402 of the Government Code. Any costs associated with the bill could be collaboratively assumed by all members of the task force, as the bill requires cooperation with the Commissioner of Education.

It is assumed that all other duties and responsibilities associated with the bill, including program support and updating rules and resources, could be absorbed by existing staff and resources, based on information provided by the Texas Education Agency, Office of Court Administration, Governor’s Office Trusteed Programs, Office of the Attorney General, Texas Workforce Commission, Department of Public Safety, Alcoholic Beverage Commission, Health and Human Services Commission, Department of Family and Protective Services, Juvenile Justice Department, Department of Criminal Justice, and Parks and Wildlife Department.

The bill would take effect immediately if it received a vote of two-thirds of all elected members of each chamber of the Legislature, or otherwise on September 1, 2017.
Local Government Impact

The bill would require school districts and open-enrollment charter schools to adopt policies on sexual trafficking, and to provide written notification to the parents of each student enrolled in the district with certain information related to the sexual abuse and sex trafficking curriculum. The fiscal impact of the policies on sexual trafficking would depend on the policies adopted, and the provision requiring districts to notify parents may result in small costs to districts to develop and distribute the required written notice, but it is assumed that costs would be minimal and could be absorbed by existing staff and resources.

Source Agencies: 701 Texas Education Agency, 212 Office of Court Administration, Texas Judicial Council, 300 Trusted Programs Within the Office of the Governor, 302 Office of the Attorney General, 320 Texas Workforce Commission, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

LBB Staff: UP, TSI, THo, AM
TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2039 by Zaffirini (Relating to the development 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.), As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to require the commissioner, in cooperation with the Human Trafficking Prevention Task Force, to develop one or more sexual abuse and sex trafficking instructional modules that a school district may use in the district health curriculum. In addition, the bill would require school districts and open-enrollment charter schools to adopt and implement policies on sex trafficking, including prevention training and a referral protocol, to be included in district improvement plans. The bill would permit districts and charter schools to collaborate with local law enforcement and outside consultants to develop policies and create a referral protocol.

The bill would result in some costs related to technical development of online sex trafficking prevention modules, including costs for interactives, video materials, focus group review, web hosting, and delivery and distribution of the modules. Some operating expenses associated with updating rules and resources and maintaining online materials would be ongoing. It is anticipated that the sexual abuse and sex trafficking module required by the bill would be developed by the Human Trafficking Prevention Task Force created under Chapter 402 of the Government Code. Any costs associated with the bill could be collaboratively assumed by all members of the task force, as the bill requires cooperation with the Commissioner of Education.

It is assumed that all other duties and responsibilities associated with the bill, including program support and updating rules and resources, could be absorbed by existing staff and resources, based on information provided by the Texas Education Agency, Office of Court Administration, Governor's Office Trusted Programs, Office of the Attorney General, Texas Workforce Commission, Department of Public Safety, Alcoholic Beverage Commission, Health and Human Services Commission, Department of Family and Protective Services, Juvenile Justice Department, Department of Criminal Justice, and Parks and Wildlife Department.

The bill would take effect immediately if it received a vote of two-thirds of all elected members of each chamber of the Legislature, or otherwise on September 1, 2017.
Local Government Impact

The bill would require school districts and open-enrollment charter schools to adopt policies on sexual trafficking. The fiscal impact would depend on the policies adopted, but it is assumed that costs would be minimal and could be absorbed by existing staff and resources.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 320 Texas Workforce Commission, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 701 Texas Education Agency, 802 Parks and Wildlife Department

LBB Staff: UP, TSI, THo, AM
TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2039 by Zaffirini (Relating to the development of a program 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.), Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB2039, Committee Report 1st House, Substituted: a negative impact of ($219,000) through the biennium ending August 31, 2019, assuming the agency implements the program. The agency is not required to implement the legislation in the absence of an appropriation.

General Revenue-Related Funds, Five-Year Impact:

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<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
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<tbody>
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All Funds, Five-Year Impact:

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Fiscal Analysis

The bill would amend the Education Code to require the commissioner, in cooperation with the Human Trafficking Prevention Task Force, to develop a sexual abuse and sex trafficking program that a school district may use in the district health curriculum. In addition, the bill would require
school districts and open-enrollment charter schools to adopt and implement policies on sex trafficking, including prevention training and a referral protocol, to be included in district improvement plans. The bill would permit districts and charter schools to collaborate with local law enforcement and outside consultants to develop policies and create a referral protocol.

The bill would take effect only if a specific appropriation for the implementation of the bill was provided in a general appropriations act of the Eighty-fifth Legislature. The bill would take effect immediately if it received a vote of two-thirds of all elected members of each chamber of the Legislature, or otherwise on September 1, 2017.

Methodology

The bill would result in costs of $211,000 in fiscal year 2018 and $8,000 in fiscal year 2019, for a biennial total of $219,000. This analysis estimates the costs of implementing the provisions of the bill assuming that the Legislature appropriates money specifically for that purpose.

The cost estimates above include $195,000 in fiscal year 2018 for technical development of an online sex trafficking prevention program, including costs for interactives, video materials, focus group review, web hosting, and delivery and distribution of the program. It is anticipated that ongoing operating expenses associated with updating rules and resources and maintaining the online materials would be approximately $16,000 in fiscal year 2018 and $8,000 in each fiscal year thereafter.

It is anticipated that the sexual abuse and sex trafficking curriculum required by the bill would be developed by the Human Trafficking Prevention Task Force created under Chapter 402 of the Government Code. Costs reflected above could be collaboratively assumed by all members of the task force, as the bill requires their cooperation with the Commissioner of Education.

It is assumed that all other duties and responsibilities associated with the bill, including program support and updating rules and resources, could be absorbed by existing staff and resources, based on information provided by the Texas Education Agency, Office of Court Administration, Governor's Office Trusteed Programs, Office of the Attorney General, Texas Workforce Commission, Department of Public Safety, Alcoholic Beverage Commission, Health and Human Services Commission, Department of Family and Protective Services, Juvenile Justice Department, Department of Criminal Justice, and Parks and Wildlife Department.

Local Government Impact

The bill would require school districts and open-enrollment charter schools to adopt policies on sexual trafficking. The fiscal impact would depend on the policies adopted, but it is assumed that costs would be minimal and could be absorbed by existing staff and resources.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 320 Texas Workforce Commission, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 701 Texas Education Agency, 802 Parks and Wildlife Department

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FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2039 by Zaffirini (Relating to the development of a program 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.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for SB2039, As Introduced: a negative impact of ($219,000) through the biennium ending August 31, 2019.

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Methodology

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It is anticipated that the sexual abuse and sex trafficking curriculum required by the bill would be developed by the Human Trafficking Prevention Task Force created under Chapter 402 of the Government Code. Costs reflected above could be collaboratively assumed by all members of the task force, as the bill requires their cooperation with the Commissioner of Education.

It is assumed that all other duties and responsibilities associated with the bill, including program support and updating rules and resources, could be absorbed by existing staff and resources, based on information provided by the Texas Education Agency, Office of Court Administration, Governor's Office Trusteed Programs, Office of the Attorney General, Texas Workforce Commission, Department of Public Safety, Alcoholic Beverage Commission, Health and Human Services Commission, Department of Family and Protective Services, Juvenile Justice Department, Department of Criminal Justice, and Parks and Wildlife Department.

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