

By: Creighton, et al.

S.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in public education, to certain public school requirements and prohibitions regarding instruction and diversity, equity, and inclusion duties, and to student clubs at public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1, Education Code, is amended by adding Sections 1.007 and 1.009 to read as follows:

Sec. 1.007. COMPLIANCE WITH MANDATORY POLICY. (a) In this section, "public elementary or secondary school" means a school district and a district, campus, program, or school operating under a charter under Chapter 12.

(b) A public elementary or secondary school, the school's governing body, and the school's employees shall implement and comply with each policy the school is required to adopt under this code or other law.

Sec. 1.009. INFRINGEMENT OF PARENTAL RIGHTS PROHIBITED. The fundamental rights granted to parents by their Creator and upheld by the United States Constitution, the Texas Constitution, and the laws of this 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 under Section 151.001, Family Code, may not be infringed on by any

public elementary or secondary school or state governmental 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.

SECTION 2. Subchapter C, Chapter 7, Education Code, is
amended by adding Section 7.0611 to read as follows:

Sec. 7.0611. FACILITY USAGE REPORT. (a) In this section,
"instructional facility" has the meaning assigned by Section
46.001.

(b) The agency by rule shall require each school district to
annually report the following information in the form and manner
prescribed by the agency:

(1) the square footage of each school district
facility and the acreage of land on which each facility sits;

(2) the total student capacity for each instructional
facility on a district campus;

(3) for each campus in the school district:

(A) the enrollment capacity of the campus and of
each grade level offered at the campus; and

(B) the number of students currently enrolled at
the campus and in each grade level offered at the campus;

(4) whether a school district facility is used by one
or more campuses and the campus identifier of each campus that uses
the facility;

1 (5) what each school district facility is used for,
2 including:

- 3 (A) an instructional facility;
4 (B) a career and technology center;
5 (C) an administrative building;
6 (D) a food service facility;
7 (E) a transportation facility; and
8 (F) vacant land; and

9 (6) whether each school district facility is leased or
10 owned.

11 (c) From the information submitted under Subsection (b),
12 the agency shall produce and make available to the public on the
13 agency's Internet website an annual report on school district land
14 and facilities. The agency may combine the report required under
15 this section with any other required report to avoid multiplicity
16 of reports.

17 (d) If the agency determines information provided under
18 Subsection (b) would create a security risk, such information is
19 considered confidential for purposes of Chapter 552, Government
20 Code, and may not be disclosed in the annual report under Subsection
21 (c).

22 (e) The commissioner may adopt rules as necessary to
23 implement this section. In adopting rules for determining the
24 student capacity of a school district or district campus, the
25 commissioner may consider the staffing, student-teacher ratio, and
26 facility capacity of the district or campus.

27 SECTION 3. Subchapter A, Chapter 11, Education Code, is

amended by adding Section 11.005 to read as follows:

Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION DUTIES. (a) In this section, "diversity, equity, and inclusion duties" means:

(1) influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;

(2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

(3) developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except as necessary to comply with state or federal law; and

(4) compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

(b) Except as required by state or federal law, a school district:

(1) may not assign diversity, equity, and inclusion duties to any person; and

(2) shall prohibit a district employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district.

(c) A school district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district

employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

(d) Nothing in this section may be construed to:

(1) limit or prohibit a school district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the essential knowledge and skills adopted under Subchapter A, Chapter 28;

(2) affect a student's rights under the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution;

(3) limit or prohibit a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by Section 39.053; or

(4) apply to:

(A) classroom instruction that is consistent with the essential knowledge and skills adopted by the State Board of Education;

(B) the collection, monitoring, or reporting of data;

(C) a policy, practice, procedure, program, or activity intended to enhance student academic achievement or postgraduate outcomes that is designed and implemented without

1 regard to race, sex, color, or ethnicity; or

2 (D) a student club that is in compliance with the
3 requirements of Section 33.0815.

4 SECTION 4. Section 11.161, Education Code, is amended to
5 read as follows:

6 Sec. 11.161. FRIVOLOUS SUIT OR PROCEEDING. (a) In a civil
7 suit or administrative proceeding brought under state law or
8 rules[7] against an independent school district or an officer of an
9 independent school district acting under color of office, the court
10 or another person authorized to make decisions regarding the
11 proceeding may award costs and reasonable attorney's fees if:

12 (1) the court or other authorized person finds that
13 the suit or proceeding is frivolous, unreasonable, and without
14 foundation; and

15 (2) the suit or proceeding is dismissed or judgment is
16 for the defendant.

