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<p>SECTION 1. Section 11.1511(b), Education Code, is amended to read as follows:</p> <p>(b) The board shall:</p> <p>(1) seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community;</p> <p>(2) adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals;</p> <p>(3) establish performance goals for the district concerning:</p> <p>(A) the academic and fiscal performance indicators under Subchapters C, D, and J, Chapter 39; and</p> <p>(B) any performance indicators adopted by the district;</p> <p>(4) ensure that the superintendent:</p> <p>(A) is accountable for achieving performance results;</p> <p>(B) recognizes performance accomplishments; and</p> <p>(C) takes action as necessary to meet performance goals;</p> <p>(5) adopt a policy to establish a district- and campus-level planning and decision-making process as required under Section 11.251;</p> <p>(6) publish an annual educational performance report as required under Section 39.306;</p> <p>(7) adopt an annual budget for the district as required under Section 44.004;</p> <p>(8) adopt a tax rate each fiscal year as required under Section 26.05, Tax Code;</p> <p>(9) monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records;</p> <p>(10) ensure that district fiscal accounts are audited annually as required under Section 44.008;</p> <p>(11) publish an end-of-year financial report for distribution to</p>	<p>No equivalent provision.</p>	

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the community;

(12) conduct elections as required by law;

(13) by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may file a complaint and obtain a hearing from the district administrators and the board regarding the [a] complaint that must:

(A) allow a complaint to be filed at any time regardless of when the conduct initially giving rise to the complaint occurred if the complaint alleges a violation of law or board policy that is continuous or ongoing;

(B) unless otherwise provided by law, include:

(i) an initial administrative hearing; and

(ii) an opportunity to appeal the administrative decision following the initial hearing;

(C) unless otherwise agreed to by the parties, provide for a final decision on the complaint not later than 120 calendar days after the date on which the complaint was filed; and

(D) if a final decision on a complaint is not rendered before the 120th day after the date on which the complaint was filed, require the district to immediately render a final decision on the complaint in favor of the complainant;

(14) make decisions relating to terminating the employment of district employees employed under a contract to which Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies; and

(15) carry out other powers and duties as provided by this code or other law.

SECTION 2. The board of trustees of a school district shall adopt a process for filing a complaint and obtaining a hearing

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in accordance with Section 11.1511(b), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

No equivalent provision.

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.

No equivalent provision.

SECTION 2. Section 11.161, Education Code, is amended to read as follows:
Sec. 11.161. FRIVOLOUS SUIT OR PROCEEDING. (a) In a civil suit or administrative proceeding brought under state law or rules [s] against an independent school district or an officer of an independent school district acting under color of office, the court or another person authorized to make decisions regarding the proceeding may award costs and

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reasonable attorney's fees if:

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

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

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

SECTION 3. Section 25.036, Education Code, is amended to read as follows:

Sec. 25.036. TRANSFER OF STUDENT. (a) Any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year may apply to transfer for in-person instruction annually from the child's school district of residence to another district in this state for in-person instruction ~~[if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer]~~.

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

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

(1) the district or a school in the district to which a student seeks to transfer is at full student capacity or has more

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requests for transfers than available positions after the district has filled available positions in accordance with Subsection (e);

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

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

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

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

(1) students who:

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

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

(2) students:

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

(B) who are dependents of military personnel;

(C) who are dependents of law enforcement personnel;

(D) in foster care;

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

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

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

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

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

(1) the student:

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

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

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

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

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

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

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

SECTION 4. Section 26.001, Education Code, is amended by amending Subsections (a), (c), (d), and (e) and adding

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Subsections (a-1) and (c-1) to read as follows:

(a) As provided under Section 151.001, Family Code, a parent has 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 child without obstruction or interference from this state, any political subdivision of this state, a school district or open-enrollment charter school, or any other governmental entity.

(a-1) Parents are partners with educators, administrators, and school district boards of trustees in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children.

