

BILL ANALYSIS

Senate Research Center
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S.B. 1083
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many school districts in Texas educate students on sexual education, which includes sexual health, sexual reproduction, sexuality, and other topics that parents often feel are best addressed in the home. It is common practice to make such courses opt-out, which automatically enrolls all students, but allows parents to remove their children from instruction without penalty. But some parents who would prefer to keep their child from such courses are not aware they have the option to opt their child out.

S.B. 1083 eliminates the confusion for families by making sex education an opt-in course, which will require written permission from a parent/legal guardian before a student can attend such a class. Parents may also opt a student in to specific lessons or topics.

As proposed, S.B. 1083 amends current law relating to parental approval for a student's participation in human sexuality instruction in public schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.004, Education Code, by amending Subsections (i) and (i-1) and adding Subsection (i-2), as follows:

(i) Requires a school district, before each school year, to 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. Requires that the notice, if instruction will be provided, include:

(1) makes no changes;

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

(A) review curriculum materials as provided by Subsection (j) (relating to the requirement that a school district make available for public inspection all curriculum materials used in the human sexuality instruction); and

(B) refuse consent for the student to receive all or any part, rather than remove the student from any part, of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(3) makes no changes to this subdivision.

(i-1) Authorizes a parent to use the grievance procedure adopted under Section 26.011 (Complaints) concerning a complaint of a violation of Subsection (i) or (i-2).

(i-2) Requires a school district, before a student is authorized to be provided with human sexuality instruction, to obtain the written consent of the student's parent. Provides that a request for written consent under this subsection:

(1) is prohibited from being included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (i); and

(2) is required to be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins.

SECTION 2. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 3. Effective date: upon passage or September 1, 2021.