17 (b) This section does not apply to a civil suit or
18 administrative proceeding brought under the Individuals with
19 Disabilities Education Act (20 U.S.C. Section 1400 et seq.). A
20 civil suit or administrative proceeding described by this
21 subsection is governed by the attorney's fees provisions under 20
22 U.S.C. Section 1415.

23 (c) This section does not apply to a proceeding regarding a
24 grievance filed under the local grievance procedure established by
25 the board of trustees of a school district under Section 26.011.

26 SECTION 5. Section 12.104(b), Education Code, is amended to
27 read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section

1 33.081;

2 (J) discipline management practices or behavior
3 management techniques under Section 37.0021;

4 (K) health and safety under Chapter 38;

5 (L) the provisions of Subchapter A, Chapter 39;

6 (M) public school accountability and special
7 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
8 39, and Chapter 39A;

9 (N) the requirement under Section 21.006 to
10 report an educator's misconduct;

11 (O) intensive programs of instruction under
12 Section 28.0213;

13 (P) the right of a school employee to report a
14 crime, as provided by Section 37.148;

15 (Q) bullying prevention policies and procedures
16 under Section 37.0832;

17 (R) the right of a school under Section 37.0052
18 to place a student who has engaged in certain bullying behavior in a
19 disciplinary alternative education program or to expel the student;

20 (S) the right under Section 37.0151 to report to
21 local law enforcement certain conduct constituting assault or
22 harassment;

23 (T) a parent's right to information regarding the
24 provision of assistance for learning difficulties to the parent's
25 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

26 (U) establishment of residency under Section
27 25.001;

(V) school safety requirements under Sections 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085, 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071 and Subchapter J, Chapter 37;

(W) the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; ~~and~~

(Y) parental options to retain a student under Section 28.02124;

(Z) diversity, equity, and inclusion duties under Section 11.005;

(AA) parental access to instructional materials and curricula under Section 26.0061;

(BB) the adoption of a parental engagement policy as provided by Section 26.0071;

(CC) parental rights to information regarding a student's mental, emotional, and physical health-related needs and related services offered by the school as provided by Section 26.0083; and

(DD) establishment of a local school health advisory council with members appointed by the governing body of the school and health education instruction that complies with Section 28.004.

SECTION 6. Section 12A.004(a), Education Code, is amended to read as follows:

(a) A local innovation plan may not provide for the

1 exemption of a district designated as a district of innovation from
2 the following provisions of this title:

3 (1) a state or federal requirement applicable to an
4 open-enrollment charter school operating under Subchapter D,
5 Chapter 12;

6 (2) Subchapters A, C, D, and E, Chapter 11, except that
7 a district may be exempt from Sections 11.1511(b)(5) and (14) and
8 Section 11.162;

9 (3) state curriculum and graduation requirements
10 adopted under Chapter 28; ~~and~~

11 (4) Section 28.004; and

12 (5) academic and financial accountability and
13 sanctions under Chapters 39 and 39A.

14 SECTION 7. Section 21.057, Education Code, is amended by
15 adding Subsection (f) to read as follows:

16 (f) Except as provided by Subsection (e) and
17 notwithstanding any other provision of this code, a school district
18 is not exempt from the requirements of this section.

19 SECTION 8. Section 25.001(h), Education Code, is amended to
20 read as follows:

21 (h) In addition to the penalty provided by Section 37.10,
22 Penal Code, a person who knowingly falsifies information on a form
23 required for enrollment of a student in a school district is liable
24 to the district if the student is not eligible for enrollment in the
25 district but is enrolled on the basis of the false information. The
26 person is liable, for the period during which the ineligible
27 student is enrolled, for ~~[the greater of:~~

1 ~~[(1) the maximum tuition fee the district may charge~~
2 ~~under Section 25.038, or~~

3 ~~[(2)]~~ the amount the district has budgeted for each
4 student as maintenance and operating expenses.

5 SECTION 9. Section 25.036, Education Code, is amended by
6 amending Subsections (a) and (b) and adding Subsections (d), (e),
7 (f), (g), (h), (i), and (j) to read as follows:

8 (a) Any child, other than a high school graduate, who is
9 younger than 21 years of age and eligible for enrollment on
10 September 1 of any school year may apply to transfer for in-person
11 instruction ~~[annually]~~ from the child's school district of
12 residence to another district in this state ~~[if both the receiving~~
13 ~~district and the applicant parent or guardian or person having~~
14 ~~lawful control of the child jointly approve and timely agree in~~
15 ~~writing to the transfer]~~.

