

By: Harris Davila

H.B. No. 3548

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to local school health advisory councils and instruction  
3 regarding human sexuality, sexual orientation, and gender identity  
4 provided by public schools.

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

6 SECTION 1. Section 12.104(b), Education Code, is amended to  
7 read as follows:

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

9 (1) a provision of this title establishing a criminal  
10 offense;

11 (2) the provisions in Chapter 554, Government Code;  
12 and

13 (3) a prohibition, restriction, or requirement, as  
14 applicable, imposed by this title or a rule adopted under this  
15 title, relating to:

16 (A) the Public Education Information Management  
17 System (PEIMS) to the extent necessary to monitor compliance with  
18 this subchapter as determined by the commissioner;

19 (B) criminal history records under Subchapter C,  
20 Chapter 22;

21 (C) reading instruments and accelerated reading  
22 instruction programs under Section 28.006;

23 (D) accelerated instruction under Section  
24 28.0211;

- 1 (E) high school graduation requirements under  
2 Section 28.025;
- 3 (F) special education programs under Subchapter  
4 A, Chapter 29;
- 5 (G) bilingual education under Subchapter B,  
6 Chapter 29;
- 7 (H) prekindergarten programs under Subchapter E  
8 or E-1, Chapter 29, except class size limits for prekindergarten  
9 classes imposed under Section 25.112, which do not apply;
- 10 (I) extracurricular activities under Section  
11 33.081;
- 12 (J) discipline management practices or behavior  
13 management techniques under Section 37.0021;
- 14 (K) health and safety under Chapter 38;
- 15 (L) the provisions of Subchapter A, Chapter 39;
- 16 (M) public school accountability and special  
17 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
18 39, and Chapter 39A;
- 19 (N) the requirement under Section 21.006 to  
20 report an educator's misconduct;
- 21 (O) intensive programs of instruction under  
22 Section 28.0213;
- 23 (P) the right of a school employee to report a  
24 crime, as provided by Section 37.148;
- 25 (Q) bullying prevention policies and procedures  
26 under Section 37.0832;
- 27 (R) the right of a school under Section 37.0052

1 to place a student who has engaged in certain bullying behavior in a  
2 disciplinary alternative education program or to expel the student;

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

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

9 (U) establishment of residency under Section  
10 25.001;

11 (V) school safety requirements under Sections  
12 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,  
13 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and  
14 37.2071 and Subchapter J, Chapter 37;

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

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

19 (Y) parental options to retain a student under  
20 Section 28.02124; and

21 (Z) establishment of a local school health  
22 advisory council with members appointed by the governing body of  
23 the school and health education instruction that complies with  
24 Section 28.004.

25 SECTION 2. Section 12A.004(a), Education Code, is amended  
26 to read as follows:

27 (a) A local innovation plan may not provide for the

1 exemption of a district designated as a district of innovation from  
2 the following provisions of this title:

3 (1) a state or federal requirement applicable to an  
4 open-enrollment charter school operating under Subchapter D,  
5 Chapter 12;

6 (2) Subchapters A, C, D, and E, Chapter 11, except that  
7 a district may be exempt from Sections 11.1511(b)(5) and (14) and  
8 Section 11.162;

9 (3) state curriculum and graduation requirements  
10 adopted under Chapter 28; ~~and~~

11 (4) Section 28.004; and

12 (5) academic and financial accountability and  
13 sanctions under Chapters 39 and 39A.

14 SECTION 3. Section 28.004, Education Code, is amended by  
15 amending Subsection (c) and adding Subsections (r), (s), (t), (u),  
16 and (v) to read as follows:

17 (c) The local school health advisory council's duties  
18 include recommending:

19 (1) the number of hours of instruction to be provided  
20 in:

21 (A) health education in kindergarten through  
22 grade eight; and

23 (B) if the school district requires health  
24 education for high school graduation, health education, including  
25 physical health education and mental health education, in grades 9  
26 through 12;

27 (2) policies, procedures, strategies, and curriculum

1 appropriate for specific grade levels designed to prevent physical  
2 health concerns, including obesity, cardiovascular disease, Type 2  
3 diabetes, and mental health concerns, including suicide, through  
4 coordination of:

5 (A) health education, which must address  
6 physical health concerns and mental health concerns to ensure the  
7 integration of physical health education and mental health  
8 education;

9 (B) physical education and physical activity;

10 (C) nutrition services;

11 (D) parental involvement;

12 (E) instruction on substance abuse prevention;

13 (F) school health services, including mental  
14 health services;

15 (G) a comprehensive school counseling program  
16 under Section [33.005](#);

17 (H) a safe and healthy school environment; and

18 (I) school employee wellness;

19 (3) appropriate grade levels and methods of  
20 instruction for human sexuality instruction;

21 (4) strategies for integrating the curriculum  
22 components specified by Subdivision (2) with the following elements  
23 in a coordinated school health program for the district:

