

By: Meza

H.B. No. 3144

A BILL TO BE ENTITLED

AN ACT

relating to human sexuality education in public schools.

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

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0041 to read as follows:

Sec. 28.0041. HUMAN SEXUALITY EDUCATION. (a) In this section:

(1) "Age appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(2) "Medically accurate" means supported by peer-reviewed research conducted in compliance with accepted scientific methods and recognized as accurate by leading professional organizations and agencies with relevant experience, such as the American Medical Association.

(b) A school district shall provide human sexuality education in accordance with this section at grade levels specified by the State Board of Education.

(c) The State Board of Education by rule shall adopt the essential knowledge and skills for medically accurate, age-appropriate curriculum to be used by a school district in providing human sexuality education under this section. As age appropriate, the curriculum must:

- 1 (1) cover human sexuality, pregnancy, and sexually
2 transmitted infections;
- 3 (2) discuss human sexuality as a normal and healthy
4 aspect of human development;
- 5 (3) present abstinence from sexual activity as the
6 preferred choice of behavior in relationship to all sexual activity
7 for unmarried persons of school age;
- 8 (4) devote sufficient attention to abstinence from
9 sexual activity to emphasize the importance of abstinence;
- 10 (5) emphasize that abstinence from sexual activity, if
11 used consistently and correctly, is the only method that is 100
12 percent effective in preventing pregnancy and sexually transmitted
13 infections;
- 14 (6) provide information about the health benefits,
15 side effects, and proper use of the methods approved by the United
16 States Food and Drug Administration for preventing unintended
17 pregnancy and reducing the risk of contracting sexually transmitted
18 infections;
- 19 (7) discuss:
 - 20 (A) consent as an unambiguous and voluntary
21 agreement from each participant to engage in each physical act;
 - 22 (B) the importance of respecting personal
23 boundaries; and
 - 24 (C) how to prevent, identify, and report sexual
25 harassment or abuse;
- 26 (8) cover reproductive health; and
- 27 (9) promote relationship, communication, and

1 decision-making skills, including strategies to:

2 (A) develop healthy, age-appropriate
3 relationships;

4 (B) develop healthy life skills, including
5 critical thinking, problem solving, effective communication, and
6 responsible decision making about sexuality and relationships; and

7 (C) promote effective communication between
8 adolescents and their parents, legal guardians, or other family
9 members about sexuality and relationships.

10 (d) A school district may separate students according to sex
11 when providing instruction under this section.

12 (e) A school district shall make all curriculum materials
13 used in the district's human sexuality education available for
14 reasonable public inspection.

15 (f) A school district shall adopt a policy regarding whether
16 condoms may be distributed in connection with human sexuality
17 education.

18 (g) A student shall be excused from human sexuality
19 education on the written request of a parent or legal guardian
20 without being subjected to any disciplinary action, academic
21 penalty, or other sanction imposed by the school district or the
22 student's school.

23 (h) Before each school year, a school district shall provide
24 written notice to a parent or legal guardian of each student
25 enrolled in the district of the intent to provide human sexuality
26 education under this section. The notice must include:

27 (1) a summary of the basic content of the human

1 sexuality education to be provided to the student;

2 (2) the district's policy on the distribution of
3 condoms in connection with human sexuality education; and

4 (3) a statement of the parent's or legal guardian's
5 right to:

6 (A) review curriculum materials as provided by
7 Subsection (e); and

8 (B) remove the student from any part of the
9 district's human sexuality education as provided by Subsection (g).

