

BILL ANALYSIS

Senate Research Center
89R18716 PRL-F

C.S.S.B. 12
By: Creighton
Education K-16
3/13/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Relating to parental rights in public education and to certain public school requirements and prohibitions regarding instruction and diversity, equity, and inclusion duties and the loss of funding for public schools that fail to comply with those provisions.

Strengthening Parental Rights

- School districts must follow their own policies and cannot infringe on parental rights unless justified under strict scrutiny.
- Parents have a clear right to direct the moral, religious, and educational upbringing of their children.
- Parents must be promptly notified when a criminal offense has been committed against their child, with exceptions for suspected abuse cases.
- The Texas Education Agency (TEA) will develop a process for districts to notify parents of changes in their child's mental or physical health status while encouraging student-parent communication.
- Parents have the right to select an educational setting and access all student records, including medical records.

Eliminating Diversity, Equity, and Inclusion (DEI) in Public Schools

- Defines and prohibits DEI duties, including race-based or gender-based hiring preferences, compelled DEI statements, and ideological influence.
- School districts must implement local discipline policies for violations, including termination for employees engaging in prohibited DEI activities.
- Charter schools must comply with these prohibitions and provide transparency on instructional materials and policies affecting parental engagement.

Reforming Student Transfers

- Standardizes open-enrollment and district-to-district transfers with clear criteria for approvals, denials, and prioritization.
- Denials must be based on published capacity limits or specific documented discipline concerns, not equity considerations.
- Schools must use a lottery system when applications exceed capacity, with priority given to returning students, dependents of district employees, military, or law enforcement personnel, and siblings of current students.
- Prohibits charging tuition for normal student transfers but allows agreements with fees for specific inter-district student services.

Increasing Parental Transparency and School Accountability

- School boards must adopt parental engagement policies, hold meetings outside normal work hours, and provide online portals for public comment.
- Parents must be notified of their opt-out rights for certain instruction, health-related services, and biometric data collection.
- Parents must consent before their child participates in certain school activities, receives healthcare services, or has medical/biometric information stored.
- Class A misdemeanor penalties for allowing healthcare services to students without parental consent if bodily injury results.
- Schools must offer at least two in-person parent-teacher conferences per year.

Creating a Clear Appeals Process for Parental Grievances

- Establishes a structured grievance process: Appeal to principal > Appeal to superintendent > Appeal to school board.
- All responses must be provided in writing within provided timelines, and parents may appeal certain grievances to TEA for an independent hearing—DEI, critical race theory (CRT), sexual education, open meetings, etc.
- TEA hearings must be resolved within 60 days, with binding decisions.
- If a district loses five or more grievances in a year, the superintendent must testify before the State Board of Education (SBOE).
- Costs of hearings are borne by the district unless the parent's claim is deemed frivolous.

Curriculum and Instructional Limitations

- SBOE may not adopt curriculum standards requiring instruction on sexual orientation or gender identity.
- Reinstates the opt-in requirement for sex education.
- Prohibits instruction on sexual orientation and gender identity from PreK-12.

Ensuring Compliance

- School districts must certify compliance with DEI and CRT bans at a public meeting.

Changes in Committee Substitute to C.S.S.B. 12

1. DEI duties definition broadened to include all activities and programs.
2. School policies for discipline on DEI and CRT may only punish staff that intentionally or knowingly violate the bill.
3. Requires districts to inform staff of their DEI and CRT policies so they will know their district's policy.
4. Prohibits clubs based on sexual orientation and gender identity. Requires parent permission to join clubs. Teachers may sponsor student clubs. For student clubs related to sex, race, color and ethnicity, teachers may only supervise the club and cannot provide instruction.

5. Clarifies that the ban on DEI duties is a ban on engaging in DEI duties at, for, or on behalf of a school district. The bill does not affect what contractors or employees do on their own time.
6. DEI duties does not limit or prohibit:
 1. classroom instruction aligned with the TEKS;
 2. students' First Amendment rights;
 3. data collection, reporting, and monitoring; and
 4. a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to accomplish the goals of our state's accountability system.
7. For our ISD open enrollment provisions, we require school districts to annually report on their facilities' capacity and capacity of each campus by grade level. ISDs will not be able to deny transfers for capacity reasons if they do not complete this report.
8. The grievance process will also be refined, requiring those reviewing a grievance to recuse themselves if they are the subject of the complaint and allowing for a higher-level review in such cases.
9. Additionally, the window for parents to file grievances will be limited to six weeks from the incident without exception.
10. Further, the bill will mandate that school districts provide parents with information on their rights concerning special education and bilingual education upon enrollment and at the start of each school year.
11. Lastly, parents must be notified if their child has an uncertified teacher, and districts of innovation will no longer be exempt from this requirement.

