

By: Campbell

S.B. No. 165

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in public education and to audits of school district curricula by the Texas Education Agency.

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

SECTION 1. Section 7.057, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) A person who is a parent of or person standing in parental relation to a child enrolled in a school district and who submits an appeal under Subsection (a) may designate the appeal as confidential. An appeal designated as confidential under this subsection may not be disclosed to the public and is not public information under Chapter 552, Government Code.

SECTION 2. Section 26.009(a), Education Code, is amended to read as follows:

(a) An employee of a school district must obtain the written consent of a child's parent before the employee may:

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

(2) conduct a social or psychological experiment involving the child that seeks to investigate how a person's behavior influences the behavior of a group or the internal states of members of a group, such as attitude or self-concept; or

1 (3) make or authorize the making of a videotape of a
2 child or record or authorize the recording of a child's voice.

3 SECTION 3. Chapter [26](#), Education Code, is amended by adding
4 Section 26.0092 to read as follows:

5 Sec. 26.0092. CONSENT REQUIRED FOR CERTAIN CONTENT. (a) A
6 school district must obtain the written consent of a child's parent
7 before the district may provide to the child instruction involving:

8 (1) visual material that contains violence,
9 profanity, illegal substance use, nudity, or sexual content; or

10 (2) written material that contains violence, other
11 than violence included as part of a depiction of a historical event,
12 or sexual content.

13 (b) This section does not apply to material in a required
14 textbook. Notwithstanding Section [5.002](#), for purposes of this
15 subsection, "textbook" means a book published primarily for the
16 instruction of elementary or secondary school students.

17 SECTION 4. Section [26.011](#), Education Code, is amended by
18 adding Subsections (a-1) and (c) to read as follows:

19 (a-1) The grievance procedure adopted under Subsection (a)
20 must allow a parent to designate a complaint as confidential. A
21 complaint designated as confidential may not be disclosed to the
22 public and is not public information under Chapter [552](#), Government
23 Code.

24 (c) On receipt of a complaint by a parent regarding a
25 violation of a right guaranteed by this chapter, the board of
26 trustees of a school district shall provide to the parent a physical
27 copy of the district's grievance procedure adopted under this

1 section and the procedure to appeal a decision of the district's
2 board of trustees to the commissioner under Section 7.057.

3 SECTION 5. Chapter 26, Education Code, is amended by adding
4 Section 26.014 to read as follows:

5 Sec. 26.014. NOTICE TO PARENTS OF VIOLATION. (a) If the
6 board of trustees of a school district or the commissioner
7 determines that a violation of a right guaranteed by this chapter
8 occurred at the district, the district shall provide written notice
9 of the determination to the parent of each student enrolled in the
10 district not later than the 30th day after the date on which the
11 determination is made.

12 (b) The notice must describe the actions being taken by the
13 district to remedy the violation.

14 SECTION 6. Chapter 39, Education Code, is amended by adding
15 Subchapter O to read as follows:

16 SUBCHAPTER O. CURRICULUM AUDITS

17 Sec. 39.501. CURRICULUM AUDITS REQUIRED. (a) Each year,
18 the agency shall conduct an audit of the curriculum used in school
19 districts to ensure compliance with applicable federal and state
20 law.

21 (b) The commissioner by rule shall establish the procedures
22 for auditing curriculum under Subsection (a) and the schedule by
23 which those audits will be conducted at each school district.

24 Sec. 39.502. POSTING OF NONCOMPLIANT CURRICULA. Each year,
25 the agency shall post on the agency's Internet website a list,
26 disaggregated by school district, of curricula that the agency
27 determined were not in compliance with applicable federal and state

1 law as a result of the curriculum audit conducted for that year
2 under Section 39.501.

3 Sec. 39.503. NOTIFICATION TO PARENTS. (a) Each school
4 district included on the list of noncompliant curricula posted on
5 the agency's Internet website under Section 39.502 shall provide
6 written notice of the agency's determination to the parent of or
7 person standing in parental relation to each student enrolled in
8 the district not later than the 30th day after the date on which the
9 list is posted on the agency's Internet website.

10 (b) The notice must describe the actions being taken by the
11 district to remedy the noncompliance.

12 SECTION 7. Section 26.0092, Education Code, as added by
13 this Act, applies beginning with the 2023-2024 school year.

14 SECTION 8. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2023.