

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2495
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Jurisprudence
5/14/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides certain rights to a parent who has been appointed managing conservator that are either exclusive, independent, or exercised by agreement with the other managing conservators, as applicable, such as the right to designate the child's primary residence, make medical decisions, and make educational decisions. The law, however, does not clearly state whether this includes the specific right to choose which school the child attends or to enroll the child in that school. When a sole managing conservator and a possessory conservator disagree on these issues, courts are often forced to step in to resolve the conflict.

H.B. 2495 would clarify that a sole managing conservator has the exclusive right to choose and enroll the child in a school. This change is intended to reduce disputes between conservators and minimize the emotional stress placed on the child during legal conflicts over education.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2495 amends current law relating to certain rights of a child or a parent or the sole managing conservator of a child in relation to the child's enrollment in school.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.002, Education Code, to redefine "parent."

SECTION 2. Amends Section 31.006, Family Code, as follows:

Sec. 31.006. EFFECT OF GENERAL REMOVAL. Provides that, except as provided by federal law, all educational rights accorded to the parent of a student, including the right to make education decisions under Sections 151.001(a)(10) (relating to providing that a parent has the right to make decisions concerning the child's education) and (11) (relating to providing that a parent has the right to designate the school the child will attend), transfer to the minor whose disabilities are removed for general purposes.

SECTION 3. Amends Section 151.001(a), Family Code, as follows:

(a) Provides that a parent of a child has certain rights and duties, including the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirements. Makes nonsubstantive changes.

SECTION 4. Amends Section 153.132, Family Code, as follows:

Sec. 153.152. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE MANAGING CONSERVATOR. Provides that, unless limited by court order, a parent appointed as sole managing conservator of a child has the rights and duties provided by Subchapter B (Parent Appointed As Conservator: In General) and certain exclusive rights, including the

right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirements. Makes nonsubstantive changes.

SECTION 5. Amends Section 153.371, Family Code, as follows:

Sec. 153.371. RIGHTS AND DUTIES OF NONPARENT APPOINTED SOLE MANAGING CONSERVATOR. Provides that, unless limited by court order or other provisions of Chapter 153 (Conservatorship, Possession, and Access), a nonparent, a licensed child-placing agency, or the Department of Family and Protective Services appointed as a managing conservator of the child has certain rights and duties, including the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirements. Makes nonsubstantive changes.

SECTION 6. Makes application of Sections 153.132 and 153.371, Family Code, prospective.

SECTION 7. Effective date: September 1, 2025.