C.S.S.B. 12 amends current law relating to parental rights in public education, to certain public school requirements and prohibitions regarding instruction and diversity, equity, and inclusion duties, and to student clubs at public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressed granted to the Texas Education Agency in SECTION 2 (Section 7.0611, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 7.0611, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1, Education Code, by adding Sections 1.007 and 1.009, as follows:

Sec. 1.007. COMPLIANCE WITH MANDATORY POLICY. (a) Defines "public elementary or secondary school."

(b) 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 this code or other law.

Sec. 1.009. INFRINGEMENT OF PARENTAL RIGHTS PROHIBITED. Prohibits 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 (Rights and Duties of Parent), Family Code, 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 infringement is necessary to further a compelling state interest, such as providing life-saving care to a child and is narrowly tailored using the least restrictive means to achieve that compelling state interest.

SECTION 2. Amends Subchapter C, Chapter 7, Education Code, by adding Section 7.0611, as follows:

Sec. 7.0611. FACILITY USAGE REPORT. (a) Defines "instructional facility."

(b) Requires the Texas Education Agency (TEA) by rule to require each school district to annually report certain information in the form and manner prescribed by TEA.

(c) Requires TEA, from the information submitted under Subsection (b), to produce and make available to the public on TEA's Internet website an annual report on school district land and facilities. Authorizes TEA to combine the report required under this section with any other required report to avoid multiplicity of reports.

(d) Provides that, if TEA determines information under Subsection (b) would create a security risk, such information is considered confidential for purposes of Chapter 552 (Public Information), Government Code, and is prohibited from being disclosed in the annual report under Subsection (c).

(e) Authorizes the commissioner of education (commissioner) to adopt rules as necessary to implement this section. Authorizes the commissioner, in adopting rules for determining the student capacity of a school district or district campus, to consider the staffing, student-teacher ratio, and facility capacity of the district or campus.

SECTION 3. Amends Subchapter A, Chapter 11, Education Code, by adding Section 11.005, as follows:

Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION DUTIES.

(a) Defines "diversity, equity, and inclusion duties."

(b) Provides that, except as required by state or federal law, a school district is prohibited from assigning diversity, equity, and inclusion duties to any person and is required to prohibit a district employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district.

(c) Requires a school 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 diversity, equity, and inclusion duties. Requires the district to provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

(d) Provides that nothing in this section is authorized to be construed to:

(1) limit or prohibit a school 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 this state and the United States of America in accordance with the essential knowledge and skills adopted under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28 (Courses of Study; Advancement);

(2) affect a student's rights under the First Amendment to the United States Constitution or Section 8 (Freedom of Speech and Press; Libel), Article I (Bill of Rights), Texas Constitution;

(3) limit or prohibit a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by Section 39.053 (Performance Indicators; Achievement); or

(4) apply to classroom instruction that is consistent with the essential knowledge and skills 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 that is in compliance with the requirements of Section 33.0815.

SECTION 4. Amends Section 11.161, Education Code, as follows:

Sec. 11.161. New heading: FRIVOLOUS SUIT OR PROCEEDING. (a) Creates this subsection from existing text. Authorizes the court or another person authorized to make decisions regarding the administrative proceeding, in a civil suit or proceeding brought under state law or rules against an independent school district or an officer of an independent school district acting under color of office, to award costs and reasonable attorney's fees if 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.

(b) Provides that 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.). Provides that 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 5. Amends Section 12.104(b), Education Code, as follows:

(b) Provides that an open-enrollment charter school is subject to:

(1)-(2) makes no changes to these subdivisions; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) or a rule adopted under this title, relating to:

(A)-(W) makes no changes to these paragraphs;

(X)-(Y) makes nonsubstantive changes to these paragraphs;

(Z) diversity, equity, and inclusion duties under Section 11.005;

(AA) parental access to instructional materials and curricula under Section 26.0061 (Right to Request Instructional Material Review);

(BB) the adoption of a parental engagement policy as provided by Section 26.0071; and

(CC) 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.

SECTION 6. Amends Section 21.057, Education Code, by adding Subsection (f) to provide that, except as provided by Subsection (e) (relating to providing that Section 21.057 (Parental Notification) does not apply to certain schools) and notwithstanding any other provision of the Education Code, a school district is exempt from the requirements of this section.

