|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| C.S.S.B. 12 |
| By: Creighton |
| Public Education |
| Committee Report (Substituted) |

|  |
| --- |
| **BACKGROUND AND PURPOSE** The U.S. Supreme Court has continually upheld the principle of a parent's fundamental right to direct the education and upbringing of their children under the Fourteenth Amendment, while maintaining that specific details regarding instruction, curriculum, and administration may be left in the hands of the state or local government. In its 2025 interim report, the Senate Committee on Education found that "[p]arental involvement is the most significant factor for student success, and the State of Texas must ensure that parents are connected and engaged in their children's education." C.S.S.B. 12 seeks to continue the Texas tradition of supporting and expanding the rights and roles of parents in their children's education. C.S.S.B. 12 does so by, among other things, providing statutory changes to strengthen the rights of parents concerning their child's education, providing a clear and specific framework for grievances, making information available to a parent regarding their child's education easily accessible, and returning to an opt-in for human sexuality instruction. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 of this bill and to the commissioner of education in SECTIONS 2 and 4 of this bill. |
| **ANALYSIS** C.S.S.B. 12 amends the Education Code to revise and set out provisions relating to parental rights and transparency in public education, grievances, and certain public school requirements and prohibitions regarding instruction and diversity, equity, and inclusion duties.**Compliance With Mandatory Policy**C.S.S.B. 12 requires a public elementary or secondary school, the school's governing body, and the school's employees to implement and comply with each policy the school is required to adopt under the Education Code or other law. **Infringement of Parental Rights Prohibited**C.S.S.B. 12 prohibits the fundamental rights granted to parents by their Creator and upheld by the U.S. Constitution, the Texas Constitution, and the laws of Texas, 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 statutory provisions relating to parental rights and duties with respect to suits affecting the parent-child relationship, from being 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 following apply:* infringement is necessary to further a compelling state interest, such as providing life‑saving care to a child; and
* narrowly tailored using the least restrictive means to achieve that compelling state interest.

The bill defines "public elementary or secondary school" as a public school district and a district, campus, program, or school operating under a charter.**Instructional Facility Usage Report**C.S.S.B. 12 requires the Texas Education Agency (TEA) by rule to require each public school district to annually report the following information in the form and manner prescribed by TEA:* the square footage of each district facility and the acreage of land on which each facility sits;
* the total student capacity for each instructional facility, defined by reference to statutory provisions relating to the instructional facilities allotment, on a district campus;
* for each campus in the district:
	+ the enrollment capacity of the campus and of each grade level offered at the campus; and
	+ the number of students currently enrolled at the campus and in each grade level offered at the campus;
* whether a district facility is used by one or more campuses and the campus identifier of each campus that uses the facility;
* what each district facility is used for, including an instructional facility, a career and technology center, an administrative building, a food service facility, a transportation facility, and vacant land; and
* whether each district facility is leased or owned.

The bill requires TEA to produce and make available to the public on TEA's website, from the submitted information, an annual report on district land and facilities. The bill authorizes TEA to combine the report with any other required report to avoid multiplicity of reports. The bill establishes that, if TEA determines that the submitted information would create a security risk, such information is considered confidential under state public information law and may not be disclosed in the required annual report. C.S.S.B. 12 authorizes the commissioner of education to adopt rules as necessary to implement the bill's provisions relating to the facility usage report and to consider, in adopting rules for determining the student capacity of a district or district campus, the staffing, student-teacher ratio, and facility capacity of the district or campus. **Board of Trustees Information**C.S.S.B. 12 requires a district to annually submit to TEA the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. The submitted information must identify the board member designated as chair. The bill changes the frequency with which a district must update the applicable member information required to be posted on the district's website or submitted to TEA for posting on its website from each time there is a change in the membership of a district's board of trustees to not later than the 30th day after a new person is sworn in as a board member. The bill authorizes the commissioner to adopt rules as necessary to implement provisions regarding the applicable website posting of the information.**Prohibition on Diversity, Equity, and Inclusion Duties**C.S.S.B. 12 prohibits a district, except as required by state or federal law, from assigning diversity, equity, and inclusion (DEI) duties to any person and requires a district to prohibit a district employee, contractor, or volunteer from engaging in DEI duties at, for, or on behalf of the district. The bill requires a district to adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person DEI duties and requires the district to provide a physical and electronic copy of the policy and procedure to each district employee or contractor. The bill defines "diversity, equity, and inclusion duties" as follows:* influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;
* promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
* developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except as necessary to comply with state or federal law; and
* compelling, requiring, inducing, or soliciting any person to provide a DEI statement or giving preferential consideration to any person based on the provision of a DEI statement.

