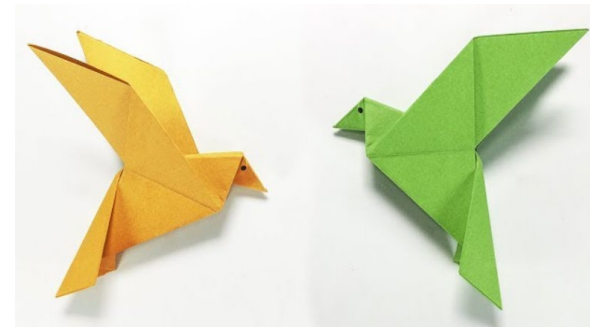


Legal Update for Fine Arts Private Lesson Teachers



Christie Hobbs, General Counsel

Andie Tate, Staff Attorney

**Dr. Cindy Bauter, Title IX Coordinator
& Executive Director of Student Affairs**



89th Texas Legislature: New Laws

Reporting Child Abuse (SB 571)

- Deadline to report suspected child abuse & neglect is now **24 hours** (not 48 hours)
- The duty arises when you have “**reasonable cause to believe** that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect.”
- Report to CPS Texas Abuse Hotline by phone or online
 - 1-800-252-5400
 - www.txabusehotline.org



Consequences for Failing to Report Child Abuse



4



Class A Misdemeanor

Up to 1 year in jail
and \$4,000 fine

State Jail Felony

Up to 2 years in jail
and \$10,000 fine

Statute of Limitations

Criminal charges
can be filed up to 4
years later
(SB 127)

Civil Liability

Up to \$500,000
per claimant

+

Attorney's fees
(HB 4623)

Reporting Educator Misconduct (SB 571)

- Enhanced requirements to report educator misconduct to SBEC
 - Principal must report **evidence of educator sexual misconduct** or educator's criminal record to superintendent within **48 hours**
 - Superintendent must report to SBEC within 48 hours when there is evidence of educator sexual misconduct
- Service providers
 - Requirement to report to SBEC when a **service provider having contact with students** (who is not an employee) engages in sexual misconduct with a student or has a criminal history
 - Pre-employment affidavits required for service providers



Sexual Misconduct Liability (HB 4623)

- A public school district that is **grossly negligent** or **reckless** or engages in **intentional misconduct** in **hiring, supervising, or employing** a professional school employee is liable for an act or omission committed by the employee against a student enrolled in the district and that is:
 - (1) **Sexual misconduct, or**
 - (2) **Failure to report suspected child abuse or neglect.**
- Liability: \$500,000 per claimant, plus attorneys' fees & court costs
- **If you suspect an employee or other person is sexually abusing, sexually harassing, grooming, or engaging in inappropriate communications with a student, report this to HR or campus administration immediately.**
- If you have reason to believe a student is abused or neglected, report to CPS within 24 hours.

What is *sexual misconduct?*

- Trafficking of persons (Texas Penal Code §20A.02)
 - Continuous sexual abuse of young child or disabled individual (§21.02)
 - Public lewdness (§21.07)
 - Indecent Exposure (§21.08)
 - Indecency with a child (§21.11)
 - Improper relationship between educator and student (§21.12)
 - Invasive visual recording (§21.15)
 - Unlawful disclosure or promotion of intimate visual material (§21.16)
- Unlawful production/distribution of certain sexually explicit videos (§21.165)
 - Voyeurism (§21.17)
 - Sexual coercion (§21.18)
 - Unlawful electronic transmission of sexually explicit visual material (§21.19)
 - Sexual assault (§22.011)
 - Indecent assault (§22.012)
 - Aggravated sexual assault (§21.021)
 - Sexual performance by a child (§43.25)

Grooming

**Signs of abuse &
steps to protect
children**





What is grooming?

- A process of targeting a child and engaging him or her for the purpose of sexual activity
- Purpose
 - Gradually increase access to the victim
 - Eventually engage in sexual activity
 - Decrease the likelihood that the perpetrator's actions will be discovered
 - Make the victim feel comfortable enough to be alone with the perpetrator
 - Keep the sexual activity a secret
 - Trick the victim into thinking he or she is in a normal, healthy relationship

Interviews with Convicted Child Molesters

- “Parents are so naïve—they’re worried about strangers and should be worried about their brother-in-law. They just don’t realize how devious we can be. I used to abuse children in the same room with their parents and they couldn’t see it or didn’t seem to know it was happening.”
- “I was disabled and spent months grooming the parents, so they would tell their children to take me out and help me. No one thought that disabled people could be abusers.”
- “Parents shouldn’t be embarrassed to talk about things like this—it’s harder to trick a child who knows what you’re up to.”

-The Center for Behavioral Intervention, Beaverton, Oregon



Grooming: Common Targets

- Students with obvious vulnerabilities
 - Unpopular
 - Feel unloved
 - Seeking attention and friendship
 - Low self-esteem; lack of confidence
 - Isolated from peers
 - Spend time alone
 - Often unsupervised
 - Experiencing family problems
 - Disability



How predators approach intended victims

- Present themselves positively to the child
 - Exhibit interest in the child
 - Compliment the victim
 - Learn the child's habits, likes, dislikes
 - Pretend to share common interest, background, experiences
 - May develop a relationship with the child's parents
- 

Grooming Behaviors: Examples

01

Giving gifts or special attention

- Expensive gifts
- Alcohol
- One-on-one tutoring; teacher's assistant
- Debate coach: extra attention to one student—consistently

02

Making close physical contact sexual

- Tickling, play-fighting

03

Exposing the victim to nudity, sexual material, or sexual acts

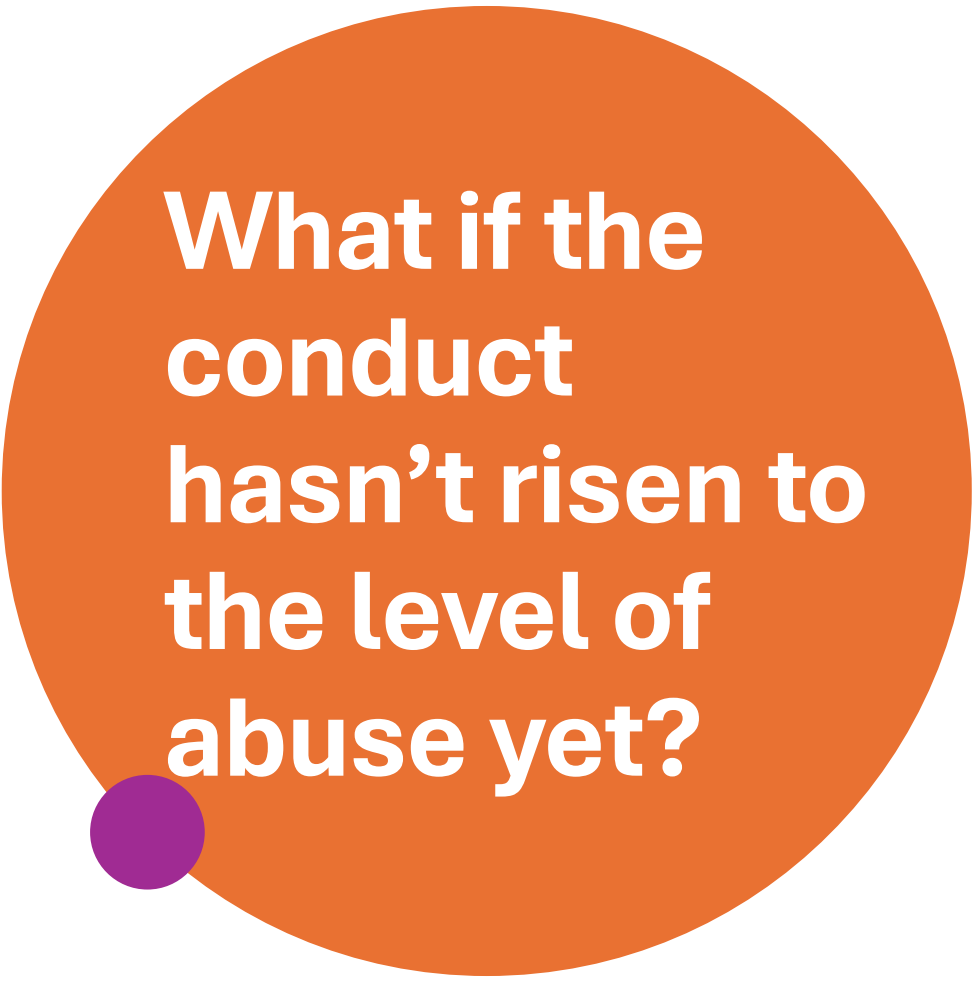
- Openly, or “accidentally”

04

Communicating through secret, hidden apps

If you suspect a child is being groomed...