SECTION 7. Amends Section 25.001(h), Education Code, to delete existing text providing that a person is liable, for the period during which the ineligible student is enrolled, for the greater of the maximum tuition fee the district is authorized to charge under Section 25.038 (Tuition Fee for Transfer Students) and make nonsubstantive changes.

SECTION 8. Amends Section 25.036, Education Code, by amending Subsections (a) and (b) and adding Subsections (d), (e), (f), (g), (h), (i), and (j), as follows:

(a) Authorizes 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 to apply to transfer for in-person instruction, rather than instruction annually, from the child's school district of residence to another district in this state, rather than to another district in this state 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) Requires that a transfer application, rather than agreement, under Section 25.036 (Transfer of Student) be filed and preserved as a receiving district record for audit purposes of the Texas Education Agency (TEA).

(d) Provides that a school district is authorized to 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 requests for transfers than available positions after the district has filled available positions in accordance with Subsection (f) and has satisfied the requirement provided under Subsection (g);

(2) before the application deadline for the applicable school year, the district adopted a policy that provides for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A (Alternative Settings for Behavior Management), Chapter 37 (Discipline; Law and Order), and the student meets the conditions for exclusion under the policy; or

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

(e) Prohibits a school district, for the purpose of determining whether a school in the district is at full student capacity under Subsection (d)(1), from considering equity as a factor in the district's decision-making process.

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

(1) students who are dependents of an employee of the receiving district; and

(2) students receiving special education services under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), who are dependents of military personnel, who are dependents of law enforcement personnel, who are in foster care, who are the subject of court-ordered modification of an order

establishing conservatorship or possession and access, or who are siblings of a student who is enrolled in the receiving district at the time the student seeks to transfer.

(g) Provides that a school district is authorized to deny approval of a transfer under Subsection (d)(1) only if the district publishes and annually updates the district's full student capacity by campus and the district campus to which the student seeks to transfer is determined to be at capacity based on the information reported under Section 7.0611 to TEA.

(h) Provides that a receiving school district is authorized, but is not required, except as provided by other law, to provide transportation to a student who transfers to the receiving district under this section.

(i) Provides that a receiving school district is authorized to revoke, at any time during the school year, the approval of the student's transfer only if:

(1) the student engages in 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 (Removal for Certain Conduct) or for which a student is required or permitted to be expelled from school under Section 37.007 (Expulsion for Serious Offenses); 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 and if the student is a child with a disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.), or the district suspects or has a reason to suspect that the student may be a child with a disability, complies with all federal and state requirements regarding revoking the approval of the student's transfer.

(j) Authorizes a student who transfers under this section, except as provided by Subsection (i), to remain enrolled in the receiving district until the earlier of the date on which the student graduates from high school or the student is no longer eligible to attend public school under Section 25.001 (Admission).

SECTION 9. Amends Section 25.038, Education Code, as follows:

Sec. 25.038. New heading: TUITION FEE FOR TRANSFER STUDENTS PAID BY SCHOOL DISTRICT. (a) Creates this subsection from existing text. Authorizes a receiving school district, except as provided by Subsection (b), to charge a tuition fee to another school district, if the receiving district has contracted with the other district to educate the other district's students, to the extent that the district's actual expenditure per student in average daily attendance, as determined by its board of trustees, exceeds the sum the district benefits from state aid sources as provided by Section 25.037 (Transfer of State Funds).

(b) Prohibits a school district from charging a tuition fee under this section for a student transfer authorized under Section 25.036.

SECTION 10. Amends Section 26.001, Education Code, by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1) and (c-1), as follows:

(a) Provides that, 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) Creates this subsection from existing text and makes no further changes.

(c) Provides that a board of trustees, administrator, educator, or other person, unless otherwise provided by law, is required to comply with Section 1.009 and is prohibited from limiting parental rights or withholding information from a parent regarding the parent's child.

(c-1) Prohibits a school district from being 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) Requires each board of trustees to:

(1) creates this subdivision from existing text and makes a nonsubstantive change;

(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) creates this subdivision from existing text and makes nonsubstantive changes; and

(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 certain information.

(e) Requires TEA to develop a form for use by school districts in providing information about parental rights and options under Subsection (d)(4). Requires each school district to post the form in a prominent location on the district's Internet website.

