

By: Creighton

S.B. No. 77

A BILL TO BE ENTITLED

AN ACT

relating to public education, including parental rights and public school responsibilities regarding instructional materials.

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

SECTION 1. Chapter 1, Education Code, is amended by adding Section 1.009 to read as follows:

Sec. 1.009. INFRINGEMENT OF PARENTAL RIGHTS PROHIBITED.

The fundamental rights granted to parents by their Creator and upheld by the United States Constitution, the Texas Constitution, and the laws of this state, including the right to direct the moral and religious training of the parent's child, make decisions concerning the child's education, and consent to medical, psychiatric, and psychological treatment of the parent's child under Section 151.001, Family Code, may not be infringed on by any public elementary or secondary school or state governmental entity, including the state or a political subdivision of the state, unless the infringement is:

(1) necessary to further a compelling state interest, such as providing life-saving care to a child; and

(2) narrowly tailored using the least restrictive means to achieve that compelling state interest.

SECTION 2. Section 11.161, Education Code, is amended to read as follows:

Sec. 11.161. FRIVOLOUS SUIT OR PROCEEDING. (a) In a civil

1 suit or administrative proceeding brought under state law or rules
2 [7] against an independent school district or an officer of an
3 independent school district acting under color of office, the court
4 or another person authorized to make decisions regarding the
5 proceeding may award costs and reasonable attorney's fees if:

6 (1) the court or other authorized person finds that
7 the suit or proceeding is frivolous, unreasonable, and without
8 foundation; and

9 (2) the suit or proceeding is dismissed or judgment is
10 for the defendant.

11 (b) This section does not apply to a civil suit or
12 administrative proceeding brought under the Individuals with
13 Disabilities Education Act (20 U.S.C. Section 1400 et seq.). A
14 civil suit or administrative proceeding described by this
15 subsection is governed by the attorney's fees provisions under 20
16 U.S.C. Section 1415.

17 SECTION 3. Section 25.036, Education Code, is amended by
18 amending Subsections (a) and (b) and adding Subsections (d), (e),
19 (f), (g), (h), and (i) to read as follows:

20 (a) Any child, other than a high school graduate, who is
21 younger than 21 years of age and eligible for enrollment on
22 September 1 of any school year may apply to transfer for in-person
23 instruction annually from the child's school district of residence
24 to another district in this state for in-person instruction [~~if~~
25 ~~both the receiving district and the applicant parent or guardian or~~
26 ~~person having lawful control of the child jointly approve and~~
27 ~~timely agree in writing to the transfer~~].

1 (b) A transfer application approved [~~agreement~~] under this
2 section shall be filed and preserved as a receiving district record
3 for audit purposes of the agency.

4 (d) A school district may deny approval of a transfer under
5 this section only if:

6 (1) the district or a school in the district to which a
7 student seeks to transfer is at full student capacity or has more
8 requests for transfers than available positions after the district
9 has filled available positions in accordance with Subsection (f);

10 (2) at the time a student seeks to transfer, the
11 student is suspended or expelled by the district in which the
12 student is enrolled; or

13 (3) approving the transfer would supersede a
14 court-ordered desegregation plan.

15 (e) For the purpose of determining whether a school in a
16 school district is at full student capacity under Subsection
17 (d)(1), the district may not consider equity as a factor in the
18 district's decision-making process.

19 (f) A school district that has more applicants for transfer
20 under this section than available positions must fill the available
21 positions by lottery and must give priority to applicants in the
22 following order:

23 (1) students who:

24 (A) do not reside in the district but were
25 enrolled in the district in the preceding school year; or

26 (B) are dependents of an employee of the
27 receiving district; and

1 (2) students:

2 (A) receiving special education services under
3 Subchapter A, Chapter 29;

4 (B) who are dependents of military personnel;

5 (C) who are dependents of law enforcement
6 personnel;

7 (D) in foster care;

8 (E) who are the subject of court-ordered
9 modification of an order establishing conservatorship or
10 possession and access; or

11 (F) who are siblings of a student who is enrolled
12 in the receiving district at the time the student seeks to transfer.

