

BILL ANALYSIS

C.S.H.B. 1057
By: Leach
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that current law provides for local discretion in the teaching of a sexual education and human sexuality curriculum. A school district that teaches sexual education and human sexuality is required to make instructional materials for the class available for public inspection, and a parent has the right to remove the parent's child from any instruction the parent deems inappropriate. C.S.H.B. 1057 seeks to further amend the law as it relates to the provision of human sexuality and family planning instruction in public schools.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1057 amends the Education Code to prohibit any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome required to be selected, with the advice of the local school health advisory council, by the board of trustees of an independent school district from teaching or presenting information relating to abortion, including referrals for abortion. The bill's provisions apply beginning with the 2013-2014 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1057 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 28.004(e), Education Code, is amended to read as follows:

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local

school health advisory council and ~~must~~:

(1) must present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;

(2) must devote more attention to abstinence from sexual activity than to any other behavior;

(3) must emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;

(4) must direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; ~~and~~

(5) must teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content; and

(6) may not teach or present information relating to abortion, including referrals for abortion.

(e-1) An entity or individual that performs abortions or an affiliate of an entity or individual that performs abortions may not provide human sexuality or family planning instruction or instructional materials for use in human sexuality or family planning instruction in a public school.

(e-2) For purposes of Subsection (e-1), "affiliate" means an entity or individual that has a legal relationship with another entity or individual that is created or governed by at least one written instrument that demonstrates:

(1) common ownership, management, or control;

(2) the existence of a franchise; or

(3) the granting or extension of a license or other agreement that authorizes the affiliate to use the entity's or individual's brand name, trademark, service mark, or other registered identification mark.

(i-2) Before a student may be provided with human sexuality or family planning instruction from an entity or individual other than an employee of a school district, the district must obtain the written consent of the student's parent or guardian. A request for written consent under this subsection:

(1) may not be included with any other notification or request for written consent provided to the parent or guardian;

(2) must be provided to the parent or guardian not later than the 14th day before the date on which the human sexuality or family planning instruction begins; and

(3) must include the information described by Subsection (i)(1) and the name of the entity or individual who will provide the instruction.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.