16 (b) A transfer application ~~[agreement]~~ under this section
17 shall be filed and preserved as a receiving district record for
18 audit purposes of the agency.

19 (d) A school district may deny approval of a transfer under
20 this section only if:

21 (1) the district or a school in the district to which a
22 student seeks to transfer is at full student capacity or has more
23 requests for transfers than available positions after the district
24 has filled available positions in accordance with Subsection (f)
25 and has satisfied the requirements provided under Subsection (g);

26 (2) before the application deadline for the applicable
27 school year, the district adopted a policy that provides for the

exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37, and the student meets the conditions for exclusion under the policy; or

(3) approving the transfer would supersede a court-ordered desegregation plan.

(e) For the purpose of determining whether a school in a school district is at full student capacity under Subsection (d)(1), the district may not consider equity as a factor in the district's decision-making process.

(f) A school district that has more applicants for transfer under this section than available positions must fill the available positions by lottery and must give priority to applicants in the following order:

(1) students who are dependents of an employee of the receiving district; and

(2) students:

(A) receiving special education services under Subchapter A, Chapter 29;

(B) who are dependents of military personnel;

(C) who are dependents of law enforcement personnel;

(D) in foster care;

(E) who are the subject of court-ordered modification of an order establishing conservatorship or possession and access; or

(F) who are siblings of a student who is enrolled

in the receiving district at the time the student seeks to transfer.

(g) A school district may deny approval of a transfer under Subsection (d)(1) only if:

(1) the district publishes and annually updates the district's full student capacity by campus; and

(2) the district campus to which the student seeks to transfer is determined to be at capacity based on the information reported under Section 7.0611 to the agency.

(h) Except as provided by other law, a receiving school district may, but is not required to, provide transportation to a student who transfers to the receiving district under this section.

(i) A receiving school district may revoke, at any time during the school year, the approval of the student's transfer only if:

(1) the student engages in conduct:

(A) for which a student is required or permitted to be removed from class and placed in a disciplinary alternative education program under Section 37.006; or

(B) for which a student is required or permitted to be expelled from school under Section 37.007; and

(2) before revoking approval of the student's transfer, the district:

(A) ensures the student is afforded appropriate due process and complies with any requirements of state law or district policy relating to the expulsion of a student to the same extent as if the student were being expelled under Section 37.007; and

1 (B) if the student is a child with a disability
2 under the Individuals with Disabilities Education Act (20 U.S.C.
3 Section 1400 et seq.), or the district suspects or has a reason to
4 suspect that the student may be a child with a disability, complies
5 with all federal and state requirements regarding revoking the
6 approval of the student's transfer.

7 (j) Except as provided by Subsection (i), a student who
8 transfers under this section may remain enrolled in the receiving
9 district until the earlier of the date on which:

10 (1) the student graduates from high school; or

11 (2) the student is no longer eligible to attend a
12 public school under Section 25.001.

13 SECTION 10. Section 25.038, Education Code, is amended to
14 read as follows:

15 Sec. 25.038. TUITION FEE FOR TRANSFER STUDENTS PAID BY
16 SCHOOL DISTRICT. (a) Except as provided by Subsection (b), a
17 [The] receiving school district may charge a tuition fee to another
18 school district, if the receiving district has contracted with the
19 other district to educate the other district's students, to the
20 extent that the district's actual expenditure per student in
21 average daily attendance, as determined by its board of trustees,
22 exceeds the sum the district benefits from state aid sources as
23 provided by Section 25.037. However, unless a tuition fee is
24 prescribed and set out in a transfer agreement before its execution
25 by the parties, an increase in tuition charge may not be made for
26 the year of that transfer that exceeds the tuition charge, if any,
27 of the preceding school year.

1 (b) A school district may not charge a tuition fee under
2 this section for a student transfer authorized under Section
3 25.036.

4 SECTION 11. Section 26.001, Education Code, is amended by
5 amending Subsections (a), (c), (d), and (e) and adding Subsections
6 (a-1) and (c-1) to read as follows:

7 (a) As provided under Section 151.001, Family Code, a parent
8 has the right to direct the moral and religious training of the
9 parent's child, make decisions concerning the child's education,
10 and consent to medical, psychiatric, and psychological treatment of
11 the child without obstruction or interference from this state, any
12 political subdivision of this state, a school district or
13 open-enrollment charter school, or any other governmental entity.

