

By: Johnson

S.B. No. 94

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a policy requiring the use of face masks, face shields,
3 or other face coverings and providing notice to a parent or guardian
4 regarding a positive coronavirus disease (COVID-19) test for a
5 person assigned to a student's classroom in public schools.

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

7 SECTION 1. Subchapter A, Chapter 38, Education Code, is
8 amended by adding Sections 38.0022 and 38.0023 to read as follows:

9 Sec. 38.0022. FACE COVERING POLICY. Notwithstanding any
10 other law, the board of trustees of a school district or the
11 governing body of an open-enrollment charter school may adopt a
12 policy requiring the use of a face mask, face shield, or other face
13 covering in a school building, school bus, or other congregate
14 educational setting operated by the district or school.

15 Sec. 38.0023. NOTICE OF CORONAVIRUS DISEASE (COVID-19).

16 (a) The board of trustees of a school district or the governing
17 body of an open-enrollment charter school shall adopt a policy
18 requiring the district or school to provide written or electronic
19 notice to the parent or guardian of each student assigned to a
20 classroom in which a student has tested positive for the
21 coronavirus disease (COVID-19). Notice required under this section
22 shall be made as soon as practicable after the district or school
23 becomes aware the student is infected. The notice:

24 (1) must include the recommendations of the Centers

1 for Disease Control and Prevention for the treatment and prevention
2 of the spread of the coronavirus disease (COVID-19); and

3 (2) may not identify the student who tested positive
4 for the coronavirus disease (COVID-19).

5 (b) The commissioner shall adopt rules as necessary to
6 implement this section in a manner that complies with federal law
7 regarding confidentiality of student medical or educational
8 information, including the Health Insurance Portability and
9 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the
10 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
11 Section 1232g), and any state law relating to the privacy of student
12 information.

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect on the 91st day after the last day of the
18 legislative session.