C.S.S.B. 12 establishes that nothing in the bill's provisions relating to the prohibition on DEI duties may be construed to do the following: * limit or prohibit a district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of Texas and the United States of America in accordance with statewide curriculum standards;
* affect a student's rights under the First Amendment to the U.S. Constitution or under the Texas Constitution;
* limit or prohibit a district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by statutory provisions relating to performance indicators or described by the district's adopted early childhood literacy and mathematics proficiency plans or college, career, and military readiness plans; or
* apply to the following:
	+ classroom instruction that is consistent with statewide curriculum standards adopted by the State Board of Education (SBOE);
	+ the collection, monitoring, or reporting of data;
	+ a policy, practice, procedure, program, or activity intended to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity; or
	+ a student club.

**Frivolous Suit or Proceeding**C.S.S.B. 12 replaces a provision authorizing a court, in a civil suit brought under state law against an independent school district or an officer of an independent district acting under color of office, to award costs and reasonable attorney's fees if the court finds that the suit is frivolous, unreasonable, and without foundation and the suit is dismissed or judgment is for the defendant with a provision authorizing, in a civil suit or administrative proceeding brought under state law or rules against an independent district or an officer of an independent district acting under color of office, the court or another person authorized to make decisions regarding the proceeding to award costs and reasonable attorney's fees under the following conditions:* the court or other authorized person finds that the suit or proceeding is frivolous, unreasonable, and without foundation; and
* the suit or proceeding is dismissed or judgment is for the defendant.

The bill establishes that this authorization expressly does not apply to a civil suit or administrative proceeding brought under the federal Individuals with Disabilities Education Act and that a civil suit or administrative proceeding described by this provision is governed by the attorney's fees provisions under that act. The bill also establishes that this authorization expressly does not apply to a proceeding regarding a grievance filed under the local grievance procedure established by the district board of trustees under applicable provisions regarding such grievances as amended by the bill.**Public School Requirements**Open-Enrollment Charter SchoolsC.S.S.B. 12 subjects an open-enrollment charter school to the following:* the grievance procedure under applicable provisions regarding such grievances as amended by the bill and the grievance policy established under the bill's provisions;
* the DEI duties established under the bill's provisions;
* parental access to instructional materials and curricula under statutory provisions relating to the parental right to request instructional material review;
* the adoption of a parental engagement policy as provided under the bill's provisions;
* parental rights to information regarding a student's mental, emotional, and physical health-related needs and related services offered by the school as provided under the bill's provisions; and
* establishment of a local school health advisory council with members appointed by the governing body of the school and health education instruction that complies with applicable state law regarding local school health advisory council and health education instruction as amended by the bill.

Local Innovation Plans: Limitation of Permissible ExemptionsC.S.S.B. 12 prohibits a local innovation plan from providing for the exemption of a district designated as a district of innovation from the grievance policy established under the bill's provisions or from applicable state law regarding local school health advisory council and health education instruction as amended by the bill. This prohibition applies to a local innovation plan adopted or renewed before, on, or after the bill's effective date. Parental NotificationC.S.S.B. 12 establishes that a district is not exempt from the requirements under statutory provisions relating to parental notification of an assignment of an inappropriately certified or uncertified teacher to the same classroom for more than 30 consecutive instructional days during the same school year.**Parental Rights and Responsibilities**PurposeC.S.S.B. 12 revises the provision in current law establishing certain purposes of applicable state law regarding parental rights and responsibilities. Accordingly, the bill does the following:* establishes that, as provided by the Family Code provisions relating to rights and duties in a parent-child relationship, 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 the state, any state political subdivision, a district or charter school, or any other governmental entity;
* with respect to the current provision prohibiting, unless otherwise provided by law, a board of trustees, administrator, educator, or other person from limiting parental rights, establishes that:
	+ a board of trustees, administrator, educator, or other person, unless otherwise provided by law, must also comply with the bill's prohibition against the infringement of parental rights; and
	+ a board of trustees, administrator, educator, or other person, unless otherwise provided by law, is also prohibited from withholding information from a parent regarding the parent's child;
* establishes that a 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 federal Family Educational Rights and Privacy Act of 1974; and
* requires each board of trustees to do the following, which are in addition to its current duties to provide for procedures to consider complaints that a parent's right has been denied and to 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:
	+ 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; and
	+ 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 the following:
		- the child's course of study and supplemental services;
		- instructional materials and library materials;
		- health education instruction under applicable state law regarding local school health advisory council and health education instruction as amended by the bill;
		- instruction regarding sexual orientation and gender identity under the bill's provisions;
		- school options, including virtual and remote schooling options;
		- required immunizations under state law;
		- gifted and talented programs;
		- promotion, retention, and graduation policies;
		- grade, class rank, and attendance information;
		- state standards and requirements;
		- data collection practices;
		- health care services, including notice and consent with respect to the bill's provision requiring notice and consent with respect to each health-related service offered at the district campus the student attends;
		- the grievance procedure under applicable provisions regarding grievances as amended by the bill and informs parents that they are not required to file a grievance or an appeal at the district level before pursuing another remedy under law, including by filing a complaint with appropriate authorities to request an investigation; and
		- special education and bilingual education and special language programs.