14 (a-1) Parents are partners with educators, administrators,
15 and school district boards of trustees in their children's
16 education. Parents shall be encouraged to actively participate in
17 creating and implementing educational programs for their children.

18 (c) Unless otherwise provided by law, a board of trustees,
19 administrator, educator, or other person shall comply with Section
20 1.009 and may not limit parental rights or withhold information
21 from a parent regarding the parent's child.

22 (c-1) A school district may not be considered to have
23 withheld information from a parent regarding the parent's child if
24 the district's actions are in accordance with other law, including
25 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
26 Section 1232g).

27 (d) Each board of trustees shall:

1 (1) provide for procedures to consider complaints that
2 a parent's right has been denied;~~[-]~~

3 (2) develop a plan for parental participation in the
4 district to improve parent and teacher cooperation, including in
5 the areas of homework, school attendance, and discipline;

6 (3) [~~(e) Each board of trustees shall~~] cooperate in
7 the establishment of ongoing operations of at least one
8 parent-teacher organization at each school in the district to
9 promote parental involvement in school activities; and

10 (4) provide to a parent of a child on the child's
11 enrollment in the district for the first time and to the parent of
12 each child enrolled in the district at the beginning of each school
13 year information about parental rights and options, including the
14 right to withhold consent for or exempt the parent's child from
15 certain activities and instruction, that addresses the parent's
16 rights and options concerning:

17 (A) the child's course of study and supplemental
18 services;

19 (B) instructional materials and library
20 materials;

21 (C) health education instruction under Section
22 28.004;

23 (D) instruction regarding sexual orientation and
24 gender identity under Section 28.0043;

25 (E) school options, including virtual and remote
26 schooling options;

27 (F) immunizations under Section 38.001;

1 (G) gifted and talented programs;
2 (H) promotion, retention, and graduation
3 policies;
4 (I) grade, class rank, and attendance
5 information;
6 (J) state standards and requirements;
7 (K) data collection practices;
8 (L) health care services, including notice and
9 consent under Section 26.0083(g);
10 (M) the local grievance procedure under Section
11 26.011; and
12 (N) special education and bilingual education
13 and special language programs.

14 (e) The agency shall develop a form for use by school
15 districts in providing information about parental rights and
16 options under Subsection (d)(4). Each school district shall post
17 the form in a prominent location on the district's Internet
18 website.

19 SECTION 12. Chapter 26, Education Code, is amended by
20 adding Section 26.0025 to read as follows:

21 Sec. 26.0025. RIGHT TO SELECT EDUCATIONAL SETTING. A
22 parent is entitled to choose the educational setting for the
23 parent's child, including public school, private school, or home
24 school.

25 SECTION 13. Section 26.004(b), Education Code, is amended
26 to read as follows:

27 (b) A parent is entitled to access to all written records of

a school district concerning the parent's child, including:

- (1) attendance records;
- (2) test scores;
- (3) grades;
- (4) disciplinary records;
- (5) counseling records;
- (6) psychological records;
- (7) applications for admission;
- (8) medical records in accordance with Section 38.0095, including health and immunization information;
- (9) teacher and school counselor evaluations;
- (10) reports of behavioral patterns; and
- (11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

SECTION 14. Chapter 26, Education Code, is amended by adding Section 26.0071 to read as follows:

Sec. 26.0071. PARENTAL ENGAGEMENT POLICY. Each board of trustees of a school district shall develop a parental engagement policy that:

- (1) provides for an Internet portal through which parents of students enrolled in the district may submit comments to campus or district administrators and the board;
- (2) requires the board to prioritize public comments by presenting those comments at the beginning of each board meeting; and
- (3) requires board meetings to be held outside of

1 typical work hours.

2 SECTION 15. Section 26.008, Education Code, is amended to
3 read as follows:

4 Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT.

5 (a) Except as provided by Section 38.004, a [A] parent is entitled
6 to:

7 (1) full information regarding the school activities
8 of a parent's child; and

9 (2) notification not later than one school business
10 day after the date a school district employee first suspects that a
11 criminal offense has been committed against the parent's child
12 [except as provided by Section 38.004].

13 (b) An attempt by any school district employee to encourage
14 or coerce a child to withhold information from the child's parent is
15 grounds for discipline under Section 21.104, 21.156, or 21.211, as
16 applicable, or by the State Board for Educator Certification, if
17 applicable.

