

By: Hall

S.B. No. 86

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to parental rights in public education and prohibiting  
3 instruction regarding sexual orientation or gender identity for  
4 public school students.

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

6 SECTION 1. The heading to Section 26.011, Education Code,  
7 is amended to read as follows:

8 Sec. 26.011. COMPLAINTS; CIVIL REMEDY.

9 SECTION 2. Section 26.011, Education Code, is amended by  
10 adding Subsections (c), (d), and (e) to read as follows:

11 (c) A grievance procedure adopted under this section must  
12 require that, not later than the 30th day after receipt of a  
13 complaint described by Subsection (a), the school district:

14 (1) resolve the issue that gave rise to the complaint;

15 or

16 (2) provide to the parent who submitted the complaint  
17 a written explanation of the district's reason for not resolving  
18 the issue.

19 (d) If a school district does not resolve an issue described  
20 by Subsection (c)(1), the parent may bring a civil action against  
21 the district to obtain appropriate injunctive and declaratory  
22 relief. A court may award damages and shall award reasonable  
23 attorney's fees and court costs to a prevailing parent. Remedies  
24 provided by this subsection are not exclusive. Governmental

1 immunity of a school district to suit and from liability is waived  
2 to the extent of liability created by this subsection.

3 (e) The board of trustees of each school district shall  
4 adopt a policy for notifying parents of students enrolled in the  
5 district regarding the grievance procedure adopted by the district  
6 under this section.

7 SECTION 3. Chapter 26, Education Code, is amended by adding  
8 Sections 26.0083, 26.0084, and 26.016 to read as follows:

9 Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL,  
10 EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a)  
11 Each school district shall adopt a procedure for notifying the  
12 parent of a student enrolled in the district regarding any change  
13 in:

14 (1) services provided to or monitoring of the student  
15 related to the student's mental, emotional, or physical health or  
16 well-being; or

17 (2) the district's ability to provide a safe and  
18 supportive learning environment for the student.

19 (b) A procedure adopted under Subsection (a) must reinforce  
20 the fundamental right of a parent to make decisions regarding the  
21 upbringing and education of the parent's child by requiring school  
22 district personnel to:

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

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

27 (c) A school district may not adopt a procedure or a student

1 support form, including a student well-being questionnaire or  
2 health screening form, that:

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

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

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

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

13 (d) A school district employee may not discourage or  
14 prohibit parental knowledge of or involvement in critical decisions  
15 affecting a student's mental, emotional, or physical health or  
16 well-being.

17 (e) Before the first instructional day of each school year,  
18 a school district shall provide to the parent of each student  
19 enrolled in the district written notice of each health-related  
20 service offered at the district campus the student attends. The  
21 notice must include a statement of the parent's right to withhold  
22 consent for or decline a health-related service. A parent's  
23 consent to a health-related service does not waive a requirement of  
24 Subsection (a), (c), or (d).

25 (f) Before administering a student support form to a  
26 student, a school district must provide a copy of the form to the  
27 student's parent and obtain the parent's consent to administer the

1 form.

2 (g) Not later than June 30, 2026, the agency, the State  
3 Board of Education, and the State Board for Educator Certification,  
4 as appropriate, shall review and revise as necessary the following  
5 to ensure compliance with this section:

6 (1) school counseling frameworks and standards;

7 (2) educator practices and professional conduct  
8 principles; and

9 (3) any other student services personnel guidelines,  
10 standards, or frameworks.

11 (h) Subsection (g) and this subsection expire September 1,  
12 2027.

13 Sec. 26.0084. RIGHT TO INFORMATION REGARDING STUDENT'S  
14 PERCEPTION OF BIOLOGICAL SEX. A school district employee or  
15 independent contractor of a district, including a third-party  
16 instructor, guest speaker, or subcontractor, may not withhold from  
17 a student's parent information related to the student's perception  
18 of the student's biological sex if that perception is inconsistent  
19 with the student's biological sex as determined by the student's sex  
20 organs, chromosomes, and endogenous hormone profiles.

21 Sec. 26.016. CONSENT REQUIRED FOR PARTICIPATION IN CERTAIN  
22 STUDENT CLUBS. (a) In this section, "student club" means any  
23 student organization sponsored or sanctioned by a school district.