With respect to the preceding information about such parental rights and options, the bill requires TEA to develop a form for use by districts in providing such information and requires each district to post the form in a prominent location on the district's website.Right to Select Public or Private SchoolC.S.S.B. 12 codifies a parent's right to choose a public school or private school, including a home school, for the parent's child.Access to Certain School RecordsC.S.S.B. 12 clarifies that the written district records concerning a parent's child that include health and immunization information to which the child's parents are entitled to access include the medical records in accordance with applicable state law, including health and immunization information. Moreover, the bill establishes that a parent is entitled to access all written records of a school district relating to library materials checked out by the child from a school library.Access to Teaching MaterialsC.S.S.B. 12 requires each district and open-enrollment charter school to post on the home page of the district's or charter school's website a notice stating that a parent of an enrolled student is entitled to review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's child, including while the child is participating in virtual or remote learning, and may request that the district or charter school make the materials available for review as provided by applicable state law entitling a parent to review such materials. Required Disclosure Regarding Instructional PlanC.S.S.B. 12 requires each district to adopt a policy to make available on the district's website at the beginning of each semester an instructional plan or course syllabus for each class offered in the district for that semester. The policy must do the following:* require each teacher to provide, before the beginning of each semester, a copy of the teacher's instructional plan or course syllabus for each class for which the teacher provides instruction to district administration and to the parent of each student enrolled in the class; and
* provide for additional copies of an instructional plan or course syllabus to be made available to a parent of a student enrolled in the class on the parent's request.

Parental Engagement PolicyC.S.S.B. 12 requires each district's board of trustees to develop a parental engagement policy that does the following: * 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;
* requires the board to prioritize public comments by presenting those comments at the beginning of each board meeting; and
* requires board meetings to be held outside of typical work hours.

Right to Full Information Concerning StudentC.S.S.B. 12 entitles a parent, except as provided by statutory provisions relating to child abuse reporting and programs, to notification not later than one school business day after the date a district employee first suspects that a criminal offense has been committed against the parent's child. With respect to the provision in current law establishing that an attempt by any district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discipline under applicable state law, the bill specifies that such an attempt is grounds for discipline under the applicable state law or by the State Board for Educator Certification (SBEC), if applicable.Right to Information Regarding Mental, Emotional, and Physical Health and Health-Related ServicesC.S.S.B. 12 requires TEA to adopt a procedure for 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. The bill requires the adopted procedure to reinforce the fundamental right of a parent to make decisions regarding the upbringing and control of the parent's child by requiring district personnel to do the following:* encourage a student to discuss issues relating to the student's well-being with the student's parent; or
* facilitate such a discussion.

Additionally, the bill prohibits a district from adopting a procedure that does any of the following:* prohibits a district employee from notifying the parent of a student regarding:
	+ information about the student's mental, emotional, or physical health or well‑being; or
	+ a change in services provided to or monitoring of the student related to the student's mental, emotional, or physical health or well-being;
* encourages or has the effect of encouraging a student to withhold from the student's parent information about the student's health or well-being; or
* prevents a parent from accessing education or health records concerning the parent's child.