10 SECTION 2. Section 12.104(b), Education Code, as amended by
11 Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts
12 of the 85th Legislature, Regular Session, 2017, is reenacted and
13 amended to read as follows:

14 (b) An open-enrollment charter school is subject to:

15 (1) a provision of this title establishing a criminal
16 offense; and

17 (2) a prohibition, restriction, or requirement, as
18 applicable, imposed by this title or a rule adopted under this
19 title, relating to:

20 (A) the Public Education Information Management
21 System (PEIMS) to the extent necessary to monitor compliance with
22 this subchapter as determined by the commissioner;

23 (B) criminal history records under Subchapter C,
24 Chapter 22;

25 (C) reading instruments and accelerated reading
26 instruction programs under Section 28.006;

27 (D) accelerated instruction under Section

- 1 28.0211;
- 2 (E) high school graduation requirements under
- 3 Section 28.025;
- 4 (F) special education programs under Subchapter
- 5 A, Chapter 29;
- 6 (G) bilingual education under Subchapter B,
- 7 Chapter 29;
- 8 (H) prekindergarten programs under Subchapter E
- 9 or E-1, Chapter 29;
- 10 (I) extracurricular activities under Section
- 11 33.081;
- 12 (J) discipline management practices or behavior
- 13 management techniques under Section 37.0021;
- 14 (K) health and safety under Chapter 38;
- 15 (L) public school accountability under
- 16 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 17 (M) the requirement under Section 21.006 to
- 18 report an educator's misconduct;
- 19 (N) intensive programs of instruction under
- 20 Section 28.0213;
- 21 (O) the right of a school employee to report a
- 22 crime, as provided by Section 37.148; ~~and~~
- 23 (P) bullying prevention policies and procedures
- 24 under Section 37.0832;
- 25 (Q) the right of a school under Section 37.0052
- 26 to place a student who has engaged in certain bullying behavior in a
- 27 disciplinary alternative education program or to expel the student;

1 [~~and~~]

2 (R) the right under Section 37.0151 to report to
3 local law enforcement certain conduct constituting assault or
4 harassment;

5 (S) [~~(P)~~] a parent's right to information
6 regarding the provision of assistance for learning difficulties to
7 the parent's child as provided by Sections 26.004(b)(11) and
8 26.0081(c) and (d); and

9 (T) human sexuality education under Section
10 28.0041.

11 SECTION 3. Sections 28.004(c) and (n), Education Code, are
12 amended to read as follows:

13 (c) The local school health advisory council's duties
14 include recommending:

15 (1) the number of hours of instruction to be provided
16 in health education;

17 (2) policies, procedures, strategies, and curriculum
18 appropriate for specific grade levels designed to prevent obesity,
19 cardiovascular disease, Type 2 diabetes, and mental health concerns
20 through coordination of:

21 (A) health education;

22 (B) physical education and physical activity;

23 (C) nutrition services;

24 (D) parental involvement;

25 (E) instruction to prevent the use of
26 e-cigarettes, as defined by Section 161.081, Health and Safety
27 Code, and tobacco;

- 1 (F) school health services;
- 2 (G) counseling and guidance services;
- 3 (H) a safe and healthy school environment; and
- 4 (I) school employee wellness;

5 (3) [~~appropriate grade levels and methods of~~
6 ~~instruction for human sexuality instruction,~~

7 [~~(4)~~] strategies for integrating the curriculum
8 components specified by Subdivision (2) with the following elements
9 in a coordinated school health program for the district:

- 10 (A) school health services;
- 11 (B) counseling and guidance services;
- 12 (C) a safe and healthy school environment; and
- 13 (D) school employee wellness; and

14 (4) [~~(5)~~] if feasible, joint use agreements or
15 strategies for collaboration between the school district and
16 community organizations or agencies.

17 (n) Any joint use agreement that a school district and
18 community organization or agency enter into based on a
19 recommendation of the local school health advisory council under
20 Subsection (c)(4) [~~(c)(5)~~] must address liability for the school
21 district and community organization or agency in the agreement.

22 SECTION 4. Sections 28.004(e), (f), (g), (h), (i), (i-1),
23 and (j), Education Code, are repealed.

24 SECTION 5. This Act applies beginning with the 2020-2021
25 school year.

26 SECTION 6. To the extent of any conflict, this Act prevails
27 over another Act of the 86th Legislature, Regular Session, 2019,

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 7. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.