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

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

(d) Each board of trustees shall:

(1) provide for procedures to consider complaints that a parent's right has been denied; [·]

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

(3) [(e) — Each board of trustees shall] cooperate in the establishment of ongoing operations of at least one parent-teacher organization at each school in the district to promote parental involvement in school activities; and

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(4) provide to a parent of a child on the child's enrollment in the district for the first time and to the parent of each child enrolled in the district at the beginning of each school year information about parental rights and options, including the right to withhold consent for or exempt the parent's child from certain activities and instruction, that addresses the parent's rights and options concerning:
(A) the child's course of study and supplemental services;
(B) instructional materials and library materials;
(C) health education instruction under Section 28.004;
(D) instruction regarding sexual orientation and gender identity under Section 28.0043;
(E) school options, including virtual and remote schooling options;
(F) immunizations under Section 38.001;
(G) gifted and talented programs;
(H) promotion, retention, and graduation policies;
(I) grade, class rank, and attendance information;
(J) state standards and requirements;
(K) data collection practices;
(L) health care services, including notice and consent under Section 26.0083(g); and
(M) the local grievance procedure under Section 26.011.
(e) The agency shall develop a form for use by school districts in providing information about parental rights and options under Subsection (d)(4). Each school district shall post the form in a prominent location on the district's Internet website.

SECTION 5. Chapter 26, Education Code, is amended by adding Sections 26.0026, 26.0061, and 26.0083 to read as

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follows:

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

Sec. 26.0061. RIGHT TO REQUEST INSTRUCTIONAL MATERIAL REVIEW. (a) The board of trustees of each school district shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review under Section 31.0236 for a subject area in the grade level in which the student is enrolled.

(b) A process established under Subsection (a):

(1) may not require more than one parent of a student to make the request;

(2) must provide for the board of trustees of the school district to determine if the request will be granted, either originally or through an appeal process; and

(3) may permit the requesting parent to review the instructional material directly before the district conducts an instructional material review under Section 31.0236.

(c) If the parents of at least 25 percent of the students enrolled at a campus present to the board of trustees of the school district in which the campus is located a petition for the board to conduct an instructional material review under Section 31.0236, the board shall conduct the review, unless, by a majority vote, the board denies the request.

(d) Notwithstanding Subsection (c), if the parents of at least 50 percent of the students enrolled at a school district campus present to the board of trustees of the district a petition to conduct an instructional material review under Section 31.0236, the board shall conduct the review.

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(e) A review conducted under Subsection (c) or (d) shall include a review of instructional materials for each subject area or grade level specified in the petition.

(f) The commissioner may adopt rules to implement this section.

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

(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 Subdivision (1).

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

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

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

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

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

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

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

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

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

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

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

(i) This section may not be construed to:

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

(2) limit a school district employee's ability to inquire about a

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student's daily well-being without parental consent.
(j) Not later than June 30, 2024, the agency, the State Board of Education, and the State Board for Educator Certification, as appropriate, shall review and revise as necessary the following to ensure compliance with this section:
(1) school counseling frameworks and standards;
(2) educator practices and professional conduct principles;
and
(3) any other student services personnel guidelines, standards, or frameworks.
(k) Subsection (j) and this subsection expire September 1, 2025.

SECTION 6. Section 26.004(b), Education Code, is amended to read as follows:
(b) A parent is entitled to access to all written records of a school district concerning the parent's child, including:
(1) attendance records;
(2) test scores;
(3) grades;
(4) disciplinary records;
(5) counseling records;
(6) psychological records;
(7) applications for admission;
(8) medical records in accordance with Section 38.0095, including health and immunization information;
(9) teacher and school counselor evaluations;
(10) reports of behavioral patterns; and
(11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

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No equivalent provision.

SECTION 7. Chapter 26, Education Code, is amended by adding Section 26.0071 to read as follows:
Sec. 26.0071. COMMUNITY ENGAGEMENT POLICY. Each board of trustees of a school district shall develop a parental engagement policy that:
(1) provides for an Internet portal through which parents of students enrolled in the district may submit comments to campus or district administrators and the board;
(2) requires the board to prioritize public comments by presenting those comments at the beginning of each board meeting; and
(3) requires board meetings to be held outside of typical work hours.

