

By: Toth

H.B. No. 631

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in education.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.016 to read as follows:

Sec. 26.016. PARENTAL RIGHTS AND REMEDIES

(a) The Texas Education Agency shall adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student's education and health records created, maintained, or used by the school district.

(b) At the beginning of the school year, each school district shall notify parents of each healthcare service offered at their student's school and the option to withhold consent or decline any specific service. Parental consent to a health care service does not waive the parent's right to access his or her

1 student's educational or health records or to be notified about a
2 change in his or her student's services or monitoring as provided by
3 this section.

4 (c) Before administering a student well-being questionnaire
5 or health screening form to a student in kindergarten through grade
6 5, the school district must provide the questionnaire or health
7 screening form to the parent and obtain the permission of the
8 parent.

9 (d) Each school district shall adopt procedures for a parent
10 to notify the principal, or his or her designee, regarding concerns
11 under this section at his or her student's school and the process
12 for resolving those concerns within 7 calendar days after
13 notification by the parent.

14 (1) At a minimum, the procedures must require that
15 within 30 days after notification by the parent that the concern
16 remains unresolved, the school district must either resolve the
17 concern or provide a statement of the reasons for not resolving the
18 concern.

19 (2) If a concern is not resolved by the school
20 district, a parent may:

21 (A) Request the Commissioner of Education to
22 appoint a special magistrate who is a member of the State Bar of
23 Texas in good standing and who has at least 5 years' experience in
24 administrative law. The special magistrate shall determine facts
25 relating to the dispute over the school district procedure or
26 practice, consider information provided by the school district, and
27 render a recommended decision for resolution to the State Board of

1 Education within 30 days after receipt of the request by the parent.
2 The State Board of Education must approve or reject the recommended
3 decision at its next regularly scheduled meeting that is more than 7
4 calendar days and no more than 30 days after the date the
5 recommended decision is transmitted. The costs of the special
6 magistrate shall be borne by the school district. The State Board
7 of Education shall adopt rules, including forms, necessary to
8 implement this subsection.

9 (B) Bring an action against the school district
10 to obtain a declaratory judgment that the school district procedure
11 or practice violates this section and seek injunctive relief. A
12 court may award damages and shall award reasonable attorney fees
13 and court costs to a parent who receives declaratory or injunctive
14 relief.

15 (3) Each school district shall adopt policies to
16 notify parents of the procedures required under this subsection.

17 SECTION 2. By June 30, 2024, the Texas Education Agency
18 shall review and update, as necessary, school counseling frameworks
19 and standards; educator practices and professional conduct
20 principles; and any other student services personnel guidelines,
21 standards, or frameworks in accordance with the requirements of
22 this act.

23 SECTION 3. Section 28.004, Education Code, is amended by
24 amending subsection (i-3) and adding subsection (i-4) to read as
25 follows:

26 (i-3) A school district may not adopt procedures or student
27 support forms that prohibit school district personnel from

1 notifying a parent about his or her student's mental, emotional, or
2 physical health or well-being, or a change in related services or
3 monitoring, or that encourage or have the effect of encouraging a
4 student to withhold from a parent such information. School
5 district personnel may not discourage or prohibit parental
6 notification of and involvement in critical decisions affecting a
7 student's mental, emotional, or physical health or well-being.

8 [~~Subsection (i-2) and this subsection expire August 1, 2024.~~]

9 (i-4) Classroom instruction by school personnel or third
10 parties on sexual orientation or gender identity may not occur in
11 kindergarten through grade 5 or in a manner that is not age
12 appropriate or developmentally appropriate for students in
13 accordance with state standards.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2023.