The bill establishes that these bill provisions requiring the adoption of notification procedures expressly 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 applicable Family Code provisions relating to the investigation of a report of child abuse or neglect.C.S.S.B. 12 prohibits a district employee from discouraging or prohibiting parental knowledge of or involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. Any student support services training developed or provided by a district to district employees must comply with any student services guidelines, standards, and frameworks established by the SBOE and TEA. The bill requires a district, before the first instructional day of each school year, to 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 and requires the notice to include a statement of the parent's right to withhold consent for or decline a health-related service. Moreover, the bill does the following:* establishes that a parent's consent to a health-related service does not waive certain requirements of the bill relating to the parent's right of information regarding health and health-related services;
* requires a district, before administering a student well-being questionnaire or health screening form to a student enrolled in prekindergarten through 12th grade, to 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 in a manner provided by the bill's provisions revising applicable state law with regard to the parental consent required from a parent for the parent's child for participation in certain district activities; and
* prohibits its provisions relating to a parent's right of information regarding health and health-related services from being construed to do the following:
	+ limit or alter the child abuse reporting requirements under applicable Education Code provisions regarding child abuse reporting and programs or under applicable Family Code provisions governing the investigation of a report of child abuse or neglect; or
	+ limit a district employee's ability to inquire about a student's daily well-being without parental consent.

C.S.S.B. 12, in a provision set to expire September 1, 2027, requires TEA, the SBOE, and the SBEC, as appropriate and not later than June 30, 2026, to review and revise as necessary the following to ensure compliance with the foregoing provisions:* school counseling frameworks and standards;
* educator practices and professional conduct principles; and
* any other student services personnel guidelines, standards, or frameworks.

Consent Required for Certain ActivitiesC.S.S.B. 12 revises the requirement for a district employee to obtain parental consent before conducting a psychological examination, test, or treatment, making a videotape of a child or recording a child's voice, or authorizing such a videotape or recording, with certain exceptions for examinations, tests, or treatment required under state law regarding child abuse reporting and programs or under state or federal law regarding requirements for special education. Accordingly, the bill does the following:* makes the requirements and exceptions also applicable to a contractor of the district;
* includes a psychiatric examination, test, or treatment among the activities for which consent is required; and
* requires an employee or contractor to obtain the consent before:
	+ unless authorized by other law, disclosing a child's health or medical information to any person other than the child's parent or collecting, using, storing, or disclosing to any person other than the child's parent a child's biometric identifiers; or
	+ subject to a later-described bill provision, providing health care services or medication or conducting a medical procedure.

For purposes of the requirement as revised by the bill, the bill defines the following terms:* "biometric identifier" as a blood sample, hair sample, skin sample, DNA sample, body scan, retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry;
* "psychological or psychiatric examination or test" as 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 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; and
* "psychological or psychiatric treatment" as the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

C.S.S.B. 12 requires written consent for a parent's child to participate in a district activity subject to the requirement revised by the bill to be signed by the parent and returned to the district. The bill prohibits a child from participating in the activity unless the district receives that signed written consent. C.S.S.B. 12 establishes the following:* for the purpose of obtaining written consent for providing health care services or medication or conducting medical procedures that are determined by a 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; and
* unless otherwise provided by a child's parent, written consent obtained in accordance with this bill provision is effective until the end of the school year in which the consent was obtained.

C.S.S.B. 12 requires a district, before the first instructional day of each school year, to provide to the parent of each student enrolled in the district written notice of any actions the district may take involving the authorized collection, use, or storage of a child's biometric identifiers and requires the notice to do the following:* 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
* be signed by the parent and returned to the district.

C.S.S.B. 12 requires a district to take disciplinary action against an employee responsible for allowing a child to participate in health care services or a medical procedure if the district did not obtain a parent's consent for the child's participation in that activity.C.S.S.B. 12 requires a district to retain the written informed consent of a child's parent obtained under the bill's provisions revising the consent required for participation in a district activity as part of the child's education records. C.S.S.B. 12 establishes that nothing in the bill's provisions revising the consent required for participation in a district activity may be construed to, as follows:* require an employee or contractor of a district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being;
* affect a child's consent to counseling under applicable state law for suicide prevention, chemical addiction or dependency, or sexual, physical, or emotional abuse; or
* affect the duty to report child abuse or neglect or an investigation of such a report under applicable Family Code provisions relating to the investigation of a report of child abuse or neglect.

GrievancesC.S.S.B. 12 revises the requirement in current law for each district's board of trustees to adopt a grievance procedure under which the board must address each complaint the board receives concerning violation of a right guaranteed by state law relating to parental rights and responsibilities by doing the following:* replacing the requirement that the board address complaints under the procedure with the requirement that the board address grievances under the procedure;
* specifying that the adopted procedure must comply with the bill's provisions establishing requirements for a grievance policy; and
* including grievances concerning a violation of a board of trustees policy or a provision of state law relating to public education among the grievances to be addressed.

**Grievance Policy**Required Adoption of Grievance PolicyC.S.S.B. 12 requires a district's board of trustees to adopt a grievance policy to address grievances received by the district that provides for the following levels of review:* review by the principal of the district campus at which the grievance is filed or the principal's designee or, for a grievance that arises from subject matter unrelated to a campus, by an administrator at the district's central office;
* if established by the policy, an appeal to an administrator at the district's central office;
* an appeal to the superintendent of the district or the superintendent's designee; and
* an appeal to the district's board of trustees.

C.S.S.B. 12 requires a review or appeal on a grievance to be conducted by a person with the authority to address the grievance unless a preliminary hearing is necessary to develop a record or a recommendation for the district's board of trustees. A district's board of trustees may delegate the authority to hear and decide a grievance to a committee of at least three members, composed only of members of the board. For purposes of an appeal to the commissioner, a decision by the committee is a decision of the board of trustees. Grievance policy requirements apply to the committee in the same manner as those requirements apply to the board of trustees. Accordingly, the bill requires the grievance policy to do the following:* prohibit the board of trustees or a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the policy;
* require a person involved in reviewing a grievance under the policy to recuse himself or herself from doing so if the person is the subject of the grievance;
* provide for a higher level of review if the person who would otherwise review the grievance is required to recuse himself or herself;
* provide for the creation and retention of a record of each hearing on the grievance, including:
	+ documents submitted by the person who filed the grievance or determined relevant by district personnel; and
	+ a written record of the decision, including an explanation of the basis for the decision and an indication of each document that supports the decision;
* allow the person who filed the grievance to supplement the record with additional documents or add additional claims;
* allow for a member of the board of trustees to file a grievance with the district, but prohibit the member from voting on matters related to that grievance;
* allow for a remand to a lower level of review to develop a record at any time, including at the board of trustees level of review;
* require the district to direct a grievance that is filed with the incorrect administrator to the appropriate administrator and consider the grievance filed on the date on which the grievance was initially filed;
* require the district to issue a decision on the merits of the concern raised in the grievance, notwithstanding procedural errors or the type of relief requested;
* unless otherwise required by law, allow for a hearing or meeting at which the grievance will be discussed to be open or closed at the request of the person who filed the grievance; and
* for a grievance before the board of trustees, require that:
	+ the person who filed the grievance be provided at least five business days before the date on which the meeting to discuss the grievance will be held a description of any information the board intends to rely on that is not contained in the record; and
	+ the meeting at which the grievance is discussed be recorded by video or audio recording or by transcript created by a certified court reporter.

C.S.S.B. 12 authorizes the commissioner, if a grievance is appealed to the commissioner, to take the following actions:* investigate an alleged violation of state or federal law regarding the confidentiality of student information, including the federal Family Educational Rights and Privacy Act of 1974, relating to the grievance;
* collaborate with relevant federal agencies in such an investigation; and
* take any action necessary to compel the district, the district's board of trustees, or a district employee to comply with the applicable state or federal law.

C.S.S.B. 12 requires each district to annually submit to TEA a report on grievances filed in the district during the preceding year that includes, for each grievance, the resolution of the grievance and any corrective action taken. The bill requires TEA, not later than December 1 of each year, to post on TEA's website a report on grievances filed in districts during the preceding year that must aggregate the data statewide and state the following information:* the number of grievances filed;
* the number of grievances resolved and the resolution of those grievances; and
* any corrective actions taken.

C.S.S.B. 12 authorizes the commissioner, if the commissioner determines that a member of a district's board of trustees or a district employee has retaliated against a student or parent of or person standing in parental relation to a student in violation of the grievance policy, to do the following:* if the commissioner determines that a district educator has retaliated against a student or parent of or person standing in parental relation to a student, report the educator to the SBEC for investigation; and
* if the commissioner determines that a member of the board of trustees, the superintendent, a principal, or another administrator of the district has retaliated against a student or parent of or person standing in parental relation to a student, withhold approval for the guarantee of the district's bonds by the permanent school fund under applicable state law relating to a school district's guaranteed bonds.

