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Testimony for the House Public Education on House Bill 3489 (Cole) - Support

NAMI Texas is a nonprofit 501(c)3 organization founded by volunteers in 1984. We are part of the nation's largest grassroots mental health organizations and we exist to help improve the quality of life for individuals with mental illness and their families. Around the state, we have 27 local NAMI affiliate organizations and approximately 2,000 members.

Sex-based harassment is often an invisible issue impacting students in middle and high schools.

- 18% of adult Texans surveyed reported they had experienced sexual assault at 18 or older, 16.8% reported between the ages of 14-17, and 16.3% at age 13 or younger.¹
- 1 in 10 Texas students reported experiencing sexual violence, and 7 percent experienced physical dating violence in the past year alone.²

Students are supposed to receive support as part of federal guidelines.

- Schools are required to take steps to prevent sexual harassment and violence and respond to incidents quickly and fairly as part of Title IX.³
- The Individuals with Disabilities Education (IDEA) Act requires that students with emotional disturbances (depression, anxiety, PTSD or similar diagnoses), including those that stem from traumatic events, are provided with necessary and appropriate accommodations.³

However, many students do not receive the support they need from their schools.

- 79% of secondary schools nationwide reported zero allegations of sexual harassment in 2015-16.⁴ This is often attributed to ineffective procedures around reporting.
 - In 2013-2014, out of 5 million Texas students, only 1,440 (0.03%) students were reported to have been bullied or harassment on the basis of sex.⁵
- Current Texas statute (TEC §37.083) requires school districts to have a plan in place to address dating violence and bullying, and have disciplinary procedures in place for sexual harassment, but statute does not require schools to ensure student awareness of their rights around sex-based harassment, including the reporting process, investigation process, and how to access academic and counseling accommodations.

Without support, these students suffer.

- 68% of survivors reported having difficulty concentrating, which can negatively affect their school performance.³
- 25% of survivors reported experiencing exclusionary discipline, which can be the result of behavior associated with experiencing trauma at early ages.³

- 25% of survivors, more than twice the rate of girls overall, reported that they had been in a physical fight in school, suggesting that girls who have suffered trauma need more support to help them recover and cope in non-violent ways.³
- Children who experience trauma are 32.6 times more likely to have behavioral and learning issues than students who have not experienced trauma.⁶

Bill Summary

- Requires Texas Education Agency to form a task force to evaluate and make recommendations on best practices for reporting, investigating, and providing counseling and academic supports at the school district.
 - Includes evaluating and developing recommendations on prevalence of these incidents on public school campuses, relevant laws and rules, barriers to creating and implementing relevant effective policies, procedures, and strategies for data collection on prevalence and response, and best practices for Texas Education Agency and schools.
 - 15 members on the task force appointed by the commissioner.
 - Includes organizations working on mental health/trauma, youth issues, legal advocacy, gender-based violence, education issues as well as school-based stakeholders such as youth, parents, school district employees, members of local school health advisory councils, Title IX coordinators, and an agency employee.
 - Meets at least four times and is not entitled to compensation for service.
 - Requires specific recommendations be developed around improving student and parent or guardian awareness of school policies and student rights related to sex-based harassment and improving school district policies and procedures around working with students and families throughout the process, **including trauma-informed professional development training and ensuring mental health resources or referrals are provided to impacted students.**

References

1. University of Texas at Austin Institute on Domestic Violence & Sexual Assault (2015). Texas Statewide Sexual Assault Prevalence Study.
2. Division of Adolescent and School Health (2018). Youth Risk Behavior Survey. Data Summary and Trends Report 2007-2017. Center for Disease Control.
3. National Women's Law Center (2017). Stopping School Pushout for: Girls Who Have Suffered Harassment and Sexual Violence.
4. National Association of University Women (2018). Schools Are Still Underreporting Sexual Harassment and Assault.
5. Department of Education (2014). 2013-2014 State and National Estimations. Civil Rights Data Collection.
6. Nadine Burke et al. (2011). "The Impact of Adverse Childhood Experiences on an Urban Pediatric Population" Child Abuse and Neglect 35.