24 (A) school health services, including physical  
25 health services and mental health services, if provided at a campus  
26 by the district or by a third party under a contract with the  
27 district;

1 (B) a comprehensive school counseling program  
2 under Section 33.005;

3 (C) a safe and healthy school environment; and

4 (D) school employee wellness;

5 (5) if feasible, joint use agreements or strategies  
6 for collaboration between the school district and community  
7 organizations or agencies;

8 (6) strategies to increase parental awareness  
9 regarding:

10 (A) risky behaviors and early warning signs of  
11 suicide risks and behavioral health concerns, including mental  
12 health disorders and substance use disorders; and

13 (B) available community programs and services  
14 that address risky behaviors, suicide risks, and behavioral health  
15 concerns;

16 (7) appropriate grade levels and curriculum for  
17 instruction regarding the dangers of opioids, including  
18 instruction on:

19 (A) opioid addiction and abuse, including  
20 addiction to and abuse of synthetic opioids such as fentanyl; and

21 (B) methods of administering an opioid  
22 antagonist, as defined by Section 483.101, Health and Safety Code;

23 [~~and~~]

24 (8) appropriate grade levels and curriculum for  
25 instruction regarding child abuse, family violence, dating  
26 violence, and sex trafficking, including likely warning signs that  
27 a child may be at risk for sex trafficking, provided that the local

1 school health advisory council's recommendations under this  
2 subdivision do not conflict with the essential knowledge and skills  
3 developed by the State Board of Education under this subchapter;  
4 and

5 (9) the communication policy described by Subsection  
6 (r) for approval by the board of trustees of the school district.

7 (r) Subject to the restriction imposed by Section 28.0043  
8 and using the procedure described by Subsection (e-1) of this  
9 section, the board of trustees shall adopt a written policy  
10 regarding communication outside of a course dedicated to human  
11 sexuality instruction between a school employee and a student  
12 enrolled in the district concerning topics included in the  
13 reproductive and sexual health curriculum. The policy must:

14 (1) direct school employees for discussion of topics  
15 included in the reproductive and sexual health curriculum to refer  
16 students to the student's parent, a school counselor, or, if  
17 applicable, the student's teacher responsible for teaching  
18 materials related to human sexuality instruction;

19 (2) inform school employees of appropriate boundaries  
20 related to communicating with students; and

21 (3) include provisions designed to prevent improper  
22 communication between school employees and students.

23 (s) A school district shall make the policy adopted under  
24 Subsection (r) available in the same manner as curriculum materials  
25 under Subsection (j)(1).

26 (t) A school district may not host an extracurricular  
27 activity related to human sexuality unless the board of trustees

1 has adopted a written policy, subject to the restriction imposed by  
2 Section 28.0043 and using the procedure described by Subsection  
3 (e-1) of this section, specifying the circumstances in which the  
4 district may host an extracurricular activity related to human  
5 sexuality.

6 (u) For purposes of adopting a communication policy under  
7 this section, "communication" includes any verbal or written  
8 communication conducted in person or facilitated through the use of  
9 an electronic device, including communication conducted through a  
10 telephone, cellular telephone, computer, personal data assistant,  
11 or pager or through a computer network, e-mail, text message,  
12 instant message, social media application, or Internet website.

13 (v) If the attorney general or an appropriate district or  
14 county attorney believes a school district has violated or is  
15 violating the provisions of this section, the attorney general or  
16 district or county attorney may bring a cause of action on behalf of  
17 the state to enjoin the district from violating the provisions. The  
18 action may be brought in a district court in Travis County or a  
19 county in which any part of the violation or threatened violation  
20 occurred. The court may grant any prohibitory or mandatory relief  
21 warranted by the facts, including a temporary restraining order,  
22 temporary injunction, or permanent injunction.

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

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



1 employee may not provide or allow a third party to provide  
2 instruction, guidance, activities, or programming regarding sexual  
3 orientation or gender identity to students enrolled in  
4 prekindergarten through 12th grade.

5 (b) This section may not be construed to limit:

6 (1) a student's ability to engage in speech or  
7 expressive conduct protected by the First Amendment to the United  
8 States Constitution or by Section 8, Article I, Texas Constitution,  
9 that does not result in material disruption to school activities;  
10 or

11 (2) the ability of a person who is authorized by the  
12 district to provide physical or mental health-related services to  
13 provide the services to a student, subject to any required parental  
14 consent.

15 SECTION 5. Section 12A.004(a), Education Code, as amended  
16 by this Act, applies to a local innovation plan adopted or renewed  
17 before, on, or after the effective date of this Act.

18 SECTION 6. Section 28.004, Education Code, as amended by  
19 this Act, applies only to a cause of action that accrues on or after  
20 the effective date of this Act.

21 SECTION 7. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2025.