SECTION 11. Amends Chapter 26, Education Code, by adding Section 26.0025, as follows:

Sec. 26.0025. RIGHT TO SELECT EDUCATIONAL SETTING. Entitles a parent to choose the educational setting for the parent's child, including public school, private school, or home school.

SECTION 12. Amends Section 26.004(b), Education Code, to provide that a parent is entitled to access all written records of a school district concerning the parent's child, including medical records in accordance with Section 38.0095 (Parental Access to Medical Records), including health and immunization information.

SECTION 13. Amends Chapter 26, Education Code, by adding Section 26.0071, as follows:

Sec. 26.0071. PARENTAL ENGAGEMENT POLICY. Requires each board of trustees of a school district to develop a parental engagement policy that 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.

SECTION 14. Amends Section 26.008, Education Code, as follows:

Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT. (a) Provides that, except as provided by Section 38.004 (Child Abuse Reporting and Programs), a parent is entitled to full information regarding the school activities of a parent's child and 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. Makes nonsubstantive changes.

(b) Provides that 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 certain sections of the Education Code, as applicable, or by the State Board (SBEC) for Educator Certification, if applicable.

SECTION 15. Amends Chapter 26, Education Code, by adding Section 26.0083, as follows:

Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL, EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a) Requires TEA to 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) Requires that a procedure adopted under Subsection (a) 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) Prohibits a school district from adopting 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.

(d) Provides that 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 (Definitions), Family Code.

(e) Prohibits a school 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.

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

(g) Requires a school 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. Requires that the notice include a statement of the parent's right to withhold consent for or decline a health-related service. Provides that a parent's consent to a health-related service does not waive a requirement of Subsection (a), (c), or (e).

(h) Requires a school 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.

(i) Prohibits this section from being construed to limit or alter the requirements of Section 38.004 of this code or Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code, or limit a school district employee's ability to inquire about a student's daily well-being without parental consent.

(j) Requires TEA, SBOE, and SBEC, not later than June 30, 2026, to 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) Provides that Subsection (j) and this subsection expire September 1, 2027.

SECTION 16. Amends Section 26.009, Education Code, by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (c), and (d), as follows:

(a) Requires an employee of a school district to obtain the written consent of a child's parent in the manner required by Subsection (a-2) before the employee is authorized to:

(1) makes a nonsubstantive change to this subdivision;

(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) Defines "biometric identifier."

(a-2) Requires that written consent for a parent's child to participate in a district activity described by Subsection (a) be signed by the parent and returned to the district. Prohibits a child from participating in the activity unless the district receives the parent's signed written consent to that activity.

(a-3) Authorizes the district, 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, to obtain consent at the beginning of the school year or at the time of the child's enrollment in the district. Provides that, 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.

(c) Requires a school 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 is authorized to take involving the authorized collection, use, or storage of information as described by Subsection (a)(3). Requires that the notice 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.

(d) Requires a school district to 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.

SECTION 17. Amends Section 26.011, Education Code, as follows:

Sec. 26.011. New heading: LOCAL GRIEVANCE PROCEDURE. (a) Requires the board of trustees of each school district to adopt a grievance procedure under which the board is required to:

(1) address each grievance, rather than complaint, that the board receives concerning a violation of the prohibition under Section 11.005 or of a right guaranteed by Section 1.009 or this chapter 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;

(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) Makes a conforming change to this subsection.

(c) Requires the board of trustees of a school district to ensure a grievance procedure adopted under Subsection (a) meets certain requirements.

(d) Authorizes the parties to mutually agree to adjust the timeline for the procedure under this section.

(e) Authorizes the school district, 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, to alter the timeline for the procedure under this section to make a reasonable accommodation for the employee's leave. Requires the district to provide notice of the change to the parent who submitted the grievance.

SECTION 18. Amends Chapter 26, Education Code, by adding Sections 26.0111 and 26.0112, as follows:

Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER. (a) Provides that this section applies only to a grievance regarding a violation of certain statutes.

(b) Authorizes a parent, if the 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, to file a written request with the commissioner of education (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 26.011. Requires the parent to provide the district with a copy of the request and provide the commissioner with a copy of the district's resolution of the grievance. Authorizes the parties to agree in writing to extend by not more than 10 school business days the deadline for requesting a hearing.

(c) Requires the commissioner to assign a hearing examiner to review the grievance in the manner provided by Section 21.254 (Assignment of Hearing Examiner). Provides that the hearing examiner has the powers described by Sections 21.255 (Hearings Before Hearing Examiner) and 21.256 (Conduct of Hearing) and is required to conduct the hearing in the manner provided by those sections as if the parent were a teacher.