Timelines for Filing and AppealC.S.S.B. 12 sets out requirements for a grievance policy adopted under the bill's provisions with regard to the timelines for filing and appealing. Accordingly, the bill requires an adopted policy to, as follows:* provide at least:
* for a grievance filed by a parent of or person standing in parental relation to a student enrolled in the district:
* 60 days to file a grievance from the date on which the parent or person knew or had reason to know of the facts giving rise to the grievance; or
	+ - if the parent or person engaged in informal attempts to resolve the grievance, the later of 90 days to file a grievance from the date on which the parent or person knew or had reason to know of the facts giving rise to the grievance or 30 days to file a grievance from the date on which the district provided information to the parent or person regarding how to file the grievance; and
	+ 20 days to file an appeal after the date on which a decision on the grievance was made;
* for a hearing that is not before the board of trustees, require, as follows:
	+ the district to hold a hearing not later than the 10th day after the date on which the grievance or appeal was filed; and
	+ a written decision to be made not later than the 20th day after the date on which the hearing was held that includes:
		- any relief or redress to be provided; and
		- information regarding filing an appeal, including the timeline to appeal under relevant bill and statutory provisions, if applicable; and
* for a hearing before the board of trustees, require the board to, as follows:
	+ hold a meeting to discuss the grievance not later than the 60th day after the date on which the previous decision on the grievance was made; and
	+ make a decision on the grievance not later than the 30th day after the date on which the meeting is held.

Posting of Procedures and FormsC.S.S.B. 12 requires a board of trustees to develop, make publicly available in a prominent location on the district's website, and include in the district's student handbook the following information:* procedures for resolving grievances;
* standardized forms for filing a grievance, a notice of appeal, or a request for a hearing under the bill's provisions providing for a required grievance policy; and
* the method by which a grievance may be filed electronically.

The bill requires a district to ensure that a grievance may be submitted electronically at the location on the district's website at which the aforementioned information is available and requires the district to submit and make accessible to TEA that location on the district's website. **Essential Knowledge and Skills; Curriculum**CurriculumC.S.S.B. 12 removes the authorization for a district or charter school to take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies. The bill requires a district or charter school to take the following actions:* adopt a policy and procedure for the appropriate discipline, including termination, of a district or charter school employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by applicable provisions providing for certain instructional requirements and prohibitions; and
* provide a physical and electronic copy of the policy and procedure to each district or school employee or contractor.

Human Sexuality InstructionC.S.S.B. 12 requires a district to obtain the written consent of a student's parent before the student may be provided with human sexuality instruction. A request for such consent must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. The bill prohibits the inclusion of the request with any other notification or request for written consent provided to the parent, other than the required notice regarding whether the district will provide human sexuality instruction.Restriction on Instruction Regarding Sexual Orientation and Gender IdentityC.S.S.B. 12 prohibits a district, charter school, or their employee from providing or allowing a third party to provide instruction, guidance, activities, or programming regarding sexual orientation or gender identity to students enrolled in prekindergarten through 12th grade. The bill establishes that the prohibition may not be construed to do the following:* limit a student's ability to engage in speech or expressive conduct protected by the First Amendment to the U.S. Constitution or the Texas Constitution, that does not result in material disruption to school activities;
* limit 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; or
* prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a school district or open‑enrollment charter school campus.

The bill prohibits the SBOE from adopting standards in violation of these bill provisions. **Notice to Parent of Unsatisfactory Performance; Conferences**C.S.S.B. 12 expands the requirement for the board of trustees of each district to adopt a policy that provides for a conference between parents and teachers by requiring the policy to provide for at least two opportunities for in-person conferences during each school year between each parent of a child enrolled in the district and the child's teachers.**Certification of Compliance With Certain Laws Required**C.S.S.B. 12 requires the superintendent of a district or charter school, not later than September 30 of each year, to certify to TEA that the district or charter school is in compliance with these provisions of the bill provisions regarding required certification of compliance with applicable law, with the bill's provisions prohibiting the assignment to any person of DEI duties and requiring a district to prohibit an employee, contractor, or volunteer from engaging in DEI duties at, for, or on behalf of the district, and with certain statutory instructional requirements and prohibitions, as amended by the bill. The bill requires the certification to be submitted electronically to TEA and to, as follows:* be approved by a majority vote of the board of trustees of the district or the governing body of the charter school at a public meeting that includes an opportunity for public testimony and for which notice was posted on the district's or school's website at least seven days before the date on which the meeting is held; and
* include the following:
	+ a description of the applicable policies and procedures required under the bill's provisions to be adopted for the appropriate discipline, including termination, of a district or school employee or contractor who intentionally or knowingly engages in or assigns to another person DEI duties and required under the bill's provisions to be adopted for the appropriate discipline, including termination, of a district or school employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited with respect to certain instructional requirements and prohibitions and the manner in which district or charter school employees and contractors were notified of those policies and procedures;
	+ any existing policies, programs, procedures, or trainings that were altered to ensure compliance with the bill's provisions prohibiting the assignment to any person of DEI duties and requiring a district to prohibit an employee, contractor, or volunteer from engaging in DEI duties at, for, or on behalf of the district and compliance with certain instructional requirements and prohibitions, as amended by the bill; and
	+ any cost savings resulting from actions taken by the district or charter school to comply with this bill provision requiring certification of compliance.