13 (g) A student who transfers to another school district under
14 this section may not be charged tuition. The student is included in
15 the average daily attendance of the district to which the student
16 transfers, beginning on the date the student begins attending
17 classes at that district.

18 (h) A receiving school district may, but is not required to,
19 provide transportation to a student who transfers to the receiving
20 district under this section.

21 (i) A receiving school district may revoke, at any time
22 during the school year, the approval of the student's transfer if:

23 (1) the student:

24 (A) fails to comply with a condition specified in
25 the agreement that is:

26 (i) a circumstance specified in the student
27 code of conduct under Section 37.001(a)(1);

1 (ii) a condition specified in the student
2 code of conduct under Section 37.001(a)(2);

3 (iii) conduct for which a student is
4 required or permitted to be removed from class and placed in a
5 disciplinary alternative education program under Section 37.006;
6 or

7 (iv) conduct for which a student is
8 required or permitted to be expelled from school under Section
9 37.007; or

10 (B) fails to maintain a specified school
11 attendance rate; and

12 (2) before revoking approval of the student's
13 transfer, the district ensures the student is afforded appropriate
14 due process and complies with any requirements of state law or
15 district policy relating to the expulsion of a student to the same
16 extent as if the student were being expelled under Section 37.007.

17 SECTION 4. Section 26.001, Education Code, is amended by
18 amending Subsections (a), (c), (d), and (e) and adding Subsections
19 (a-1) and (c-1) to read as follows:

20 (a) As provided under Section 151.001, Family Code, a parent
21 has the right to direct the moral and religious training of the
22 parent's child, make decisions concerning the child's education,
23 and consent to medical, psychiatric, and psychological treatment of
24 the child without obstruction or interference from this state, any
25 political subdivision of this state, a school district or
26 open-enrollment charter school, or any other governmental entity.

27 (a-1) Parents are partners with educators, administrators,

1 and school district boards of trustees in their children's
2 education. Parents shall be encouraged to actively participate in
3 creating and implementing educational programs for their children.

4 (c) Unless otherwise provided by law, a board of trustees,
5 administrator, educator, or other person shall comply with Section
6 1.009 and may not limit parental rights or withhold information
7 from a parent regarding the parent's child.

8 (c-1) A school district may not be considered to have
9 withheld information from a parent regarding the parent's child if
10 the district's actions are in accordance with other law, including
11 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
12 Section 1232g).

13 (d) Each board of trustees shall:

14 (1) provide for procedures to consider complaints that
15 a parent's right has been denied;

16 (2) develop a plan for parental participation in the
17 district to improve parent and teacher cooperation, including in
18 the areas of homework, school attendance, and discipline;

19 (3) ~~[-~~

20 [~~(c) Each board of trustees shall~~] cooperate in the
21 establishment of ongoing operations of at least one parent-teacher
22 organization at each school in the district to promote parental
23 involvement in school activities; and

24 (4) provide to a parent of a child on the child's
25 enrollment in the district for the first time and to the parent of
26 each child enrolled in the district at the beginning of each school
27 year information about parental rights and options, including the

1 right to withhold consent for or exempt the parent's child from
2 certain activities and instruction, that addresses the parent's
3 rights and options concerning:

4 (A) the child's course of study and supplemental
5 services;

6 (B) instructional materials and library
7 materials;

8 (C) health education instruction under Section
9 28.004;

10 (D) instruction regarding sexual orientation and
11 gender identity under Section 28.0043;

12 (E) school options, including virtual and remote
13 schooling options;

14 (F) immunizations under Section 38.001;

15 (G) gifted and talented programs;

16 (H) promotion, retention, and graduation
17 policies;

18 (I) grade, class rank, and attendance
19 information;

20 (J) state standards and requirements;

21 (K) data collection practices;

22 (L) health care services, including notice and
23 consent under Section 26.0083(g); and

24 (M) the local grievance procedure under Section
25 26.011.

26 (e) The agency shall develop a form for use by school
27 districts in providing information about parental rights and

1 options under Subsection (d)(4). Each school district shall post
2 the form in a prominent location on the district's Internet
3 website.

4 SECTION 5. Chapter 26, Education Code, is amended by adding
5 Sections 26.0026 and 26.0083 to read as follows:

6 Sec. 26.0026. RIGHT TO SELECT EDUCATIONAL SETTING. A
7 parent is entitled to choose the educational setting for the
8 parent's child, including public school, private school, or home
9 school.

10 Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL,
11 EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a)
12 The agency shall adopt a procedure for school districts to notify
13 the parent of a student enrolled in the district regarding any
14 change in services provided to or monitoring of the student related
15 to the student's mental, emotional, or physical health or
16 well-being.

17 (b) A procedure adopted under Subsection (a) must reinforce
18 the fundamental right of a parent to make decisions regarding the
19 upbringing and control of the parent's child by requiring school
20 district personnel to:

21 (1) encourage a student to discuss issues relating to
22 the student's well-being with the student's parent; or

23 (2) facilitate a discussion described under
24 Subdivision (1).

25 (c) A school district may not adopt a procedure that:

26 (1) prohibits a district employee from notifying the
27 parent of a student regarding:

1 (A) information about the student's mental,
2 emotional, or physical health or well-being; or

3 (B) a change in services provided to or
4 monitoring of the student related to the student's mental,
5 emotional, or physical health or well-being;

6 (2) encourages or has the effect of encouraging a
7 student to withhold from the student's parent information described
8 by Subdivision (1)(A); or

9 (3) prevents a parent from accessing education or
10 health records concerning the parent's child.

11 (d) Subsections (a) and (c) do not require the disclosure of
12 information to a parent if a reasonably prudent person would
13 believe the disclosure is likely to result in the student suffering
14 abuse or neglect, as those terms are defined by Section 261.001,
15 Family Code.

16 (e) A school district employee may not discourage or
17 prohibit parental knowledge of or involvement in critical decisions
18 affecting a student's mental, emotional, or physical health or
19 well-being.

20 (f) Any student support services training developed or
21 provided by a school district to district employees must comply
22 with any student services guidelines, standards, and frameworks
23 established by the State Board of Education and the agency.

24 (g) Before the first instructional day of each school year,
25 a school district shall provide to the parent of each student
26 enrolled in the district written notice of each health-related
27 service offered at the district campus the student attends. The

1 notice must include a statement of the parent's right to withhold
2 consent for or decline a health-related service. A parent's
3 consent to a health-related service does not waive a requirement of
4 Subsection (a), (c), or (e).

5 (h) Before administering a student well-being questionnaire
6 or health screening form to a student enrolled in prekindergarten
7 through 12th grade, a school district must provide a copy of the
8 questionnaire or form to the student's parent and obtain the
9 parent's consent to administer the questionnaire or form.

10 (i) This section may not be construed to:

11 (1) limit or alter the requirements of Section 38.004
12 of this code or Chapter 261, Family Code; or

13 (2) limit a school district employee's ability to
14 inquire about a student's daily well-being without parental
15 consent.

16 (j) Not later than June 30, 2025, the agency, the State
17 Board of Education, and the State Board for Educator Certification,
18 as appropriate, shall review and revise as necessary the following
19 to ensure compliance with this section:

20 (1) school counseling frameworks and standards;

21 (2) educator practices and professional conduct
22 principles; and

23 (3) any other student services personnel guidelines,
24 standards, or frameworks.

25 (k) Subsection (j) and this subsection expire September 1,
26 2026.

27 SECTION 6. Section 26.004(b), Education Code, is amended to

1 read as follows:

2 (b) A parent is entitled to access to all written records of
3 a school district concerning the parent's child, including:

4 (1) attendance records;

5 (2) test scores;

6 (3) grades;

7 (4) disciplinary records;

8 (5) counseling records;

9 (6) psychological records;

10 (7) applications for admission;

11 (8) medical records in accordance with Section
12 38.0095, including health and immunization information;

13 (9) teacher and school counselor evaluations;

14 (10) reports of behavioral patterns; and

15 (11) records relating to assistance provided for
16 learning difficulties, including information collected regarding
17 any intervention strategies used with the child.