18 SECTION 16. Chapter 26, Education Code, is amended by
19 adding Section 26.0083 to read as follows:

20 Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL,
21 EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a)
22 The agency shall adopt a procedure for school districts to notify
23 the parent of a student enrolled in the district regarding any
24 change in services provided to or monitoring of the student related
25 to the student's mental, emotional, or physical health or
26 well-being.

27 (b) A procedure adopted under Subsection (a) must reinforce

the fundamental right of a parent to make decisions regarding the upbringing and control of the parent's child by requiring school district personnel to:

(1) encourage a student to discuss issues relating to the student's well-being with the student's parent; or

(2) facilitate a discussion described under Subdivision (1).

(c) A school district may not adopt a procedure that:

(1) prohibits a district employee from notifying the parent of a student regarding:

(A) information about the student's mental, emotional, or physical health or well-being; or

(B) a change in services provided to or monitoring of the student related to the student's mental, emotional, or physical health or well-being;

(2) encourages or has the effect of encouraging a student to withhold from the student's parent information described by Subdivision (1)(A); or

(3) prevents a parent from accessing education or health records concerning the parent's child.

(d) Subsections (a) and (c) do not require the disclosure of information to a parent if a reasonably prudent person would believe the disclosure is likely to result in the student suffering abuse or neglect, as those terms are defined by Section 261.001, Family Code.

(e) A school district employee may not discourage or prohibit parental knowledge of or involvement in critical decisions

1 affecting a student's mental, emotional, or physical health or
2 well-being.

3 (f) Any student support services training developed or
4 provided by a school district to district employees must comply
5 with any student services guidelines, standards, and frameworks
6 established by the State Board of Education and the agency.

7 (g) Before the first instructional day of each school year,
8 a school district shall provide to the parent of each student
9 enrolled in the district written notice of each health-related
10 service offered at the district campus the student attends. The
11 notice must include a statement of the parent's right to withhold
12 consent for or decline a health-related service. A parent's
13 consent to a health-related service does not waive a requirement of
14 Subsection (a), (c), or (e).

15 (h) Before administering a student well-being questionnaire
16 or health screening form to a student enrolled in prekindergarten
17 through 12th grade, a school district must provide a copy of the
18 questionnaire or form to the student's parent and obtain the
19 parent's consent to administer the questionnaire or form.

20 (i) This section may not be construed to:
21 (1) limit or alter the requirements of Section [38.004](#)
22 of this code or Chapter [261](#), Family Code; or
23 (2) limit a school district employee's ability to
24 inquire about a student's daily well-being without parental
25 consent.

26 (j) Not later than June 30, 2026, the agency, the State
27 Board of Education, and the State Board for Educator Certification,

1 as appropriate, shall review and revise as necessary the following
2 to ensure compliance with this section:

- 3 (1) school counseling frameworks and standards;
4 (2) educator practices and professional conduct
5 principles; and
6 (3) any other student services personnel guidelines,
7 standards, or frameworks.

8 (k) Subsection (j) and this subsection expire September 1,
9 2027.

10 SECTION 17. Section 26.009, Education Code, is amended by
11 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),
12 (c), and (d) to read as follows:

13 (a) An employee of a school district must obtain the written
14 consent of a child's parent in the manner required by Subsection
15 (a-2) before the employee may:

16 (1) conduct a psychological examination, test, or
17 treatment, unless the examination, test, or treatment is required
18 under Section 38.004 or state or federal law regarding requirements
19 for special education; ~~or~~

20 (2) subject to Subsection (b), make or authorize the
21 making of a videotape of a child or record or authorize the
22 recording of a child's voice;

23 (3) unless authorized by other law:

24 (A) disclose a child's health or medical
25 information to any person other than the child's parent; or

26 (B) collect, use, store, or disclose to any
27 person other than the child's parent a child's biometric

1 identifiers; or

2 (4) subject to Subsection (a-3), provide health care
3 services or medication or conduct a medical procedure.

4 (a-1) For purposes of Subsection (a), "biometric
5 identifier" means a blood sample, hair sample, skin sample, DNA
6 sample, body scan, retina or iris scan, fingerprint, voiceprint, or
7 record of hand or face geometry.

8 (a-2) Written consent for a parent's child to participate in
9 a district activity described by Subsection (a) must be signed by
10 the parent and returned to the district. A child may not
11 participate in the activity unless the district receives the
12 parent's signed written consent to that activity.

