

BILL ANALYSIS

Senate Research Center
88R20909 KJE-F

C.S.S.J.R. 29
By: Paxton
Education
3/31/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Problem to Solve:

In choosing professional educators to facilitate their child's education, parents do not cede their right to educate their child. Therefore, the right for parents to be the ultimate decider of their child's education should be enumerated in the Texas Constitution.

Background:

Parents' rights in their children's education are included within the Texas Education Code as statutory rights, but in many other cases, fundamental rights are listed in the Texas Constitution.

Building upon the parental rights enshrined in statute, the proposed constitutional amendment adds a parent's right to be the ultimate decider of their children's education to the Bill of Rights section of the Texas Constitution to further protect and guarantee parental rights in education.

Every child is unique, and the child's parent knows the child, and what is best for their child, better than anyone else.

Bill Analysis:

- Amends Article I, Texas Constitution, by adding Section 36
 - A parent has the right to direct the education of the parent's child, including to:
 - Make choices within the public school system, or to choose an alternative educational setting, including private, parochial, or home school
 - Access and view instructional materials and library books
 - Attend meetings of a public school's governing body
 - Access the public school's records regarding their child, including the child's health records
 - These rights cannot be denied or restricted because the parent or the child is an individual with a disability.
 - The legislature may provide for processes to ensure that these rights are upheld.
- Ballot proposition language: "The constitutional amendment establishing a parent's right to direct a child's education."

Difference Between the Original Bill and First Substitute:

The first committee substitute removed Subsection (b)(6), the language regarding the review of standardized state assessment, because these assessments are not administered in all educational settings. The committee substitute also made the bill a Legislative Council version.

Difference Between the Original Bill and New Substitute:

The proposed committee substitute addresses a concern from homeschoolers regarding how the original language of S.J.R. 29 referred to homeschooling. Since Texas law and legal precedent consider homeschooling a form of private school, the proposed committee substitute lists homeschool and parochial school as forms of private school instead of as three separate options.

C.S.S.J.R. 29 proposes a constitutional amendment establishing a parent's right to direct a child's education.

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 Article I, Texas Constitution, by adding Section 36, as follows:

Sec. 36. (a) Defines "parent."

(b) Provides that a parent has the right to direct the education of the parent's child, including the right to:

- (1) make reasonable choices within the public school system;
- (2) choose an alternative to public education, such as a private school, including a parochial school or home school;
- (3) access and view public school teaching materials, textbooks and other instructional materials, and library books;
- (4) attend meetings of the governing body of a public school; and
- (5) access public school student records for the parent's child, including the child's student health records.

(c) Prohibits the rights described by Subsection (b) of this section from being denied or restricted because the parent or the child is an individual with a disability.

(d) Authorizes the legislature by general law to provide for processes to ensure that the rights described by Subsection (b) of this section are upheld.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 7, 2023. Sets forth the required language of the ballot.