18 SECTION 7. Chapter 26, Education Code, is amended by adding
19 Section 26.0071 to read as follows:

20 Sec. 26.0071. COMMUNITY ENGAGEMENT POLICY. Each board of
21 trustees of a school district shall develop a community engagement
22 policy that:

23 (1) provides for an Internet portal through which
24 parents of students enrolled in the district may submit comments to
25 campus or district administrators and the board;

26 (2) requires the board to prioritize public comments
27 by presenting those comments at the beginning of each board

1 meeting; and

2 (3) requires board meetings to be held outside of
3 typical work hours.

4 SECTION 8. Section 26.008, Education Code, is amended to
5 read as follows:

6 Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT.

7 (a) Except as provided by Section 38.004, a [A] parent is entitled
8 to:

9 (1) full information regarding the school activities
10 of a parent's child; and

11 (2) notification not later than one school business
12 day after the date a school district employee first suspects that a
13 criminal offense has been committed against the parent's child
14 [except as provided by Section 38.004].

15 (b) An attempt by any school district employee to encourage
16 or coerce a child to withhold information from the child's parent is
17 grounds for discipline under Section 21.104, 21.156, or 21.211, as
18 applicable, or by the State Board for Educator Certification, if
19 applicable.

20 SECTION 9. Section 26.009, Education Code, is amended by
21 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),
22 (c), and (d) to read as follows:

23 (a) An employee of a school district must obtain the written
24 consent of a child's parent in the manner required by Subsection
25 (a-2) before the employee may:

26 (1) conduct a psychological examination, test, or
27 treatment, unless the examination, test, or treatment is required

1 under Section 38.004 or state or federal law regarding requirements
2 for special education; ~~or~~

3 (2) subject to Subsection (b), make or authorize the
4 making of a videotape of a child or record or authorize the
5 recording of a child's voice;

6 (3) unless authorized by other law:

7 (A) disclose a child's health or medical
8 information to any person other than the child's parent; or

9 (B) collect, use, store, or disclose to any
10 person other than the child's parent a child's biometric
11 identifiers; or

12 (4) subject to Subsection (a-3), provide health care
13 services or medication or conduct a medical procedure.

14 (a-1) For purposes of Subsection (a), "biometric
15 identifier" means a blood sample, hair sample, skin sample, DNA
16 sample, body scan, retina or iris scan, fingerprint, voiceprint, or
17 record of hand or face geometry.

18 (a-2) Written consent for a parent's child to participate in
19 a district activity described by Subsection (a) must be signed by
20 the parent and returned to the district. A child may not
21 participate in the activity unless the district receives the
22 parent's signed written consent to that activity.

23 (a-3) For the purpose of obtaining written consent for
24 actions described by Subsection (a)(4) that are determined by a
25 school district to be routine care provided by a person who is
26 authorized by the district to provide physical or mental
27 health-related services, the district may obtain consent at the

1 beginning of the school year or at the time of the child's
2 enrollment in the district. Unless otherwise provided by a child's
3 parent, written consent obtained in accordance with this subsection
4 is effective until the end of the school year in which the consent
5 was obtained.

6 (c) Before the first instructional day of each school year,
7 a school district shall provide to the parent of each student
8 enrolled in the district written notice of any actions the district
9 may take involving the authorized collection, use, or storage of
10 information as described by Subsection (a)(3). The notice must:

11 (1) include a plain language explanation for the
12 district's collection, use, or storage of the child's information
13 and the district's legal authority to engage in that collection,
14 use, or storage; and

15 (2) be signed by the parent and returned to the
16 district.

17 (d) A school district shall take disciplinary action
18 against an employee responsible for allowing a child to participate
19 in an activity described by Subsection (a)(4) if the district did
20 not obtain a parent's consent for the child's participation in that
21 activity.