The bill requires TEA to post each certification received by a district or charter school on its website.**Applicability** C.S.S.B. 12 applies beginning with the 2025-2026 school year. However, the bill's provisions apply only to an appeal filed on or after September 1, 2025. An appeal filed before September 1, 2025, is governed by the law in effect on the date the appeal was filed, and the former law is continued in effect for that purpose. |
| **EFFECTIVE DATE** On passage, or, if the bill does not receive the necessary vote, September 1, 2025. |
| **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**While C.S.S.B. 12 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.**Board of Trustees Information**The substitute includes the following provisions, which were not included in the engrossed, that amend current law relating to information about a district's board of trustees that is posted on the district's website or submitted to TEA for posting on its website if the district does not maintain a website:* a provision setting a deadline for the district to update that information whereby, rather than updating the information each time there is a change in board membership as in current law, the district must update the information not later than the 30th day after a new person is sworn in as a member;
* a provision establishing that a district must annually submit to TEA the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees and providing that, as follows:
	+ the information must identify the member designated as chair; and
	+ the information must be updated as required by the substitute's changes to current law setting a deadline for updating such information; and
* a provision authorizing the commissioner to adopt rules as necessary to implement these provisions.

**Prohibition on Diversity, Equity, and Inclusion Duties**Both the engrossed and the substitute prohibit its DEI provisions from being construed as limiting or prohibiting a district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by statutory provisions relating to performance indicators of achievement. However, the substitute, but not the engrossed, additionally prohibits its DEI provisions from being construed as limiting or prohibiting a district from analyzing school‑based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by the district's adopted early childhood literacy and mathematics proficiency plans or its adopted college, career, and military readiness plan.**Student Clubs**Both the engrossed and the substitute prohibit its DEI provisions from being construed as applying to a student club. However, the engrossed, but not the substitute, included a specification that made that prohibition in the engrossed applicable to a student club that is in compliance with certain requirements of the engrossed regarding such clubs. Accordingly, the substitute does not include the provision of the engrossed regarding such clubs that did the following:* required a district or charter school to require the written consent of the parent of or person standing in parental relation to a student enrolled in the district or school before the student may participate in a student club at the district or school;
* authorized a district or charter school staff member to serve as the sponsor of a student club based on race, sex, color, or ethnicity in a supervisory capacity only but prohibited the staff member from providing instruction on any topic in that capacity; and
* prohibited a district or charter school from authorizing or sponsoring a student club based on sexual orientation or gender identity.

**Charter School: Grievance Procedure and Grievance Policy**The substitute includes a provision absent from the engrossed subjecting a charter school to the grievance procedure under applicable state law, which is amended by both the engrossed and the substitute in different ways as later described, and the grievance policy established under the substitute's provisions.**Local Innovation Plan**The substitute includes a provision absent from the engrossed prohibiting a local innovation plan from providing for the exemption of a district designated as a district of innovation from the grievance policy under the substitute's provisions.**Admission: False Information on Enrollment Form**The engrossed included a provision absent from the substitute that revised the provision in current law that a person who knowingly falsifies information on a form required for enrollment of a student in a district is liable, for the period during which the ineligible student is enrolled, for the greater of the maximum tuition fee the district may charge or the amount the district has budgeted for each student as maintenance and operating expenses by removing as a component of the amount the maximum tuition fee the district may charge.**Transfer of Student**The engrossed included provisions absent from the substitute that revised the provisions in current law and set out provisions relating to the transfer of a student, including:* the conditions for which a district may deny approval of a transfer;
* determining whether a school in a school district is at full student capacity;
* the manner and order in which a district must fill the available positions and give priority to applicants;
* providing transportation to a transfer student;
* revoking the approval of a student's transfer; and
* the length a student may remain enrolled in the receiving district.