Don't wait	Don't wait until you have concrete evidence. Report early.
Report	Report to the campus counselor and/or administrator (principal or AP). HR will investigate promptly.
Notify Parents	School staff will notify the parents promptly.
CPS Report	You must file a report with CPS in 24 hours when you have reason to suspect abuse or neglect.



**What if the
conduct
hasn't risen to
the level of
abuse yet?**

- 
- If appropriate educator-student boundaries have been crossed, it must be addressed.
 - School staff will take action to protect the student and address professional boundaries with the adult.
 - Northwest ISD does not ignore signs of grooming, inappropriate relationships, or abuse of children.

What can parents do to protect their children from abuse?

- Know the adults who have access to your child.
- Do not yield the responsibility of your child to others without questioning their character and intent.
- Listen to your children. Ask lots of questions and wait for the answers.
- Create an atmosphere of trust where your children can talk to you freely and openly.
- Monitor your child's on-line activity.
- Be aware of unannounced visitors, gifts, and interactions with adults.
- Teach children the proper names of private parts.
- Talk with your children in age-appropriate ways about touch and consent.



No deliberate indifference



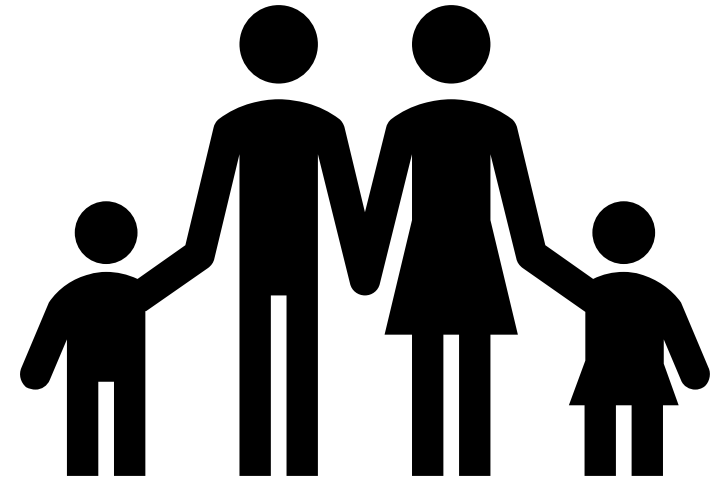
NISD Private Lesson Teacher Agreements: Updated

- Criminal history & fingerprinting required
- Must wear NISD ID badge while on campus
- Duty to report any arrest or criminal charges to Dr. Lacefield within 24 hours
- Electronic communications with students
 - No private communications with students on cell phones, social media, or electronic devices
 - Must include a parent on each communication
 - May use district-approved apps & devices (Remind, Parent Square, District email)



Parents Rights (SB 12)

- “The **fundamental rights granted to parents** by their Creator and upheld by the United States Constitution, the Texas Constitution, and the laws of the state, **including the right to direct the moral and religious training of the parent’s child, make decisions concerning the child’s education, and consent to medical, psychiatric, and psychological treatment of the parent’s child...may not be infringed** on by any public elementary or secondary school or state government entity, including the state or a political subdivision of the state, unless the infringement is:
 - (1) necessary to further a compelling state interest, such as providing life-saving care to a child; and
 - (2) narrowly tailored using the least restrictive means to achieve that compelling state interest.



No Assistance with Gender Transitions (SB 12)

- Prohibits a district employee from “assisting a student...with social transitioning” including:
 - Providing “any information” about social transitioning
 - Providing guidelines intended to assist a person with social transitioning
- “Social transitioning” means “a person’s transition from the biological sex at birth to the opposite biological sex through the adoption of a different name, different pronouns, or other expressions of gender that deny or encourage a denial of the person’s biological sex at birth.”
- Enforcement
 - Parents may report violations to the board.
 - An investigation is required.
 - The board must report confirmed violations “immediately” to the Commissioner.