13 (a-3) For the purpose of obtaining written consent for
14 actions described by Subsection (a)(4) that are determined by a
15 school district to be routine care provided by a person who is
16 authorized by the district to provide physical or mental
17 health-related services, the district may obtain consent at the
18 beginning of the school year or at the time of the child's
19 enrollment in the district. Unless otherwise provided by a child's
20 parent, written consent obtained in accordance with this subsection
21 is effective until the end of the school year in which the consent
22 was obtained.

23 (c) Before the first instructional day of each school year,
24 a school district shall provide to the parent of each student
25 enrolled in the district written notice of any actions the district
26 may take involving the authorized collection, use, or storage of
27 information as described by Subsection (a)(3). The notice must:

1 (1) include a plain language explanation for the
2 district's collection, use, or storage of the child's information
3 and the district's legal authority to engage in that collection,
4 use, or storage; and

5 (2) be signed by the parent and returned to the
6 district.

7 (d) A school district shall take disciplinary action
8 against an employee responsible for allowing a child to participate
9 in an activity described by Subsection (a)(4) if the district did
10 not obtain a parent's consent for the child's participation in that
11 activity.

12 SECTION 18. Section 26.011, Education Code, is amended to
13 read as follows:

14 Sec. 26.011. LOCAL GRIEVANCE PROCEDURE ~~[COMPLAINTS]~~.

15 (a) The board of trustees of each school district shall adopt a
16 grievance procedure under which the board shall:

17 (1) address each grievance ~~[complaint]~~ that the board
18 receives concerning a violation of the prohibition under Section
19 11.005 or of a right guaranteed by Section 1.009 or this chapter if
20 the grievance is filed not later than six school weeks after the
21 date on which the parent received notice of an incident giving rise
22 to the grievance;

23 (2) allow a parent at any time before a final decision
24 by the board to provide additional evidence regarding the parent's
25 grievance; and

26 (3) allow a parent to file more than one grievance at
27 the same time.

1 (b) The board of trustees of a school district is not
2 required by Subsection (a) or Section 11.1511(b)(13) to address a
3 grievance [~~complaint~~] that the board receives concerning a
4 student's participation in an extracurricular activity that does
5 not involve a violation of a right guaranteed by this chapter. This
6 subsection does not affect a claim brought by a parent under the
7 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
8 et seq.) or a successor federal statute addressing special
9 education services for a child with a disability.

10 (c) The board of trustees of a school district shall ensure
11 a grievance procedure adopted under Subsection (a):

12 (1) authorizes a parent to file a grievance with the
13 principal of the district campus the parent's child attends or the
14 person designated by the district to receive grievances for that
15 campus;

16 (2) requires that a principal or the person designated
17 by the district to receive grievances for a campus:

18 (A) acknowledge receipt of a grievance under
19 Subdivision (1) not later than two school business days after
20 receipt of the grievance; and

21 (B) not later than the 14th school business day
22 after receipt of a grievance described by Subdivision (1), provide
23 to the parent who submitted the grievance written documentation of
24 the decision regarding the issue that gave rise to the grievance,
25 including:

26 (i) an explanation of the findings that
27 contributed to the decision;

1 (ii) notification regarding the parent's
2 right to appeal the decision; and

3 (iii) the timeline for appealing the
4 decision;

5 (3) requires that, if a parent appeals a decision
6 under Subdivision (2) not later than the 14th school business day
7 after receiving notice of the decision, the superintendent or the
8 superintendent's designee provide to the parent not later than the
9 14th school business day after receipt of the appeal written
10 documentation of the decision regarding the issue that gave rise to
11 the grievance, including:

12 (A) an explanation of the findings that
13 contributed to the decision;

14 (B) notification regarding the parent's right to
15 appeal the decision; and

16 (C) the timeline for appealing the decision;

17 (4) requires that, if a parent appeals a decision
18 under Subdivision (3) not later than the 14th school business day
19 after receiving notice of the decision, the board hear the
20 grievance in a closed session at the board's next regular meeting
21 that occurs on or after the 14th school business day after the date
22 the board receives notice of the appeal;

23 (5) requires that, not later than the 10th school
24 business day after the date of a board meeting described by
25 Subdivision (4), the board provide to the parent written
26 documentation of the board's decision regarding the issue that gave
27 rise to the grievance, including notice that the parent may appeal

1 to the commissioner in writing under Section 7.057, if applicable;

2 (6) requires a person responsible for reviewing a
3 grievance under the procedure to recuse himself or herself from
4 reviewing the grievance if the person is the subject of the
5 grievance; and

6 (7) provides for a review by the next person to whom
7 the grievance would be appealed if the person who would otherwise
8 review the grievance is required to recuse himself or herself under
9 Subdivision (6).

