

By: González of El Paso

H.B. No. 1273

A BILL TO BE ENTITLED

AN ACT

relating to human sexuality education in public schools.

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

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0042 to read as follows:

Sec. 28.0042. HUMAN SEXUALITY EDUCATION. (a) In this section:

(1) "Age-appropriate" means suitable to particular ages or age groups of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(2) "Medically accurate" means supported by peer-reviewed research conducted in compliance with accepted scientific methods and recognized as accurate by leading professional organizations and agencies with relevant experience, such as the American Medical Association.

(b) A school district shall provide human sexuality education in accordance with this section at grade levels specified by the State Board of Education.

(c) The State Board of Education by rule shall adopt the essential knowledge and skills for medically accurate, age-appropriate curricula to be used by a school district in providing human sexuality education under this section. As age-appropriate, the curricula must:

- 1           (1) include affirming information regarding gender  
2 identity, gender expression, and sexual orientation;
- 3           (2) cover human sexuality, pregnancy, and sexually  
4 transmitted infections;
- 5           (3) discuss human sexuality as a normal and healthy  
6 aspect of human development;
- 7           (4) discuss:
  - 8               (A) consent as an unambiguous and voluntary  
9 agreement from each participant to engage in each physical act; and
  - 10              (B) the importance of respecting personal  
11 boundaries;
- 12           (5) present abstinence from sexual activity as the  
13 preferred choice of behavior in relationship to all sexual activity  
14 for unmarried persons of school age;
- 15           (6) devote sufficient attention to abstinence from  
16 sexual activity to emphasize the importance of abstinence;
- 17           (7) emphasize that abstinence from sexual activity, if  
18 used consistently and correctly, is the only method that is 100  
19 percent effective in preventing pregnancy and sexually transmitted  
20 infections;
- 21           (8) provide information about the health benefits,  
22 side effects, and proper use of the methods approved by the United  
23 States Food and Drug Administration for preventing unintended  
24 pregnancy and reducing the risk of contracting sexually transmitted  
25 infections;
- 26           (9) cover women's health, including the importance and  
27 purpose of regular gynecological exams, Pap smear screenings, and

1 testing for sexually transmitted infections;

2 (10) promote relationship, communication, and  
3 decision-making skills, including strategies to:

4 (A) develop healthy, age-appropriate  
5 relationships;

6 (B) develop healthy life skills, including  
7 critical thinking, problem solving, effective communication, and  
8 responsible decision making about sexuality and relationships; and

9 (C) promote effective communication between  
10 adolescents and their parents, legal guardians, or other family  
11 members about sexuality and relationships; and

12 (11) discuss the basic protections provided by Title  
13 IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et  
14 seq.) regarding sexual harassment and sexual assault or abuse,  
15 including:

16 (A) a student's rights under that provision;

17 (B) how to identify and report incidents of  
18 sexual harassment or sexual assault or abuse; and

19 (C) the availability of relevant services for  
20 victims of sexual harassment or sexual assault or abuse, such as  
21 mental health or trauma counseling, academic accommodations, or  
22 health service referrals.

23 (d) A school district may separate students according to sex  
24 when providing instruction under this section.

25 (e) A school district shall make all curriculum materials  
26 used in the district's human sexuality education available for  
27 reasonable public inspection.

1       (f) A school district shall adopt a policy regarding whether  
2 male or female condoms may be distributed in connection with human  
3 sexuality education.

4       (g) A school district shall adopt a best practice-based  
5 policy regarding the provision of menstrual products to students  
6 enrolled in the district.

7       (h) A student shall be excused from human sexuality  
8 education on the written request of a parent or legal guardian  
9 without being subjected to any disciplinary action, academic  
10 penalty, or other sanction imposed by the school district or the  
11 student's school.

12       (i) Before each school year, a school district shall provide  
13 written notice to a parent or legal guardian of each student  
14 enrolled in the district of the intent to provide human sexuality  
15 education under this section. The notice must include:

16               (1) a summary of the basic content of the human  
17 sexuality education to be provided to the student;

18               (2) the district's policy on the distribution of  
19 condoms in connection with human sexuality education; and

20               (3) a statement of the parent's or legal guardian's  
21 right to:

22                       (A) review curriculum materials as provided by  
23 Subsection (e); and

24                       (B) remove the student from any part of the  
25 district's human sexuality education as provided by Subsection (h).

26       SECTION 2. Section [12.104](#)(b), Education Code, is amended to  
27 read as follows:

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

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

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

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

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

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

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

16 (D) accelerated instruction under Section  
17 28.0211;

18 (E) high school graduation requirements under  
19 Section 28.025;

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

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

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

27 (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;

1 (V) school safety requirements under Sections  
2 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,  
3 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and  
4 37.2071 and Subchapter J, Chapter 37;

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

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

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

11 (Z) human sexuality education under Section  
12 28.0042.