Gender Transitions: Interpreting the Law

- It is a violation of SB 12 for a school employee to:
 - Call a student by a name opposite their biological sex (other than the child's legal name)
 - Refer to a student with pronouns that are opposite of the student's biological sex
 - Give a student information about how to transition to a gender that is opposite the student's biological sex
 - Assist a student with transitioning to a gender that is opposite the student's biological sex
- It is **not** a violation of this law for a school employee to:
 - Call a student by their last name (surname) or another name that aligns with the student's biological sex
 - Treat every student with dignity & respect
 - Intervene to prevent harassment & bullying of any student

No Instruction on Sexual Orientation or Gender Identity (SB 12, section 24)

- Schools and school employees may not provide or allow instruction, guidance, activities, or programming regarding sexual orientation or gender identity to students in PK – 12th grade.
 - Doesn't limit a student's ability to engage in speech or expressive conduct protected under the First Amendment unless it results in material disruption to school activities
 - Doesn't limit the district's ability to provide physical or mental health-related services, subject to parental consent
 - Doesn't prohibit organizations from meeting on a school campus where membership is restricted to one sex and the mission does not “advance a political or social agenda”

Title IX

Presentation to Fine Arts

Northwest ISD

August 6, 2025

Cindy Bauter

Title IX Coordinator



Cindy Bauter

- Title IX Coordinator
- 817.215.0567
- Cynthia.Bauter@nisdtx.org
- Legal Office



The Law

20 USCS §1681

- No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Law: 20 USCS 1681

Federal Regulations: 34 CFR 106

Amendments: Federal Register Vol. 80 No. 83 April 29, 2024

The Regulations

34 CFR 106.30

- All employees have a duty to report Title IX complaints.
- Investigations
 - Robust procedures and timelines
 - Specific people assigned
- Defines sexual harassment specifically
- Provides for supportive measures
- Requires training for all staff

§ 106.30

34 CFR Ch. I (7–1–20 Edition)

Title IX Coordinator as described in § 106.8(a).

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Consent. The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or

(3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

(b) As used in §§ 106.44 and 106.45:

Elementary and secondary school means a local educational agency (LEA), as defined in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, a preschool, or a private elementary or secondary school.

Postsecondary institution means an institution of graduate higher education as defined in § 106.2(1), an institution of

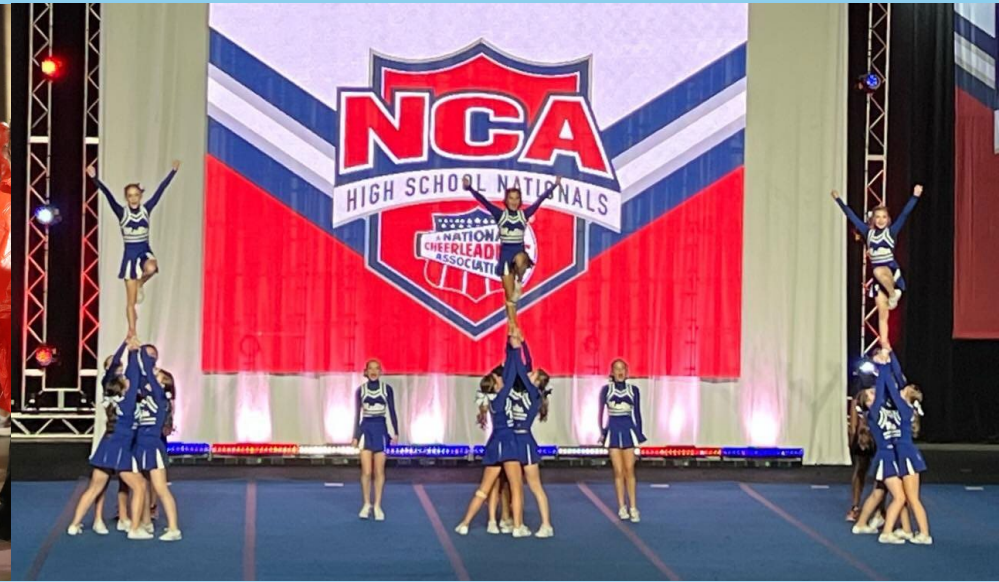
Sexual Harassment

Definition (2020)

1. Quid Pro Quo – *(something for something)* - conditions an educational benefit or service on individual's participation in unwelcome sexual conduct,
2. Hostile Environment- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the recipients education program or activity; or
3. Sexual violence (Clery Act) – Sexual assault, domestic violence, dating violence, stalking.