**Tuition Fee for Transfer Students Paid by School District**The engrossed included a provision absent from the substitute that revised the provision in current law regarding tuition fees for transfer students and prohibited a district from charging a tuition fee for a student authorized under the provisions of the engrossed regarding the transfer of a student. **Parental Rights and Responsibilities**PurposeBoth the engrossed and the substitute require each district's board of trustees to 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 the grievance procedure under state law. However, the substitute, but not the engrossed, further specifies that the information addressing the parent's rights and options concerning the grievance procedure informs parents that they are not required to file a grievance or an appeal at the district level before pursuing another remedy under law, including by filing a complaint with appropriate authorities to request an investigation.Access to Library Materials The substitute includes a provision absent from the engrossed specifying that the written district records concerning a child to which the child's parents are entitled access include records relating to library materials checked out by the child from a school library.Access to Teaching Materials; Required Disclosure Regarding Instructional PlanThe substitute includes provisions absent from the engrossed relating to access to teaching materials whereby each district and charter school must post an online notice that a parent is entitled to review such materials and relating to the required disclosure regarding an instructional plan whereby each district must adopt a policy to make available online at the beginning of each semester and instructional plan or course syllabus for that semester.Right to Information Regarding Mental, Emotional, and Physical Health and Health-Related ServicesWhile both the engrossed and substitute require a district, before administering a student well-being questionnaire or health screening form to a student enrolled in prekindergarten through 12th grade, to 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, the substitute includes a specification absent from the engrossed that the 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 in the manner provided by the bill's provisions revising applicable state law with regard to the parental consent required from a parent for the parent's child for participation in certain district activities.Consent Required for Certain ActivitiesBoth the engrossed and the substitute revise the requirement in current law for a district employee to obtain parental consent before conducting a psychological examination, test, or treatment, making a videotape of a child or recording a child's voice, or authorizing such a videotape or recording, with certain exceptions. However, the substitute also makes the requirement applicable to a contractor of the district and includes a psychiatric examination, test, or treatment among the activities for which consent is required, which the engrossed did not. Accordingly, the substitute includes provisions doing the following with respect to provisions relating to the consent required for certain activities:* defining "psychological or psychiatric examination or test" and "psychological or psychiatric treatment";
* requiring a district to retain the written informed consent of a child's parent as part of the child's education records; and
* establishing that nothing in those provisions may be construed to have certain effects.

Grievance Procedures and Grievance PoliciesThe engrossed replaced the requirement in current law, which the substitute does not, for the grievance procedure adopted by each district's board of trustees to require the board to address each complaint that the board receives concerning violation of a guaranteed parental right with a requirement for the procedure to require the board do the following:* address each grievance that the board receives concerning a violation of the prohibition on DEI duties, or of a guaranteed parental right under the bill's provisions, if the grievance is filed not later than six school weeks after the date on which the parent received notice of an incident giving rise to the grievance;
* allow a parent at any time before a final decision by the board to provide additional evidence regarding the parent's grievance; and
* allow a parent to file more than one grievance at the same time.

The substitute instead revises that requirement by doing the following:* replacing the specification that the board addresses complaints under the procedure with the specification that the board addresses grievances under it;
* specifying that the adopted procedure must comply with the substitute's provisions establishing requirements for a grievance policy; and
* including grievances concerning violation of a board of trustees policy or a provision of state law relating to public education among the grievances to be addressed.

Additionally, whereas the engrossed established requirements and provisions relating to the grievance procedure, grievance hearing before hearing examiner, and testimony before the SBOE, the substitute does not include those provisions.The substitute instead establishes provisions absent from the engrossed relating to a grievance policy, related timelines for filing and appeals, and posting of procedures and forms.**Restriction on Instruction Regarding Sexual Orientation and Gender Identity**The substitute includes a provision absent from the engrossed establishing that the bill's restriction on instruction regarding sexual orientation and gender identity may not be construed to prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a district or charter school campus.**Repealed Provisions in Engrossed**The engrossed repealed the following provisions, which the substitute does not:* Section 25.0344, Education Code, as added by Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular Session, 2023; and
* Section 25.0344, Education Code, as added by Chapter 322 (H.B. 1959), Acts of the 88th Legislature, Regular Session, 2023.

**Procedural Provisions** The substitute includes a procedural provision absent from the engrossed establishing that the substitute applies only to an appeal filed on or after September 1, 2025, that an appeal filed before September 1, 2025, is governed by the law in effect on the date the appeal was filed, and that the former law is continued in effect for that purpose. |