No equivalent provision.

SECTION 8. Section 26.008, Education Code, is amended to read as follows:
Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT. (a) Except as provided by Section 38.004, a [A] parent is entitled to:
(1) full information regarding the school activities of a parent's child; and
(2) notification not later than one school business day after the date a school district employee first suspects that a criminal offense has been committed against the parent's child
~~[except as provided by Section 38.004].~~
(b) An attempt by any school district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discipline under Section 21.104, 21.156, or 21.211, as applicable, or by the State Board for Educator

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Certification, if applicable.

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SECTION 9. Section 26.009, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (a-4), (c), (d), and (e) to read as follows: [FA1(1)]

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

(1) conduct a psychological or psychiatric examination or [5] test [5] or psychological or psychiatric treatment, unless the examination, test, or treatment is required under Section 38.004 or state or federal law regarding requirements for special education; [øø] [FA1(2)]

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

(3) unless authorized by other law:

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

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

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

(a-1) For purposes of Subsection (a):

(1) "Biometric identifier" means a blood sample, hair sample, skin sample, DNA sample, body scan, retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.

(2) "Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of

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the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(3) "Psychological or psychiatric treatment" means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group. [FA1(3)]

(a-2) Written consent for a parent's child to participate in a district activity described by Subsection (a) must be obtained for each separate activity in which the child participates, and each written consent must be signed by the parent and returned to the district. A child may not participate in the activity unless the district receives the parent's signed written consent to that activity. [FA1(4)]

(a-3) For the purpose of obtaining written consent for actions described by Subsection (a)(4) that are determined by a school district to be routine care provided by a person who is authorized by the district to provide physical or mental health-related services, the district may obtain consent at the beginning of the school year or at the time of the child's enrollment in the district. Unless otherwise provided by a child's parent, written consent obtained in accordance with this subsection is effective until the end of the school year in which the consent was obtained.

(a-4) Subsection (a) does not require an employee of a school district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being, and for purposes of Subsections (a) and (a-1)(2), the term "check-in" does not include such an inquiry. [FA1(5)]

(c) Before the first instructional day of each school year, a school district shall provide to the parent of each student

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enrolled in the district written notice of any actions the district may take involving the authorized collection, use, or storage of information as described by Subsection (a)(3). The notice must:

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

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

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

(e) Nothing in this section may be construed to affect:

(1) a child's consent to counseling under Section 32.004, Family Code; or

(2) the duty to report child abuse or neglect under Chapter 261, Family Code, or an investigation of a report of abuse or neglect under that chapter. [FA1(6)]

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

Sec. 26.011. LOCAL GRIEVANCE PROCEDURE [COMPLAINTS]. (a) The board of trustees of each school district shall adopt a grievance procedure under which the board shall:

(1) address each grievance [complaint] that the board receives concerning a violation of a right guaranteed by Section 1.009 or this chapter;

(A) if the grievance is filed not later than six school weeks

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after the date on which the parent received notice of an incident giving rise to the grievance; or

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

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

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

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

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

(1) authorizes a parent to file a grievance with the principal of the district campus the parent's child attends or the person designated by the district to receive grievances for that campus;

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

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

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

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

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

(iii) the timeline for appealing the decision;

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

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

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

(C) the timeline for appealing the decision;

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

(5) requires that, not later than the 10th school business day after the date of a board meeting described by Subdivision (4), the board provide to the parent written documentation of the board's decision regarding the issue that gave rise to the

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grievance, including notice that the parent may appeal to the commissioner in writing under Section 7.057, if applicable.
(d) The parties may mutually agree to adjust the timeline for the procedure under this section.
(e) Notwithstanding Subsection (d), if a grievance submitted under this section involves an employee who is on documented leave that is scheduled to begin or has begun before the grievance is submitted, the district may alter the timeline for the procedure under this section to make a reasonable accommodation for the employee's leave. The district must provide notice of the change to the parent who submitted the grievance.