Retaliation

Prohibited.



NISD violations in Fine Arts areas



Quid Pro Quo

Conditions an educational benefit or service on individual's participation in unwelcome sexual conduct...

Educator to student...

Sexual Grooming



Sexual Harassment

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity

Sexual Violence/Clery Act

Sexual violence (Clery Act) – Sexual assault, domestic violence, dating violence, stalking.

Response: No deliberate indifference

Schools must promptly respond in a manner that is **not deliberately indifferent** when they have **actual knowledge** of sexual harassment in an education program or activity, against a person in the **United States**.



What to do with a report of sex-based discrimination?

- Listen to the complainant
 - Do not be dismissive. Do not presume boys can't be victims of sex-based discrimination. Do not make biased judgments on the truth of the report.
- Validate
 - Affirm the student for reporting.
 - Classroom management, separation right away, whatever is appropriate.
- Clarify
 - Ask enough questions, but not too many, to understand if it deals with sex in any way.
- Help Student
 - Get him/her to admin or counselor asap
 - Contact CPS/law enforcement as required or applicable
- **REPORT!!!!**



What *not* to do:

- Discipline (hold up!)
- Over-investigation
- Keep it to yourself
- Try to fix it internally

Utah State firing football coach Blake Anderson, 2 other staffers after Title IX review

— FOX Sports

Published July 2, 2024 4:51pm EDT



Utah State announced Tuesday it's firing football coach Blake Anderson after an external review of allegations that he hadn't complied with Title IX policies regarding the reporting of sexual misconduct cases.

Nate Dreiling, who had been Utah State's defensive coordinator and defensive ends coach, will be Utah State's interim coach during the upcoming season. Athletic director Diana Sabau met players and staff Tuesday to inform them of the move, the university said in a [news release](#).

Utah State also said associate vice president/deputy athletic director of external affairs Jerry Bovee and football director of player development and community Austin Albrecht were fired "for violations of university policies related to the reporting of sexual and domestic violence and failures of professional responsibilities."

Bovee was Utah State's interim athletic director in 2023. Utah State said Anderson was being fired for actions that took place in the spring of 2023.

Utah State noted that Title IX policies "require full and timely reporting of disclosures of sexual misconduct — including domestic violence — and prohibit employees from investigating disclosures of sexual misconduct themselves."

"As leaders, we are responsible for ensuring allegations of USU policy violations are investigated," Sabau and Utah State President Elizabeth Cantwell said in an email they sent to faculty and staff. "Today's actions are the result of a thorough external investigation, and we believe the evidence demands immediate action. Our job is to fearlessly hold ourselves and others accountable for their conduct and to make sure that, for the sake of our students and our community, we are living the values of our university."

"While recognizing the impact of these decisions on our student athletes and football program, we will continue to take the steps necessary to deliver a respectful, transparent and winning culture at Utah State University."

School officials noted that Anderson has 14 days to respond to the university's decision under terms of his employment agreement. School officials said they couldn't release any additional information until all opportunities to respond or appeal to the decision have expired.

Anderson posted a 23-17 record in three seasons at Utah State, with the Aggies reaching bowl games each of those years. He went 11-3 in 2021 before going 6-7 each of the last two years.

He came to Utah State after going 51-37 at Arkansas State from 2014-20. He took a leave of absence prior to the 2019 season just before his wife, Wendy Anderson, died after a two-year fight with breast cancer. He returned for the second game of that season and helped Arkansas State go 8-5.



Mandated reporting

To whom?

- Admin
- TIX Coordinator
- Directors
- HR
- CPS
- Law Enforcement

When?

- Asap
- Immediately
- 24 hours

Method of reporting

- Title IX Coordinator
 - Phone
 - Email
 - In person
 - Laserfiche
- Admin
 - Document
- Documentation Trail

I am here to help.
Recognize.
Report.
Don't be deliberately indifferent.