10 (d) The parties may mutually agree to adjust the timeline
11 for the procedure under this section.

12 (e) Notwithstanding Subsection (d), if a grievance
13 submitted under this section involves an employee who is on
14 documented leave that is scheduled to begin or has begun before the
15 grievance is submitted, the school district may alter the timeline
16 for the procedure under this section to make a reasonable
17 accommodation for the employee's leave. The district must provide
18 notice of the change to the parent who submitted the grievance.

19 SECTION 19. Chapter 26, Education Code, is amended by
20 adding Sections 26.0111 and 26.0112 to read as follows:

21 Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER.

22 (a) This section applies only to a grievance regarding a violation
23 of:

24 (1) Section 11.005, 28.0022, 28.004, or 28.0043 or
25 Chapter 38 or the implementation of those provisions by a school
26 district; or

27 (2) Chapter 551, Government Code, involving school

1 district personnel.

2 (b) If a parent has exhausted the parent's options under the
3 local grievance procedure established by the board of trustees of a
4 school district under Section 26.011 regarding a grievance to which
5 this section applies, and the grievance is not resolved to the
6 parent's satisfaction, the parent may file a written request with
7 the commissioner for a hearing before a hearing examiner under this
8 section not later than the 30th school business day after the date
9 on which the board of trustees of the district resolved the parent's
10 grievance under Section 26.011. The parent must provide the
11 district with a copy of the request and must provide the
12 commissioner with a copy of the district's resolution of the
13 grievance. The parties may agree in writing to extend by not more
14 than 10 school business days the deadline for requesting a hearing.

15 (c) The commissioner shall assign a hearing examiner to
16 review the grievance in the manner provided by Section 21.254. The
17 hearing examiner has the powers described by Sections 21.255 and
18 21.256 and shall conduct the hearing in the manner provided by those
19 sections as if the parent were a teacher.

20 (d) Not later than the 60th business day after the date on
21 which the commissioner receives a parent's written request for a
22 hearing, the hearing examiner shall complete the hearing and make a
23 written determination that includes findings of fact and
24 conclusions of law. The hearing examiner's determination is final
25 and may not be appealed.

26 (e) Sections 21.257(c), (d), and (e) apply to a hearing
27 under this section in the same manner as a hearing conducted under

1 Subchapter F, Chapter 21.

2 (f) The costs of the hearing examiner, the court reporter,
3 the original hearing transcript, and any hearing room costs, if the
4 hearing room is not provided by the school district, shall be paid
5 by the school district if the hearing examiner finds in favor of the
6 parent.

7 (g) Notwithstanding Subsection (d), if a parent fails to
8 appear at a hearing under this section, the hearing examiner is not
9 required to complete the hearing and may not find in favor of the
10 parent.

11 Sec. 26.0112. TESTIMONY BEFORE STATE BOARD OF EDUCATION.
12 If a hearing examiner finds against a school district under Section
13 26.0111 in at least five grievances to which that section applies
14 involving the district during a school year, the superintendent of
15 the school district must appear before the State Board of Education
16 to testify regarding the hearing examiner's findings and the
17 frequency of grievances against the district.

18 SECTION 20. Section 28.002, Education Code, is amended by
19 adding Subsection (c-6) to read as follows:

20 (c-6) The State Board of Education may not adopt standards
21 in violation of Section 28.0043.

22 SECTION 21. Section 28.0022, Education Code, is amended by
23 amending Subsection (f) and adding Subsection (h) to read as
24 follows:

25 (f) This section does not create a private cause of action
26 against a teacher, administrator, or other employee of a school
27 district or open-enrollment charter school. [~~A school district or~~

~~open-enrollment charter school may take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.]~~

(h) A school district or open-enrollment charter school shall adopt a policy and procedure for the appropriate discipline, including termination, of a district or school employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by this section. The district or school shall provide a physical and electronic copy of the policy and procedure to each district or school employee or contractor.