(d) Requires the hearing examiner, not later than the 60th business day after the date on which the commissioner receives a parent's written request for a hearing, to complete the hearing and make a written determination that includes findings of fact and conclusions of law. Provides that the hearing examiner's determination is final and is prohibited from being appealed.

(e) Provides that certain provisions of Section 21.157 (Recommendation of Hearing Examiner) apply to a hearing under this section in the same manner as a hearing conducted under Subchapter F (Hearings Before Hearing Examiners), Chapter 21 (Educators).

(f) Requires that 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, be paid by the school district if the hearing examiner finds in favor of the parent.

(g) Provides that, notwithstanding Subsection (d), if a parent fails to appear at a hearing under this section, the hearing examiner is not required to complete the hearing and is prohibited from making a recommendation in favor of the parent.

Sec. 26.0112. TESTIMONY BEFORE STATE BOARD OF EDUCATION. Requires the superintendent of a school district, if a hearing examiner 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, to appear before SBOE to testify regarding the hearing examiner's findings and the frequency of grievances against the district.

SECTION 19. Amends Section 28.002, Education Code, by adding Subsection (c-6) to prohibit SBOE from adopting standards in violation of Section 28.0043.

SECTION 20. Amends Section 28.0022, Education Code, by amending Subsection (f) and adding Subsection (h), as follows:

(f) Deletes existing text authorizing a school district or open-enrollment 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.

(h) Requires a school district or open-enrollment charter school to adopt a policy and procedure 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 by this section. Requires the district or school to provide a physical and electronic copy of the policy and procedure to each district or school employee.

SECTION 21. Amends Section 28.004, Education Code, by adding Subsection (i-2), as follows:

(i-2) Requires a school district, before a student is authorized to be provided with human sexuality instruction, to obtain the written consent of the student's parent. Provides that a request for written consent under this subsection is:

(1) prohibited from being included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (i) (relating to requiring a school district to provide written notice to a parent of the board of trustees' decision regarding whether the district will provide human sexuality instruction); and

(2) required to be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins.

SECTION 22. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0043, as follows:

Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY. (a) Prohibits a school district, open-enrollment charter school, or district or charter school 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.

(b) Prohibits this section from being construed to limit a student's ability to engage in speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8 (Freedom of Speech and Press), Article I (Bill of Rights), Texas Constitution, that does not result in material disruption to school activities or 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 23. Amends the heading to Section 28.022, Education Code, to read as follows:

Sec. 28.022. NOTICE TO PARENT OF UNSATISFACTORY PERFORMANCE; CONFERENCES.

SECTION 24. Amends Section 28.022(a), Education Code, to require the board of trustees of each school district to adopt a policy containing certain requirements, including the provision of 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, and make nonsubstantive changes.

SECTION 25. Amends Subchapter D, Chapter 33, Education Code, by adding Section 33.0815, as follows:

Sec. 33.0815. STUDENT CLUBS; CERTAIN CLUBS PROHIBITED. (a) Requires a school district or open-enrollment 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 is authorized to participate in a student club at the district or school.

(b) Provides that a school district or open-enrollment charter school staff member is authorized to serve as the sponsor of a student club based on race, sex, color, or ethnicity in a supervisory capacity only and is prohibited from providing instruction on any topic in that capacity.

(c) Prohibits a school district or open-enrollment charter school from authorizing or sponsoring a club based on sexual orientation or gender identity.

SECTION 26. Amends Subchapter A, Chapter 39, Education Code, by adding Section 39.008, as follows:

Sec. 39.008. CERTIFICATION OF COMPLIANCE WITH CERTAIN LAWS REQUIRED. (a) Requires the superintendent of a school district or open-enrollment charter school, not later than September 30 of each year, to certify to TEA that the district or school is in compliance with this section and Sections 11.005 and 28.0022.

(b) Requires that the certification required by Subsection (a) meet certain requirements.

(c) Requires TEA to post each certification received under Subsection (a) on TEA's Internet website.

SECTION 27. Repealers: Section 25.0344 (Transfer of Students Who Are Children of Peace Officers), Education Code, as added by Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular Session 2023, and Section 25.0344 (Transfer of Students Who Are Children of Servicemembers), Education Code, as added by Chapter 322 (H.B. 1959), Acts of the 88th Legislature, Regular Session, 2023.

SECTION 28. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 29. Effective date: upon passage or September 1, 2025.