



Child Abuse, Family Violence, Dating Violence, and Human Trafficking Frequently Asked Questions August 4, 2023

1. Are school districts required to offer instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students?

Instruction regarding child abuse, family violence, dating violence, and sex trafficking that is included in the Texas Essential Knowledge and Skills (TEKS) must be offered to district students.

A decision to provide instruction related to child abuse, family violence, dating violence, and sex trafficking that is not included in or goes beyond what is required by the TEKS is determined by a district's board of trustees after consideration of the advice of the district's school health advisory committee (SHAC) in accordance with Texas Education Code (TEC) [§28.004\(g\)](#), as added by Senate Bill (SB) 9, 87th Texas Legislature, Second Called Session, 2021

2. Are school districts required to teach all the Texas Essential Knowledge and Skills (TEKS) for health education or may it omit the standards related the prevention of child abuse, family violence, dating violence, and sex trafficking?

The TEKS are the state education standards that identify what Texas students should know and be able to do by the end of each grade level and course in each subject of the required curriculum. [19 Texas Administrative Code \(TAC\) §74.1\(a\)\(2\)\(B\)](#) states that school districts offering K-12 instruction must offer an enrichment curriculum that includes health education. A school district may add elements at its discretion but must not delete or omit instruction in the enrichment curriculum, including the injury and violence prevention and safety and reproductive and sexual health strands of the new health TEKS which address the prevention of child abuse, family violence, dating violence, and sex trafficking.

3. If a district decides to teach the prevention of child abuse, family violence, dating violence, and sex trafficking, what is required to be taught?

[TEC, §28.004\(q-4\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, requires the board of trustees of each local school district to determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, which must include any essential knowledge and skills addressing these topics developed by the State Board of Education (SBOE).

4. If a district's only instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking is aligned to what is required by the TEKS, must the district obtain parental consent?

Yes. [TEC, §28.004\(q-6\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, requires that before a student may receive any instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking a district must obtain written consent from the student's parent.

5. Does TEA provide a list of child abuse, family violence, dating violence, and human trafficking instruction curricula?

No. TEA is not authorized to provide such a list. [TEC, §28.004\(q\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, requires that any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be selected by the board of trustees with the advice of the local SHAC.

6. If a district is considering state-adopted instructional materials for health education, will these materials still need to be vetted by our SHAC and approved at a school board meeting if they have information pertaining to child abuse, family violence, dating violence, and sex trafficking?

Yes. In accordance with [TEC, §28.004\(q\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, a district board of trustees is required to select, with the advice of the local SHAC, any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking.

7. If a district already had a child abuse, family violence, dating violence, and sex trafficking curriculum in place prior to the enactment of SB 9, is the school board required to review and approve the existing curriculum, or is the district only required to review new curriculum adopted after the enactment of the legislation?

Changes in law are directed to the local school district, and districts will need to work with their legal counsel to address the changes to determine the best course of action for their district.

8. If a district or campus wants to bring in a guest speaker to speak about instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking during school hours, does the school board need to adopt a resolution convening the SHAC to review the content/materials that will be provided during the presentation?

The Yes. Under TEC [§28.004\(q\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, if the proposed information to be presented by the guest speaker/organization is determined to fall under the categories of child abuse, family violence, dating violence, and sex

trafficking, the local board of trustees must approve the content or materials with the advice of the SHAC.

9. If an outside organization wants to speak about instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to a student club or organization that meets after school hours, does the board need to adopt a resolution convening the SHAC to review the organization’s curriculum/materials?

No. [TEC, §28.004\(q\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, only requires the board of trustees to select course materials related to the prevention of child abuse, family violence, dating violence, and sex trafficking. Districts are not required to review curriculum and materials used for other purposes.

10. If an outside organization wants to speak about instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to parents, grandparents, guardians, and other community members at meetings after school hours, does the board need to adopt a resolution convening the SHAC to review the organization’s curriculum/materials?

No. [TEC, §28.004\(q\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, only requires the board of trustees to select course materials related to the prevention of child abuse, family violence, dating violence, and sex trafficking. Districts are not required to review curriculum and materials used for other purposes.

11. What are school districts required to do to inform parents about instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking?

