

By: Patterson

H.B. No. 1155

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in public education and prohibiting instruction regarding sexual orientation or gender identity for certain public school students.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.0083 to read as follows:

Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL, EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a) Each school district shall adopt a procedure for notifying the parent of a student enrolled in the district regarding any change in:

(1) services provided to or monitoring of the student related to the student's mental, emotional, or physical health or well-being; or

(2) the district's ability to provide a safe and supportive learning environment for the student.

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

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

(2) facilitate a discussion described under

1 Subdivision (1).

2 (c) A school district may not adopt a procedure or a student  
3 support form, including a student well-being questionnaire or  
4 health screening form, that:

5 (1) prohibits a district employee from notifying the  
6 parent of a student regarding:

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

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

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

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

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

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

26 (f) Any student support services training developed or  
27 provided by a school district to district employees must comply

1 with any student services guidelines, standards, and frameworks  
2 established by the State Board of Education and the agency.

3 (g) Before the first instructional day of each school year,  
4 a school district shall provide to the parent of each student  
5 enrolled in the district written notice of each health-related  
6 service offered at the district campus the student attends. The  
7 notice must include a statement of the parent's right to withhold  
8 consent for or decline a health-related service. A parent's  
9 consent to a health-related service does not waive a requirement of  
10 Subsection (a), (c), or (e).

11 (h) Before administering a student well-being questionnaire  
12 or health screening form to a student enrolled in kindergarten  
13 through eighth grade, a school district must provide a copy of the  
14 questionnaire or form to the student's parent and obtain the  
15 parent's consent to administer the questionnaire or form.

16 (i) This section may not be construed to limit or alter the  
17 requirements of Section 38.004 of this code or Chapter 261, Family  
18 Code.

19 (j) Not later than August 1, 2024, the agency, the State  
20 Board of Education, and the State Board for Educator Certification,  
21 as appropriate, shall review and revise as necessary the following  
22 to ensure compliance with this section:

23 (1) school counseling frameworks and standards;  
24 (2) educator practices and professional conduct  
25 principles; and

26 (3) any other student services personnel guidelines,  
27 standards, or frameworks.

1        (k) Subsection (j) and this subsection expire September 1,  
2 2025.

3        SECTION 2. Subchapter A, Chapter 28, Education Code, is  
4 amended by adding Section 28.0043 to read as follows:

5        Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL  
6 ORIENTATION AND GENDER IDENTITY. A school district,  
7 open-enrollment charter school, or district or charter school  
8 employee may not provide or allow a third party to provide  
9 instruction regarding sexual orientation or gender identity:

10        (1) to students enrolled in kindergarten through  
11 eighth grade; or

12        (2) in a manner that is not age-appropriate or  
13 developmentally appropriate.

14        SECTION 3. Section 12.104(b), Education Code, as amended by  
15 Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B.  
16 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular  
17 Session, 2021, is reenacted and amended to read as follows:

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

19        (1) a provision of this title establishing a criminal  
20 offense;

21        (2) the provisions in Chapter 554, Government Code;  
22 and

23        (3) a prohibition, restriction, or requirement, as  
24 applicable, imposed by this title or a rule adopted under this  
25 title, relating to:

26        (A) the Public Education Information Management  
27 System (PEIMS) to the extent necessary to monitor compliance with

- 1 this subchapter as determined by the commissioner;
- 2 (B) criminal history records under Subchapter C,  
3 Chapter 22;
- 4 (C) reading instruments and accelerated reading  
5 instruction programs under Section 28.006;
- 6 (D) accelerated instruction under Section  
7 28.0211;
- 8 (E) high school graduation requirements under  
9 Section 28.025;
- 10 (F) special education programs under Subchapter  
11 A, Chapter 29;
- 12 (G) bilingual education under Subchapter B,  
13 Chapter 29;
- 14 (H) prekindergarten programs under Subchapter E  
15 or E-1, Chapter 29, except class size limits for prekindergarten  
16 classes imposed under Section 25.112, which do not apply;
- 17 (I) extracurricular activities under Section  
18 33.081;
- 19 (J) discipline management practices or behavior  
20 management techniques under Section 37.0021;
- 21 (K) health and safety under Chapter 38;
- 22 (L) the provisions of Subchapter A, Chapter 39;
- 23 (M) public school accountability and special  
24 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
25 39, and Chapter 39A;
- 26 (N) the requirement under Section 21.006 to  
27 report an educator's misconduct;

1 (O) intensive programs of instruction under  
2 Section 28.0213;

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

5 (Q) bullying prevention policies and procedures  
6 under Section 37.0832;

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

10 (S) the right under Section 37.0151 to report to  
11 local law enforcement certain conduct constituting assault or  
12 harassment;

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

16 (U) establishment of residency under Section  
17 25.001;

18 (V) school safety requirements under Sections  
19 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115,  
20 37.207, and 37.2071;

21 (W) the early childhood literacy and mathematics  
22 proficiency plans under Section 11.185;

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

25 (Y) [~~(X)~~] parental options to retain a student  
26 under Section 28.02124; and

27 (Z) parental rights to information regarding a

1 student's mental, emotional, and physical health and  
2 health-related services offered by the school as provided by  
3 Section 26.0083.

4 SECTION 4. This Act applies beginning with the 2023-2024  
5 school year.

6 SECTION 5. To the extent of any conflict, this Act prevails  
7 over another Act of the 88th Legislature, Regular Session, 2023,  
8 relating to nonsubstantive additions to and corrections in enacted  
9 codes.

10 SECTION 6. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2023.