13 SECTION 3. Sections 28.004(c) and (j), Education Code, are  
14 amended to read as follows:

15 (c) The local school health advisory council's duties  
16 include recommending:

17 (1) the number of hours of instruction to be provided  
18 in:

19 (A) health education in kindergarten through  
20 grade eight; and

21 (B) if the school district requires health  
22 education for high school graduation, health education, including  
23 physical health education and mental health education, in grades 9  
24 through 12;

25 (2) policies, procedures, strategies, and curriculum  
26 appropriate for specific grade levels designed to prevent physical  
27 health concerns, including obesity, cardiovascular disease, Type 2

1 diabetes, and mental health concerns, including suicide, through  
2 coordination of:

3 (A) health education, which must address  
4 physical health concerns and mental health concerns to ensure the  
5 integration of physical health education and mental health  
6 education;

7 (B) physical education and physical activity;

8 (C) nutrition services;

9 (D) parental involvement;

10 (E) instruction on substance abuse prevention;

11 (F) school health services, including mental  
12 health services;

13 (G) a comprehensive school counseling program  
14 under Section 33.005;

15 (H) a safe and healthy school environment; and

16 (I) school employee wellness;

17 (3) policies adopted by the district regarding the  
18 human sexuality education provided under Section  
19 28.0042 [appropriate grade levels and methods of instruction for  
20 human sexuality instruction];

21 (4) strategies for integrating the curriculum  
22 components specified by Subdivision (2) with the following elements  
23 in a coordinated school health program for the district:

24 (A) school health services, including physical  
25 health services and mental health services, if provided at a campus  
26 by the district or by a third party under a contract with the  
27 district;



1 (B) a comprehensive school counseling program  
2 under Section 33.005;

3 (C) a safe and healthy school environment; and

4 (D) school employee wellness;

5 (5) if feasible, joint use agreements or strategies  
6 for collaboration between the school district and community  
7 organizations or agencies;

8 (6) strategies to increase parental awareness  
9 regarding:

10 (A) risky behaviors and early warning signs of  
11 suicide risks and behavioral health concerns, including mental  
12 health disorders and substance use disorders; and

13 (B) available community programs and services  
14 that address risky behaviors, suicide risks, and behavioral health  
15 concerns;

16 (7) appropriate grade levels and curriculum for  
17 instruction regarding the dangers of opioids, including  
18 instruction on:

19 (A) opioid addiction and abuse, including  
20 addiction to and abuse of synthetic opioids such as fentanyl; and

21 (B) methods of administering an opioid  
22 antagonist, as defined by Section 483.101, Health and Safety Code;  
23 and

24 (8) appropriate grade levels and curriculum for  
25 instruction regarding child abuse, family violence, dating  
26 violence, and sex trafficking, including likely warning signs that  
27 a child may be at risk for sex trafficking, provided that the local

1 school health advisory council's recommendations under this  
2 subdivision do not conflict with the essential knowledge and skills  
3 developed by the State Board of Education under this subchapter.

4 (j) A school district shall make all curriculum materials  
5 used in the district's [~~human sexuality instruction or~~] instruction  
6 relating to the prevention of child abuse, family violence, dating  
7 violence, and sex trafficking[~~7~~] available by:

8 (1) for curriculum materials in the public domain:

9 (A) providing a copy of the curriculum materials  
10 by mail or e-mail to a parent of a student enrolled in the district  
11 on the parent's request; and

12 (B) posting the curriculum materials on the  
13 district's Internet website, if the district has an Internet  
14 website; and

15 (2) for copyrighted curriculum materials, allowing a  
16 parent of a student enrolled in the district to:

17 (A) review the curriculum materials at the  
18 student's campus at any time during regular business hours;

19 (B) purchase a copy of the curriculum materials  
20 from the publisher as provided by the district's purchase agreement  
21 for the curriculum materials under Subsection [~~(j-1) or~~] (j-2); or

22 (C) review the curriculum materials online  
23 through a secure electronic account in a manner that prevents the  
24 curriculum materials from being copied and that otherwise complies  
25 with copyright law.

26 SECTION 4. Sections 28.004(e), (e-1), (e-2), (e-3), (f),  
27 (g), (h), (i), (j-1), and (p)(2), Education Code, are repealed.

1           SECTION 5. This Act applies beginning with the 2026-2027  
2 school year.

3           SECTION 6. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2025.