22 SECTION 10. Section 26.011, Education Code, is amended to
23 read as follows:

24 Sec. 26.011. LOCAL GRIEVANCE PROCEDURE [~~COMPLAINTS~~].

25 (a) The board of trustees of each school district shall adopt a
26 grievance procedure under which the board shall:

27 (1) address each grievance [~~complaint~~] that the board

1 receives concerning a violation of a right guaranteed by Section
2 1.009 or this chapter:

3 (A) if the grievance is filed not later than six
4 school weeks after the date on which the parent received notice of
5 an incident giving rise to the grievance; or

6 (B) regardless of whether the grievance was filed
7 during the period prescribed by Paragraph (A) if the grievance was
8 informally brought to the attention of school district personnel
9 during that period;

10 (2) allow a parent at any time before a final decision
11 by the board to provide additional evidence regarding the parent's
12 grievance; and

13 (3) allow a parent to file more than one grievance at
14 the same time.

15 (b) The board of trustees of a school district is not
16 required by Subsection (a) or Section 11.1511(b)(13) to address a
17 grievance [~~complaint~~] that the board receives concerning a
18 student's participation in an extracurricular activity that does
19 not involve a violation of a right guaranteed by this chapter. This
20 subsection does not affect a claim brought by a parent under the
21 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
22 et seq.) or a successor federal statute addressing special
23 education services for a child with a disability.

24 (c) The board of trustees of a school district shall ensure
25 a grievance procedure adopted under Subsection (a):

26 (1) authorizes a parent to file a grievance with the
27 principal of the district campus the parent's child attends or the

1 person designated by the district to receive grievances for that
2 campus;

3 (2) requires that a principal or the person designated
4 by the district to receive grievances for a campus:

5 (A) acknowledge receipt of a grievance under
6 Subdivision (1) not later than two school business days after
7 receipt of the grievance; and

8 (B) not later than the 14th school business day
9 after receipt of a grievance described by Subdivision (1), provide
10 to the parent who submitted the grievance written documentation of
11 the decision regarding the issue that gave rise to the grievance,
12 including:

13 (i) an explanation of the findings that
14 contributed to the decision;

15 (ii) notification regarding the parent's
16 right to appeal the decision; and

17 (iii) the timeline for appealing the
18 decision;

19 (3) requires that, if a parent appeals a decision
20 under Subdivision (2) not later than the 14th school business day
21 after receiving notice of the decision, the superintendent or the
22 superintendent's designee provide to the parent not later than the
23 14th school business day after receipt of the appeal written
24 documentation of the decision regarding the issue that gave rise to
25 the grievance, including:

26 (A) an explanation of the findings that
27 contributed to the decision;

1 (B) notification regarding the parent's right to
2 appeal the decision; and

3 (C) the timeline for appealing the decision;

4 (4) requires that, if a parent appeals a decision
5 under Subdivision (3) not later than the 14th school business day
6 after receiving notice of the decision, the board hear the
7 grievance in a closed session at the board's next regular meeting
8 that occurs on or after the 14th school business day after the date
9 the board receives notice of the appeal; and

10 (5) requires that, not later than the 10th school
11 business day after the date of a board meeting described by
12 Subdivision (4), the board provide to the parent written
13 documentation of the board's decision regarding the issue that gave
14 rise to the grievance, including notice that the parent may appeal
15 to the commissioner in writing under Section 7.057, if applicable.

16 (d) The parties may mutually agree to adjust the timeline
17 for the procedure under this section.

18 (e) Notwithstanding Subsection (d), if a grievance
19 submitted under this section involves an employee who is on
20 documented leave that is scheduled to begin or has begun before the
21 grievance is submitted, the district may alter the timeline for the
22 procedure under this section to make a reasonable accommodation for
23 the employee's leave. The district must provide notice of the
24 change to the parent who submitted the grievance.

25 SECTION 11. Chapter 26, Education Code, is amended by
26 adding Sections 26.0111 and 26.0112 to read as follows:

27 Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER.

