

By: Bohac

H.B. No. 4138

A BILL TO BE ENTITLED

AN ACT

relating to local school health advisory councils and to human sexuality education 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), (d-1), (f), (h), (i), and (i-1) and adding Subsections (i-2) and (i-3) to read as follows:

(d) The local school health advisory council must consist of at least five members, with each member appointed by the [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;
- (9) nonprofit health organizations; and
- (10) local domestic violence programs.

(d-1) The local school health advisory council shall meet at least four times each year and promptly submit the minutes of each meeting to the school district. As soon as practicable after receipt of minutes under this subsection, the district shall post the minutes on the district's Internet website, if the district has an Internet website.

(f) A school district may not distribute contraceptives, including condoms, to students enrolled in the district ~~[in connection with instruction relating to human sexuality]~~.

(h) The board of trustees shall review and adopt ~~[determine the specific content of]~~ the district's instruction in human sexuality, in accordance with Subsections (e) ~~[, (f),]~~ and (g).

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided:

(1) the district shall post the notice on the district's Internet website, if the district has an Internet website; and

(2) ~~[7]~~ the notice must include:

(A) ~~[(1)]~~ a full and fair disclosure of the
~~[summary of the basic]~~ content of the district's human sexuality instruction to be provided to the student, including a statement

1 informing the parent of the instructional requirements under state
2 law;

3 (B) [~~(2)~~] a statement of the parent's right to:

4 (i) [~~(A)~~] review curriculum materials as
5 provided by Subsection (j); and

6 (ii) [~~(B)~~] remove the student from any part
7 of the district's human sexuality instruction without subjecting
8 the student to any disciplinary action, academic penalty, or other
9 sanction imposed by the district or the student's school; and

10 (C) [~~(3)~~] information describing the
11 opportunities for parental involvement in the development of the
12 curriculum to be used in human sexuality instruction, including
13 information regarding the local school health advisory council
14 established under Subsection (a).

15 (i-1) If the board of trustees is considering a change to
16 the content of a school district's human sexuality instruction, the
17 district shall, as soon as practicable, provide to a parent of each
18 student enrolled in the district and post on the district's
19 Internet website, if the district has an Internet website, notice
20 that details the proposed change and includes information regarding
21 opportunities for public comment. The board of trustees shall
22 provide a reasonable period for public comment before finalizing
23 the change.

24 (i-2) Notice provided to a parent under Subsection (i) or
25 (i-1) may not be included with any other notice provided to the
26 parent.

27 (i-3) A parent may use the grievance procedure adopted under

1 Section 26.011 concerning a complaint of a violation of this
2 section [~~Subsection (i)~~].

3 SECTION 2. This Act applies beginning with the 2017-2018
4 school year.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.