SECTION 22. Section 28.004, Education Code, is amended by adding Subsection (i-2) to read as follows:

(i-2) Before a student may be provided with human sexuality instruction, a school district must obtain the written consent of the student's parent. A request for written consent under this subsection:

(1) may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (i); and

(2) must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins.

SECTION 23. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0043 to read as follows:

Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY. (a) A school district,

1 open-enrollment charter school, or district or charter school
2 employee may not provide or allow a third party to provide
3 instruction, guidance, activities, or programming regarding sexual
4 orientation or gender identity to students enrolled in
5 prekindergarten through 12th grade.

6 (b) This section may not be construed to limit:

7 (1) a student's ability to engage in speech or
8 expressive conduct protected by the First Amendment to the United
9 States Constitution or by Section 8, Article I, Texas Constitution,
10 that does not result in material disruption to school activities;
11 or

12 (2) the ability of a person who is authorized by the
13 district to provide physical or mental health-related services to
14 provide the services to a student, subject to any required parental
15 consent.

16 SECTION 24. The heading to Section 28.022, Education Code,
17 is amended to read as follows:

18 Sec. 28.022. NOTICE TO PARENT OF UNSATISFACTORY
19 PERFORMANCE; CONFERENCES.

20 SECTION 25. Section 28.022(a), Education Code, is amended
21 to read as follows:

22 (a) The board of trustees of each school district shall
23 adopt a policy that:

24 (1) provides for at least two opportunities for
25 in-person conferences during each school year [~~a conference~~]
26 between each parent of a child enrolled in the district and the
27 child's [~~parents and~~] teachers;

(2) requires the district, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and

(3) requires the district, at least once every three weeks, or during the fourth week of each nine-week grading period, to give written notice to a parent or legal guardian of a student's performance in a subject included in the foundation curriculum under Section 28.002(a)(1) if the student's performance in the subject is consistently unsatisfactory, as determined by the district.

SECTION 26. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0815 to read as follows:

Sec. 33.0815. STUDENT CLUBS; CERTAIN CLUBS PROHIBITED. (a) A school district or open-enrollment charter school shall require the written consent of the parent of or person standing in parental relation to a student enrolled in the district or school before the student may participate in a student club at the district or school.

(b) A school district or open-enrollment charter school staff member may serve as the sponsor of a student club based on race, sex, color, or ethnicity in a supervisory capacity only and may not provide instruction on any topic in that capacity.

(c) A school district or open-enrollment charter school may not authorize or sponsor a student club based on sexual orientation or gender identity.

SECTION 27. Subchapter A, Chapter 39, Education Code, is amended by adding Section 39.008 to read as follows:

Sec. 39.008. CERTIFICATION OF COMPLIANCE WITH CERTAIN LAWS

1 REQUIRED. (a) Not later than September 30 of each year, the
2 superintendent of a school district or open-enrollment charter
3 school shall certify to the agency that the district or school is in
4 compliance with this section and Sections 11.005 and 28.0022.

5 (b) The certification required by Subsection (a) must:

6 (1) be:

7 (A) approved by a majority vote of the board of
8 trustees of the school district or the governing body of the
9 open-enrollment charter school at a public meeting that includes an
10 opportunity for public testimony and for which notice was posted on
11 the district's or school's Internet website at least seven days
12 before the date on which the meeting is held; and

13 (B) submitted electronically to the agency; and

14 (2) include:

15 (A) a description of the policies and procedures
16 required by Sections 11.005(c) and 28.0022(h) and the manner in
17 which district or school employees and contractors were notified of
18 those policies and procedures;

19 (B) any existing policies, programs, procedures,
20 or trainings that were altered to ensure compliance with this
21 section or Section 11.005 or 28.0022; and

22 (C) any cost savings resulting from actions taken
23 by the school district or open-enrollment charter school to comply
24 with this section.

25 (c) The agency shall post each certification received under
26 Subsection (a) on the agency's Internet website.

27 SECTION 28. The following provisions are repealed:

1 (1) Section 25.0344, Education Code, as added by
2 Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular
3 Session, 2023; and

4 (2) Section 25.0344, Education Code, as added by
5 Chapter 322 (H.B. 1959), Acts of the 88th Legislature, Regular
6 Session, 2023.

7 SECTION 29. Section 12A.004(a), Education Code, as amended
8 by this Act, applies to a local innovation plan adopted or renewed
9 before, on, or after the effective date of this Act.

10 SECTION 30. This Act applies beginning with the 2025-2026
11 school year.

12 SECTION 31. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2025.