

AN ACT

relating to the membership and activities of local school health advisory councils and to parental involvement in human sexuality instruction in public schools.

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

SECTION 1. Section 28.004, Education Code, is amended by amending Subsections (d) and (i) and adding Subsections (d-1), (i-1), (m), (m-1), and (m-2) to read as follows:

(d) The board of trustees shall appoint at least five members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the council. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection:

- (1) public school teachers;
- (2) public school administrators;
- (3) district students;
- (4) health care professionals;
- (5) the business community;
- (6) law enforcement;
- (7) senior citizens;
- (8) the clergy; and

1 (9) nonprofit health organizations.

2 (d-1) The local school health advisory council shall meet at
3 least four times each year.

4 (i) Before each school year, a [A] school district shall
5 provide written notice to [notify] a parent of each student
6 enrolled in the district of the board of trustees' decision
7 regarding whether the district will provide human sexuality
8 instruction to district students. If instruction will be provided,
9 the notice must include:

10 (1) a summary of the basic content of the district's
11 human sexuality instruction to be provided to the student,
12 including a statement informing the parent of the instructional
13 requirements under state law; [and]

14 (2) a statement of the parent's right to:

15 (A) review curriculum materials as provided by
16 Subsection (j); and

17 (B) remove the student from any part of the
18 district's human sexuality instruction without subjecting the
19 student to any disciplinary action, academic penalty, or other
20 sanction imposed by the district or the student's school; and

21 (3) information describing the opportunities for
22 parental involvement in the development of the curriculum to be
23 used in human sexuality instruction, including information
24 regarding the local school health advisory council established
25 under Subsection (a).

26 (i-1) A parent may use the grievance procedure adopted under
27 Section 26.011 concerning a complaint of a violation of Subsection

1 (i).

2 (m) In addition to performing other duties, the local school
3 health advisory council shall submit to the board of trustees, at
4 least annually, a written report that includes:

5 (1) any council recommendation concerning the school
6 district's health education curriculum and instruction or related
7 matters that the council has not previously submitted to the board;

8 (2) any suggested modification to a council
9 recommendation previously submitted to the board; and

10 (3) a detailed explanation of the council's activities
11 during the period between the date of the current report and the
12 date of the last prior written report.

13 (m-1) In lieu of the report that otherwise would be required
14 under Subsection (m), not later than April 1, 2010, the local school
15 health advisory council shall submit to the board of trustees an
16 initial written report that includes:

17 (1) any information required under Subsections (m)(1)
18 and (2); and

19 (2) a detailed explanation of the council's activities
20 during the 12-month period preceding the date of the report.

21 (m-2) Subsection (m-1) and this subsection expire April 30,
22 2010.

23 SECTION 2. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 283 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 283 passed the House, with amendments, on May 21, 2009, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor