

By: Zedler

H.B. No. 2831

A BILL TO BE ENTITLED

1 AN ACT

2 relating to parental rights in public education and to civil
3 remedies related to those rights.

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

5 SECTION 1. Section 26.001, Education Code, is amended by
6 amending Subsection (a) and adding Subsection (f) to read as
7 follows:

8 (a) Parents are full partners with educators,
9 administrators, and school district boards of trustees in their
10 children's education. Parents shall be encouraged to actively
11 participate in creating and implementing educational programs for
12 their children.

13 (f) Each school district shall include in the district's
14 student handbook:

15 (1) a statement of the district's grievance procedure
16 under Section 26.011; and

17 (2) a copy of this chapter.

18 SECTION 2. Section 26.006(a), Education Code, is amended to
19 read as follows:

20 (a) A parent is entitled to:

21 (1) review all teaching materials, textbooks, and
22 other teaching aids before they are used in the classroom of the
23 parent's child; ~~and~~

24 (2) review each test administered to the parent's

1 child after the test is administered; and

2 (3) observe any class or activity in which the parent's
3 child participates.

4 SECTION 3. Section 26.008, Education Code, is amended by
5 adding Subsections (c)-(e) to read as follows:

6 (c) If a child has been the victim of any form of school
7 violence, the child's parent is entitled to full disciplinary
8 information concerning each perpetrator of the violence with the
9 perpetrator's name redacted.

10 (d) A parent is entitled to information concerning any
11 parent or student complaint submitted against a teacher or
12 administrator in the school district and the outcome of the
13 complaint.

14 (e) An educator may not undermine a parent's parental
15 authority over the parent's child.

16 SECTION 4. Section 26.009, Education Code, is amended by
17 amending Subsection (a) and adding Subsection (c) to read as
18 follows:

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

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

25 (2) make or authorize the making of a videotape of a
26 child or record or authorize the recording of a child's voice;

27 (3) use any curriculum material that has sexual or

1 violent content or contains offensive language; or

2 (4) conduct market research or a survey or use a
3 questionnaire to gather information from the student that:

4 (A) relates to the student's family or friends;
5 or

6 (B) is of a personal or sexual nature.

7 (c) When seeking parental consent, a school district's
8 letter to a parent must be clear and specific and include:

9 (1) the purpose of any test, survey, activity, or
10 service that is the subject of the letter; and

11 (2) the scope of the consent being requested.

12 SECTION 5. Section 26.011, Education Code, is amended to
13 read as follows:

14 Sec. 26.011. COMPLAINTS. (a) The board of trustees of each
15 school district shall adopt a grievance procedure under which the
16 board shall address each complaint that the board receives
17 concerning violation of a right guaranteed by this chapter.

18 (b) If a parent submits a complaint to an educator, the
19 educator shall inform the parent that a board grievance procedure
20 exists and provide the parent with a copy of the procedure and any
21 relevant complaint form that may be necessary.

22 (c) If an educator fails to provide a parent with a
23 procedure or complaint form under Subsection (b):

24 (1) the educator and district may not allege that the
25 parent did not follow proper grievance procedures or file a
26 complaint during the required time; and

27 (2) the parent's oral or written complaint is

1 considered to be sufficient and timely.

2 (d) Failure to comply with this section is a violation of
3 the educator's code of ethics adopted by the State Board for
4 Educator Certification under Section 21.041(b)(8).

5 SECTION 6. Chapter 26, Education Code, is amended by adding
6 Sections 26.013 and 26.014 to read as follows:

7 Sec. 26.013. RETALIATION PROHIBITED. (a) An educator may
8 not retaliate against a parent or the parent's child for exercising
9 a parental right under this chapter.

10 (b) An educator who violates Subsection (a):

11 (1) must attempt to reverse the action taken against
12 the parent or child and clear any school or district record affected
13 by the action; and

14 (2) is subject to discipline under Section 21.104,
15 21.156, or 21.211, as applicable.

16 (c) If an educator violates Subsection (a), the board of
17 trustees of the school district that employs the educator shall
18 send a letter with appropriate documentation to the State Board for
19 Educator Certification describing the educator's violation and any
20 action taken by the board.

21 (d) An educator who violates Subsection (a) and the school
22 district that employs the educator are liable under Section 26.014.

23 Sec. 26.014. CIVIL REMEDY. (a) A parent may enforce a
24 parental right by asserting a claim against an educator or school
25 district in district court.

26 (b) If a parent successfully asserts a claim that an
27 educator or school district has violated a parental right under

1 this chapter:

2 (1) the court may impose an appropriate remedy that
3 may include specific performance, injunctive relief, or monetary
4 damages; and

5 (2) the parent may recover reasonable and necessary
6 attorney's fees, court costs, and other reasonable expenses
7 incurred in bringing the action.

8 (c) Compensatory damages awarded under this section may not
9 exceed \$10,000 for each violation of a parental right.

10 (d) If a parent proves a district-wide pattern of parental
11 rights violations, whether previously adjudicated by a court or
12 not, the court may award punitive damages not greater than \$20,000.

13 SECTION 7. This Act applies beginning with the 2003-2004
14 school year.

15 SECTION 8. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2003.