SECTION 11. Chapter 26, Education Code, is amended by adding Sections 26.0111 and 26.0112 to read as follows:
Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER. (a) This section applies only to a grievance regarding a violation of:
(1) Section 28.0022, 28.004, or 28.0043 or Chapter 38 or the implementation of those provisions by a school district; or
(2) Chapter 551, Government Code, involving school district personnel.
(b) If a parent has exhausted the parent's options under the local grievance procedure established by the board of trustees of a school district under Section 26.011 regarding a grievance to which this section applies, and the grievance is not resolved to a parent's satisfaction, the parent may file a written request with the commissioner for a hearing before a hearing examiner under this section not later than the 30th school business day after the date on which the board of trustees of the district resolved the parent's grievance under Section

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26.011. The parent must provide the district with a copy of the request and must provide the commissioner with a copy of the district's resolution of the grievance. The parties may agree in writing to extend by not more than 10 school business days the deadline for requesting a hearing.

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

(d) Not later than the 60th business day after the date on which the commissioner receives a parent's written request for a hearing, the hearing examiner shall complete the hearing and make a written recommendation that includes proposed findings of fact and conclusions of law. The recommendation of the hearing examiner is final and may not be appealed.

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

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

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

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

(i) Notwithstanding Subsection (d), if a parent fails to appear

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	<p><u>at a hearing under this section, the hearing examiner is not required to complete the hearing and may not make a recommendation in favor of the parent.</u></p> <p><u>Sec. 26.0112. TESTIMONY BEFORE STATE BOARD OF EDUCATION. If a hearing examiner reviews and finds against a school district under Section 26.0111 in at least five grievances to which that section applies involving the district during a school year, the superintendent of the school district must appear before the State Board of Education to testify regarding the hearing examiner's findings and the frequency of grievances against the district.</u></p>	
No equivalent provision.	<p>SECTION 12. Section 28.002, Education Code, is amended by adding Subsection (c-4) to read as follows:</p> <p><u>(c-4) The State Board of Education may not adopt standards in violation of Section 28.0043.</u></p>	
No equivalent provision.	<p>SECTION 13. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0043 to read as follows:</p> <p><u>Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY. (a) A school district, open-enrollment charter school, or district or charter school employee may not provide or allow a third party to provide instruction, guidance, activities, or programming regarding sexual orientation or gender identity to students enrolled in prekindergarten through 12th grade.</u></p> <p><u>(b) This section may not be construed to limit:</u></p> <p><u>(1) a student's ability to engage in speech or expressive conduct protected by the First Amendment to the United</u></p>	

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States Constitution or by Section 8, Article I, Texas Constitution, that does not result in material disruption to school activities; or
(2) the ability of a person who is authorized by the district to provide physical or mental health-related services to provide the services to a student, subject to any required parental consent.

SECTION 14. Section 28.02124, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:
(a) Subject to Subsection (c), a parent or guardian may elect for a student to:
(1) repeat prekindergarten;
(2) enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Section 29.153(b) and the student has not yet enrolled in kindergarten;
(3) repeat kindergarten;
(4) enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or
(5) for grades one through eight [~~three~~], repeat the grade in which the student was enrolled during the previous school year.
(a-1) Subject to Subsection (c), for courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled during the previous school year. A parent or guardian may not elect for a student to repeat a course under this subsection if the school district or open-enrollment charter school determines the

No equivalent provision.