1 (a) This section applies only to a grievance regarding a violation
2 of:

3 (1) Section 28.0022, 28.004, or 28.0043 or Chapter 38
4 or the implementation of those provisions by a school district; or

5 (2) Chapter 551, Government Code, involving school
6 district personnel.

7 (b) If a parent has exhausted the parent's options under the
8 local grievance procedure established by the board of trustees of a
9 school district under Section 26.011 regarding a grievance to which
10 this section applies, and the grievance is not resolved to a
11 parent's satisfaction, the parent may file a written request with
12 the commissioner for a hearing before a hearing examiner under this
13 section not later than the 30th school business day after the date
14 on which the board of trustees of the district resolved the parent's
15 grievance under Section 26.011. The parent must provide the
16 district with a copy of the request and must provide the
17 commissioner with a copy of the district's resolution of the
18 grievance. The parties may agree in writing to extend by not more
19 than 10 school business days the deadline for requesting a hearing.

20 (c) The commissioner shall assign a hearing examiner to
21 review the grievance in the manner provided by Section 21.254. The
22 hearing examiner has the powers described by Sections 21.255 and
23 21.256 and shall conduct the hearing in the manner provided by those
24 sections as if the parent were a teacher.

25 (d) Not later than the 60th business day after the date on
26 which the commissioner receives a parent's written request for a
27 hearing, the hearing examiner shall complete the hearing and make a

1 written recommendation that includes proposed findings of fact and
2 conclusions of law. The recommendation of the hearing examiner is
3 final and may not be appealed.

4 (e) Sections 21.257(c), (d), and (e) apply to a hearing
5 under this section in the same manner as a hearing conducted under
6 Subchapter F, Chapter 21.

7 (f) Section 21.258 applies to the State Board of Education
8 in the same manner as if the board were the board of trustees of the
9 school district or board subcommittee.

10 (g) Chapter 2001, Government Code, does not apply to the
11 State Board of Education's actions regarding the recommendation of
12 the hearing examiner.

13 (h) The costs of the hearing examiner, the court reporter,
14 the original hearing transcript, and any hearing room costs, if the
15 hearing room is not provided by the school district, shall be paid
16 by the school district if the hearing examiner finds in favor of the
17 parent.

18 (i) Notwithstanding Subsection (d), if a parent fails to
19 appear at a hearing under this section, the hearing examiner is not
20 required to complete the hearing and may not make a recommendation
21 in favor of the parent.

22 Sec. 26.0112. TESTIMONY BEFORE STATE BOARD OF EDUCATION.
23 If a hearing examiner reviews and finds against a school district
24 under Section 26.0111 in at least five grievances to which that
25 section applies involving the district during a school year, the
26 superintendent of the school district must appear before the State
27 Board of Education to testify regarding the hearing examiner's

1 findings and the frequency of grievances against the district.

2 SECTION 12. Section 28.002, Education Code, is amended by
3 adding Subsection (c-6) to read as follows:

4 (c-6) The State Board of Education may not adopt standards
5 in violation of Section 28.0043.

6 SECTION 13. Subchapter A, Chapter 28, Education Code, is
7 amended by adding Section 28.0043 to read as follows:

8 Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL
9 ORIENTATION AND GENDER IDENTITY. (a) A school district,
10 open-enrollment charter school, or district or charter school
11 employee may not provide or allow a third party to provide
12 instruction, guidance, activities, or programming regarding sexual
13 orientation or gender identity to students enrolled in
14 prekindergarten through 12th grade.

15 (b) This section may not be construed to limit:

16 (1) a student's ability to engage in speech or
17 expressive conduct protected by the First Amendment to the United
18 States Constitution or by Section 8, Article I, Texas Constitution,
19 that does not result in material disruption to school activities;
20 or

21 (2) the ability of a person who is authorized by the
22 district to provide physical or mental health-related services to
23 provide the services to a student, subject to any required parental
24 consent.

