By:  Campbell S.B. No. 1082

(In the Senate - Filed March 5, 2021; March 18, 2021, read first time and referred to Committee on Education; April 30, 2021, reported favorably by the following vote: Yeas 10, Nays 0; April 30, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Taylor            X

Lucio                X

Bettencourt          X

Hall                 X

Hughes               X

Menéndez             X

Paxton               X

Perry                X

Powell               X

Schwertner                     X

West                 X

A BILL TO BE ENTITLED

AN ACT

relating to parental access to curriculum materials used in a public school's human sexuality instruction.

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

SECTION 1.  Sections 26.006(a) and (c), Education Code, are amended to read as follows:

(a)  A parent is entitled to:

(1)  review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's child, including curriculum materials used in any human sexuality instruction provided to the child; and

(2)  review each test administered to the parent's child after the test is administered.

(c)  A student's parent is entitled to request that the school district or open-enrollment charter school the student attends allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, the district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher. A school district or open-enrollment charter school must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. In this subsection, "instructional material" has the meaning assigned by Section 31.002 and includes curriculum materials used in the district's or school's human sexuality instruction.

SECTION 2.  Section 28.004(i), Education Code, is amended to read as follows:

(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, the notice must include:

(1)  a summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;

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

(A)  review curriculum materials as provided by Section 26.006 [~~Subsection (j)~~]; and

(B)  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)  information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

SECTION 3.  Section 28.004(j), Education Code, is repealed.

SECTION 4.  This Act applies beginning with the 2021-2022 school year.

SECTION 5.  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, 2021.

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