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	<p><u>student has met all of the requirements for graduation.</u></p> <p><u>(a-2) A parent or guardian may make an election under Subsection (a)(5) or (a-1), or both.</u></p>	
No equivalent provision.	<p>SECTION 15. The heading to Section 28.022, Education Code, is amended to read as follows:</p> <p>Sec. 28.022. NOTICE TO PARENT OF UNSATISFACTORY PERFORMANCE; <u>CONFERENCES.</u></p>	
No equivalent provision.	<p>SECTION 16. Section 28.022(a), Education Code, is amended to read as follows:</p> <p>(a) The board of trustees of each school district shall adopt a policy that:</p> <p>(1) provides for <u>at least two opportunities for in-person conferences during each school year</u> [a conference] between <u>each parent of a child enrolled in the district and the child's</u> [parents and] teachers;</p> <p>(2) requires the district, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and</p> <p>(3) requires the district, at least once every three weeks, or during the fourth week of each nine-week grading period, to give written notice to a parent or legal guardian of a student's performance in a subject included in the foundation curriculum under Section 28.002(a)(1) if the student's performance in the subject is consistently unsatisfactory, as determined by the district.</p>	
No equivalent provision.	<p>SECTION 17. Subchapter B, Chapter 31, Education Code, is</p>	

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amended by adding Section 31.0236 to read as follows:

Sec. 31.0236. LOCAL REVIEW OF CLASSROOM INSTRUCTIONAL MATERIAL. (a) The agency shall adopt rules developing a process by which a school district may conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course under Section 28.002(a)(1) to determine the degree to which the material:

(1) complies with the instructional materials adopted by the school district; and

(2) is appropriately rigorous for the grade level in which it is being used.

(b) A review conducted under this section may only be conducted using a rubric developed by the agency and approved by the State Board of Education.

(c) The agency, in developing a review process under Subsection (a):

(1) shall minimize, to the extent possible, the time a classroom teacher is required to spend complying with a review conducted under this section;

(2) may not require a teacher to spend more than 30 minutes on a single review conducted under this section unless the teacher determines that spending more than 30 minutes on the review is necessary; and

(3) shall permit a regional education service center to conduct the review for a school district, if the center has completed the training offered by the agency under Subsection (d).

(d) The agency shall provide to regional education service centers training relating to appropriately conducting a review under this section.

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No equivalent provision.	<p>SECTION 18. Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:</p> <p>(b) An open-enrollment charter school is subject to:</p> <p>(1) a provision of this title establishing a criminal offense;</p> <p>(2) the provisions in Chapter 554, Government Code; and</p> <p>(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:</p> <p>(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;</p> <p>(B) criminal history records under Subchapter C, Chapter 22;</p> <p>(C) reading instruments and accelerated reading instruction programs under Section 28.006;</p> <p>(D) accelerated instruction under Section 28.0211;</p> <p>(E) high school graduation requirements under Section 28.025;</p> <p>(F) special education programs under Subchapter A, Chapter 29;</p> <p>(G) bilingual education under Subchapter B, Chapter 29;</p> <p>(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;</p> <p>(I) extracurricular activities under Section 33.081;</p> <p>(J) discipline management practices or behavior management techniques under Section 37.0021;</p> <p>(K) health and safety under Chapter 38;</p> <p>(L) the provisions of Subchapter A, Chapter 39;</p> <p>(M) public school accountability and special investigations</p>	

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

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

(O) intensive programs of instruction under Section 28.0213;

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

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

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

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

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

(U) establishment of residency under Section 25.001;

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

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

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

(Y) ~~(X)~~ parental options to retain a student under Section 28.02124;

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

(AA) the adoption of a community engagement policy as

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	<p>provided by Section 26.0071; [FA2(1)] (BB) <u>parental rights to information regarding a student's mental, emotional, and physical health-related needs and related services offered by the school as provided by Section 26.0083; and</u> (CC) <u>establishing a local school health advisory council in which members are appointed by the governing body of the school and health education instruction complies with Section 28.004.</u> [FA2(2)]</p>	
No equivalent provision.	SECTION 19. Section 28.004(i-3), Education Code, is repealed.	
No equivalent provision.	SECTION 20. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.	
SECTION 3. This Act takes effect September 1, 2023.	SECTION 21. 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, 2023.	