25 SECTION 14. The heading to Section 28.022, Education Code,
26 is amended to read as follows:

27 Sec. 28.022. NOTICE TO PARENT OF UNSATISFACTORY

1 PERFORMANCE; CONFERENCES.

2 SECTION 15. Section 28.022(a), Education Code, is amended
3 to read as follows:

4 (a) The board of trustees of each school district shall
5 adopt a policy that:

6 (1) provides for at least two opportunities for
7 in-person conferences during each school year [~~a conference~~]
8 between each parent of a child enrolled in the district and the
9 child's [~~parents and~~] teachers;

10 (2) requires the district, at least once every 12
11 weeks, to give written notice to a parent of a student's performance
12 in each class or subject; and

13 (3) requires the district, at least once every three
14 weeks, or during the fourth week of each nine-week grading period,
15 to give written notice to a parent or legal guardian of a student's
16 performance in a subject included in the foundation curriculum
17 under Section 28.002(a)(1) if the student's performance in the
18 subject is consistently unsatisfactory, as determined by the
19 district.

20 SECTION 16. Section 12.104(b), Education Code, is amended
21 to read as follows:

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

23 (1) a provision of this title establishing a criminal
24 offense;

25 (2) the provisions in Chapter 554, Government Code;
26 and

27 (3) a prohibition, restriction, or requirement, as

1 applicable, imposed by this title or a rule adopted under this
2 title, relating to:

3 (A) the Public Education Information Management
4 System (PEIMS) to the extent necessary to monitor compliance with
5 this subchapter as determined by the commissioner;

6 (B) criminal history records under Subchapter C,
7 Chapter 22;

8 (C) reading instruments and accelerated reading
9 instruction programs under Section 28.006;

10 (D) accelerated instruction under Section
11 28.0211;

12 (E) high school graduation requirements under
13 Section 28.025;

14 (F) special education programs under Subchapter
15 A, Chapter 29;

16 (G) bilingual education under Subchapter B,
17 Chapter 29;

18 (H) prekindergarten programs under Subchapter E
19 or E-1, Chapter 29, except class size limits for prekindergarten
20 classes imposed under Section 25.112, which do not apply;

21 (I) extracurricular activities under Section
22 33.081;

23 (J) discipline management practices or behavior
24 management techniques under Section 37.0021;

25 (K) health and safety under Chapter 38;

26 (L) the provisions of Subchapter A, Chapter 39;

27 (M) public school accountability and special

1 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
2 39, and Chapter 39A;

3 (N) the requirement under Section 21.006 to
4 report an educator's misconduct;

5 (O) intensive programs of instruction under
6 Section 28.0213;

7 (P) the right of a school employee to report a
8 crime, as provided by Section 37.148;

9 (Q) bullying prevention policies and procedures
10 under Section 37.0832;

11 (R) the right of a school under Section 37.0052
12 to place a student who has engaged in certain bullying behavior in a
13 disciplinary alternative education program or to expel the student;

14 (S) the right under Section 37.0151 to report to
15 local law enforcement certain conduct constituting assault or
16 harassment;

17 (T) a parent's right to information regarding the
18 provision of assistance for learning difficulties to the parent's
19 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

20 (U) establishment of residency under Section
21 25.001;

22 (V) school safety requirements under Sections
23 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,
24 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and
25 37.2071 and Subchapter J, Chapter 37;

26 (W) the early childhood literacy and mathematics
27 proficiency plans under Section 11.185;

1 (X) the college, career, and military readiness
2 plans under Section 11.186; ~~and~~

3 (Y) parental options to retain a student under
4 Section 28.02124;

5 (Z) parental access to instructional materials
6 and curricula under Section 26.0061;

7 (AA) the adoption of a community engagement
8 policy as provided by Section 26.0071; and

9 (BB) parental rights to information regarding a
10 student's mental, emotional, and physical health-related needs and
11 related services offered by the school as provided by Section
12 26.0083.

13 SECTION 17. Section 28.004(i-3), Education Code, is
14 repealed.

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