24 (b) A school district shall require written parental  
25 consent as a condition of a student's participation in a student  
26 club that promotes themes of sexuality, gender, or gender identity.

27 (c) A school district shall seek parental consent under this

1 section by providing a written form to a parent that includes the  
2 foundational documents of the student club described by Subsection  
3 (b) in which the student wishes to participate, including:  
4           (1) the name of the club;  
5           (2) the mission statement or purpose of the club; and  
6           (3) any additional information determined appropriate  
7 by the school district.

8           SECTION 4. Subchapter A, Chapter 28, Education Code, is  
9 amended by adding Section 28.0041 to read as follows:

10           Sec. 28.0041. INSTRUCTION REGARDING SEXUAL ORIENTATION AND  
11 GENDER IDENTITY PROHIBITED. A school district, open-enrollment  
12 charter school, or district or charter school employee may not  
13 provide or allow a third party to provide instruction regarding  
14 sexual orientation or gender identity to students enrolled in the  
15 district or school.

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

18           (b) An open-enrollment charter school is subject to:  
19           (1) a provision of this title establishing a criminal  
20 offense;  
21           (2) the provisions in Chapter 554, Government Code;  
22 and  
23           (3) a prohibition, restriction, or requirement, as  
24 applicable, imposed by this title or a rule adopted under this  
25 title, relating to:

26                   (A) the Public Education Information Management  
27 System (PEIMS) to the extent necessary to monitor compliance with

- 1 this subchapter as determined by the commissioner;
- 2 (B) criminal history records under Subchapter C,  
3 Chapter 22;
- 4 (C) reading instruments and accelerated reading  
5 instruction programs under Section 28.006;
- 6 (D) accelerated instruction under Section  
7 28.0211;
- 8 (E) high school graduation requirements under  
9 Section 28.025;
- 10 (F) special education programs under Subchapter  
11 A, Chapter 29;
- 12 (G) bilingual education under Subchapter B,  
13 Chapter 29;
- 14 (H) prekindergarten programs under Subchapter E  
15 or E-1, Chapter 29, except class size limits for prekindergarten  
16 classes imposed under Section 25.112, which do not apply;
- 17 (I) extracurricular activities under Section  
18 33.081;
- 19 (J) discipline management practices or behavior  
20 management techniques under Section 37.0021;
- 21 (K) health and safety under Chapter 38;
- 22 (L) the provisions of Subchapter A, Chapter 39;
- 23 (M) public school accountability and special  
24 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
25 39, and Chapter 39A;
- 26 (N) the requirement under Section 21.006 to  
27 report an educator's misconduct;

- 1 (O) intensive programs of instruction under  
2 Section 28.0213;
- 3 (P) the right of a school employee to report a  
4 crime, as provided by Section 37.148;
- 5 (Q) bullying prevention policies and procedures  
6 under Section 37.0832;
- 7 (R) the right of a school under Section 37.0052  
8 to place a student who has engaged in certain bullying behavior in a  
9 disciplinary alternative education program or to expel the student;
- 10 (S) the right under Section 37.0151 to report to  
11 local law enforcement certain conduct constituting assault or  
12 harassment;
- 13 (T) a parent's right to information regarding the  
14 provision of assistance for learning difficulties to the parent's  
15 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);
- 16 (U) establishment of residency under Section  
17 25.001;
- 18 (V) school safety requirements under Sections  
19 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,  
20 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and  
21 37.2071 and Subchapter J, Chapter 37;
- 22 (W) the early childhood literacy and mathematics  
23 proficiency plans under Section 11.185;
- 24 (X) the college, career, and military readiness  
25 plans under Section 11.186; ~~and~~
- 26 (Y) parental options to retain a student under  
27 Section 28.02124; and

1                   (Z) parental rights to:

2                   (i) information regarding a student's  
3 mental, emotional, and physical health and health-related services  
4 offered by the school as provided by Section 26.0083;

5                   (ii) information regarding a student's  
6 perception of the student's biological sex as provided by Section  
7 26.0084; and

8                   (iii) consent to a student's participation  
9 in a student club that promotes themes of sexuality, gender, or  
10 gender identity as provided by Section 26.016.

11           SECTION 6. This Act applies beginning with the 2025-2026  
12 school year.

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