In accordance with [TEC, §28.004\(q-5\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, before each school year school districts are required to provide written notice to a parent of each student enrolled in the district about the school board’s decision regarding whether to provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. If such instruction is to be provided, the written notice must include each of the following:

- A statement of the requirements under state law
- A detailed description of the district’s instruction
- Information on the parent’s right to review or purchase a copy of instructional materials, to remove the student from any part of the district’s instruction, and the use of the grievance procedure concerning complaints of violation of TEC, §28.004
- A statement indicating that materials used in the public domain must be posted on the district’s Internet website
- Information describing opportunities for parental involvement in the development of curriculum to be used in related instruction, including information that ensures local community values are reflected in the district’s health education instruction.

12. Does the agency have a sample template for providing written notice to parents regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking?

No. In accordance with [TEC, §28.004\(q-5\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, the written notice is required to provide detailed information specific to each district's local policy regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking.

13. Are districts required to obtain parental approval if a student will receive instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking?

Yes. [TEC, §28.004\(q-6\)](#), as added by Senate Bill (SB) 9, 87th Texas Legislature, Second Called Session, 2021, requires that before a student may receive instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking a district must obtain written consent from the student's parent. The request for parental consent must be provided to the parent not later than the 14th day before the day on which such instruction will begin. Additionally, the request may not be included with any other notification or request to the parent other than the required notice whether a district will provide instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking.

14. Can obtaining parental approval for instruction regarding child abuse, family violence, dating violence, and sex trafficking be obtained through electronic means?

[TEC, §28.004\(q-5\)\(q-6\)](#), as added by Senate Bill (SB) 9, 87th Texas Legislature, Second Called Session, 2021, require districts to provide written notice and obtain written consent for child abuse prevention education. This may be in print or electronic form, with an electronic signature being acceptable, if the parent can receive or send it. This means that a district would need to provide a printed, mailed notice for a parent without an email or other means of receiving, sending, or accessing electronic communications, and the district would need to accept the printed consent for such a parent.

15. Can the requirement for providing written notice and obtaining written consent for instruction regarding child abuse, family violence, dating violence, and sex trafficking be bundled with the notification and consent for human sexuality instruction?

The combining (bundling) of providing written notice and obtaining written consent with child abuse prevention education and human sexuality instruction is not allowed under current law. [TEC, §28.004\(q-6\)](#), as added by Senate Bill (SB) 9, 87th Texas Legislature, Second Called Session, 2021, specifically states that obtaining written consent may not be included with any other notification or request provided to the parent, other than providing written notice about the instruction. Providing written notice and obtaining written consent may be sent out at the same time but must not be combined (bundled) together.

The combining (bundling) of providing written notice and obtaining written consent is also applicable to electronic communications as well and is not allowed under current law. The written notices and written consent forms may be sent out at the same time but must not be combined (bundled) together in the same email, letter, notice, or form.

16. Does the agency have a sample template of the required written consent of the student's parent for instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking?

No. It is a local district decision to develop the form in accordance with TEC [§28.004\(q-6\)](#), as added by Senate Bill (SB) 9, 87th Texas Legislature, Second Called Session, 2021.

17. What grade levels do the requirements to send home written notification and obtain written consent apply to?

In accordance with TEC [§28.004\(c\)\(8\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, grade levels for these requirements are determined locally based on decisions made by the local board of trustees regarding instruction pertaining to the prevention of child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local school health advisory council's recommendations under this subdivision do not conflict with the essential knowledge and skills developed by the SBOE.

18. Do parents have the right to opt their child out of instruction relating to child abuse, family violence, dating violence, and sex trafficking?

Yes. [TEC, §28.004\(q-5\)\(3\)\(B\)](#), as added by SB 9, 87th Texas Legislature, Second Called Session, 2021, states that a parent has the right to remove the student from any part of the district's instruction relating to child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school.

19. Are charter schools and districts designated as a district of innovation subject to the requirements regarding instruction that addresses the prevention of child abuse, family violence, dating violence, and sex trafficking in TEC §28.004?

Open-enrollment charter schools are not subject to the provisions of TEC 28.004. Additionally, a district designated as a district of innovation (DOI) is permitted to be exempted from certain requirements in Texas Education Code, including TEC, [§28.004](#). DOIs must specify in their approved local innovation plan whether they are exempted from this statute. Questions regarding a district's specific exemptions as a DOI should be directed to the district.

20. Are districts still required to send home written notification and obtain written consent if a district is not purchasing a curriculum that addresses child abuse, family violence, dating violence, and sex trafficking and is only providing instruction in the TEKS?

Yes. [TEC, §28.004\(q-5\)](#), requires districts to provide written notice that provides detailed information specific to each district's local policy regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking.