

By: Creighton

S.B. No. 12

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to parental rights in public education and to certain  
3 public school requirements and prohibitions regarding instruction  
4 and diversity, equity, and inclusion duties and the loss of funding  
5 for public schools that fail to comply with those provisions.

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

7 SECTION 1. Chapter 1, Education Code, is amended by adding  
8 Sections 1.007 and 1.009 to read as follows:

9 Sec. 1.007. COMPLIANCE WITH MANDATORY POLICY. (a) In this  
10 section, "public elementary or secondary school" means a school  
11 district and a district, campus, program, or school operating under  
12 a charter under Chapter 12.

13 (b) A public elementary or secondary school, the school's  
14 governing body, and the school's employees shall implement and  
15 comply with each policy the school is required to adopt under this  
16 code or other law.

17 Sec. 1.009. INFRINGEMENT OF PARENTAL RIGHTS PROHIBITED.  
18 The fundamental rights granted to parents by their Creator and  
19 upheld by the United States Constitution, the Texas Constitution,  
20 and the laws of this state, including the right to direct the moral  
21 and religious training of the parent's child, make decisions  
22 concerning the child's education, and consent to medical,  
23 psychiatric, and psychological treatment of the parent's child  
24 under Section 151.001, Family Code, may not be infringed on by any

1 public elementary or secondary school or state governmental entity,  
2 including the state or a political subdivision of the state, unless  
3 the infringement is:

4 (1) necessary to further a compelling state interest,  
5 such as providing life-saving care to a child; and

6 (2) narrowly tailored using the least restrictive  
7 means to achieve that compelling state interest.

8 SECTION 2. Subchapter A, Chapter 11, Education Code, is  
9 amended by adding Section 11.005 to read as follows:

10 Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND  
11 INCLUSION DUTIES. (a) In this section, "diversity, equity, and  
12 inclusion duties" means:

13 (1) influencing hiring or employment practices with  
14 respect to race, sex, color, or ethnicity except as necessary to  
15 comply with state or federal antidiscrimination laws;

16 (2) promoting differential treatment of or providing  
17 special benefits to individuals on the basis of race, color, or  
18 ethnicity;

19 (3) developing or implementing policies, procedures,  
20 or training programs that reference race, color, ethnicity, gender  
21 identity, or sexual orientation except as necessary to comply with  
22 state or federal law;

23 (4) compelling, requiring, inducing, or soliciting  
24 any person to provide a diversity, equity, and inclusion statement  
25 or giving preferential consideration to any person based on the  
26 provision of a diversity, equity, and inclusion statement; and

27 (b) Except as required by state or federal law, a school

1 district:

2 (1) may not assign diversity, equity, and inclusion  
3 duties to any person; and

4 (2) shall prohibit a district employee, contractor, or  
5 volunteer from engaging in diversity, equity, and inclusion duties.

6 (c) A school district shall adopt a policy and procedure for  
7 the appropriate discipline, including termination, of a district  
8 employee or contractor who engages in or assigns to another person  
9 diversity, equity, and inclusion duties.

10 (d) Nothing in this section may be construed to limit or  
11 prohibit a school district from acknowledging or teaching the  
12 significance of state and federal holidays or commemorative months  
13 and how those holidays or months fit into the themes of history and  
14 the stories of this state and the United States of America in  
15 accordance with the essential knowledge and skills adopted under  
16 Subchapter A, Chapter 28.

17 SECTION 3. Section 11.161, Education Code, is amended to  
18 read as follows:

19 Sec. 11.161. FRIVOLOUS SUIT OR PROCEEDING. (a) In a civil  
20 suit or administrative proceeding brought under state law or rules  
21 [7] against an independent school district or an officer of an  
22 independent school district acting under color of office, the court  
23 or another person authorized to make decisions regarding the  
24 proceeding may award costs and reasonable attorney's fees if:

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

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

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

9           SECTION 4. Section 12.104(b), Education Code, is amended to  
10 read as follows:

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

12           (1) a provision of this title establishing a criminal  
13 offense;

14           (2) the provisions in Chapter 554, Government Code;  
15 and

16           (3) a prohibition, restriction, or requirement, as  
17 applicable, imposed by this title or a rule adopted under this  
18 title, relating to:

19           (A) the Public Education Information Management  
20 System (PEIMS) to the extent necessary to monitor compliance with  
21 this subchapter as determined by the commissioner;

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

24           (C) reading instruments and accelerated reading  
25 instruction programs under Section 28.006;

26           (D) accelerated instruction under Section  
27 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;

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

23 (AA) parental access to instructional materials  
24 and curricula under Section 26.0061;

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

27 (CC) parental rights to information regarding a

1 student's mental, emotional, and physical health-related needs and  
2 related services offered by the school as provided by Section  
3 26.0083.

4 SECTION 5. Section 25.001(h), Education Code, is amended to  
5 read as follows:

6 (h) In addition to the penalty provided by Section 37.10,  
7 Penal Code, a person who knowingly falsifies information on a form  
8 required for enrollment of a student in a school district is liable  
9 to the district if the student is not eligible for enrollment in the  
10 district but is enrolled on the basis of the false information. The  
11 person is liable, for the period during which the ineligible  
12 student is enrolled, for [~~the greater of:~~

13 [~~(1) the maximum tuition fee the district may charge~~  
14 ~~under Section 25.038; or~~

15 [~~(2)~~] the amount the district has budgeted for each  
16 student as maintenance and operating expenses.

17 SECTION 6. Section 25.036, Education Code, is amended by  
18 amending Subsections (a) and (b) and adding Subsections (d), (e),  
19 (f), (g), (h), and (i) to read as follows:

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

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

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

6 (1) the district or a school in the district to which a  
7 student seeks to transfer is at full student capacity or has more  
8 requests for transfers than available positions after the district  
9 has filled available positions in accordance with Subsection (f)  
10 and has satisfied the requirement provided under Subsection (g);

11 (2) before the application deadline for the applicable  
12 school year, the district adopted a policy that provides for the  
13 exclusion of a student who has a documented history of a criminal  
14 offense, a juvenile court adjudication, or discipline problems  
15 under Subchapter A, Chapter 37, and the student meets the  
16 conditions for exclusion under the policy; or

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

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

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

27 (1) students who:



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

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

5           (2) students:

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

8           (B) who are dependents of military personnel;

9           (C) who are dependents of law enforcement  
10 personnel;

11           (D) in foster care;

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

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

17           (g) A school district may deny approval of a transfer under  
18 Subsection (d)(1) only if the district publishes and annually  
19 updates the district's full student capacity by campus.

20           (h) Except as provided by other law, a receiving school  
21 district may, but is not required to, provide transportation to a  
22 student who transfers to the receiving district under this section.

23           (i) A receiving school district may revoke, at any time  
24 during the school year, the approval of the student's transfer only  
25 if:

26           (1) the student engages in conduct:

27           (A) for which a student is required or permitted

1 to be removed from class and placed in a disciplinary alternative  
2 education program under Section 37.006; or

3 (B) for which a student is required or permitted  
4 to be expelled from school under Section 37.007; and

5 (2) before revoking approval of the student's  
6 transfer, the district:

7 (A) ensures the student is afforded appropriate  
8 due process and complies with any requirements of state law or  
9 district policy relating to the expulsion of a student to the same  
10 extent as if the student were being expelled under Section 37.007;  
11 and

12 (B) if the student is a child with a disability  
13 under the Individuals with Disabilities Education Act (20 U.S.C.  
14 Section 1400 et seq.), or the district suspects or has a reason to  
15 suspect that the student may be a child with a disability, complies  
16 with all federal and state requirements regarding revoking the  
17 approval of the student's transfer.

18 SECTION 7. Section 25.038, Education Code, is amended to  
19 read as follows:

20 Sec. 25.038. TUITION FEE FOR TRANSFER STUDENTS PAID BY  
21 SCHOOL DISTRICT. (a) Except as provided by Subsection (b), a  
22 [The] receiving school district may charge a tuition fee to another  
23 school district, if the receiving district has contracted with the  
24 other district to educate the other district's students, to the  
25 extent that the district's actual expenditure per student in  
26 average daily attendance, as determined by its board of trustees,  
27 exceeds the sum the district benefits from state aid sources as

1 provided by Section 25.037. However, unless a tuition fee is  
2 prescribed and set out in a transfer agreement before its execution  
3 by the parties, an increase in tuition charge may not be made for  
4 the year of that transfer that exceeds the tuition charge, if any,  
5 of the preceding school year.

6 (b) A school district may not charge a tuition fee under  
7 this section for a student transfer authorized under Section  
8 25.036.

9 SECTION 8. Section 26.001, Education Code, is amended by  
10 amending Subsections (a), (c), (d), and (e) and adding Subsections  
11 (a-1) and (c-1) to read as follows:

12 (a) As provided under Section 151.001, Family Code, a parent  
13 has the right to direct the moral and religious training of the  
14 parent's child, make decisions concerning the child's education,  
15 and consent to medical, psychiatric, and psychological treatment of  
16 the child without obstruction or interference from this state, any  
17 political subdivision of this state, a school district or  
18 open-enrollment charter school, or any other governmental entity.

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

23 (c) Unless otherwise provided by law, a board of trustees,  
24 administrator, educator, or other person shall comply with Section  
25 1.009 and may not limit parental rights or withhold information  
26 from a parent regarding the parent's child.

27 (c-1) A school district may not be considered to have

1 withheld information from a parent regarding the parent's child if  
2 the district's actions are in accordance with other law, including  
3 the Family Education Rights and Privacy Act of 1974 (20 U.S.C.  
4 Section 1232g).

5 (d) Each board of trustees shall:

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

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

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

15 (4) provide to a parent of a child on the child's  
16 enrollment in the district for the first time and to the parent of  
17 each child enrolled in the district at the beginning of each school  
18 year information about parental rights and options, including the  
19 right to withhold consent for or exempt the parent's child from  
20 certain activities and instruction, that addresses the parent's  
21 rights and options concerning:

22 (A) the child's course of study and supplemental  
23 services;

24 (B) instructional materials and library  
25 materials;

26 (C) health education instruction under Section  
27 28.004;

1                   (D) instruction regarding sexual orientation and  
2 gender identity under Section 28.0043;

3                   (E) school options, including virtual and remote  
4 schooling options;

5                   (F) immunizations under Section [38.001](#);

6                   (G) gifted and talented programs;

7                   (H) promotion, retention, and graduation  
8 policies;

9                   (I) grade, class rank, and attendance  
10 information;

11                   (J) state standards and requirements;

12                   (K) data collection practices;

13                   (L) health care services, including notice and  
14 consent under Section 26.0083(g); and

15                   (M) the local grievance procedure under Section  
16 [26.011](#).

17           (e) The agency shall develop a form for use by school  
18 districts in providing information about parental rights and  
19 options under Subsection (d)(4). Each school district shall post  
20 the form in a prominent location on the district's Internet  
21 website.

22           SECTION 9. Chapter [26](#), Education Code, is amended by adding  
23 Section 26.0025 to read as follows:

24           Sec. 26.0025. RIGHT TO SELECT EDUCATIONAL SETTING. A  
25 parent is entitled to choose the educational setting for the  
26 parent's child, including public school, private school, or home  
27 school.

1 SECTION 10. Section 26.004(b), Education Code, is amended  
2 to read as follows:

3 (b) A parent is entitled to access to all written records of  
4 a school district concerning the parent's child, including:

- 5 (1) attendance records;
- 6 (2) test scores;
- 7 (3) grades;
- 8 (4) disciplinary records;
- 9 (5) counseling records;
- 10 (6) psychological records;
- 11 (7) applications for admission;
- 12 (8) medical records in accordance with Section  
13 38.0095, including health and immunization information;
- 14 (9) teacher and school counselor evaluations;
- 15 (10) reports of behavioral patterns; and
- 16 (11) records relating to assistance provided for  
17 learning difficulties, including information collected regarding  
18 any intervention strategies used with the child.

19 SECTION 11. Chapter 26, Education Code, is amended by  
20 adding Section 26.0071 to read as follows:

21 Sec. 26.0071. PARENTAL ENGAGEMENT POLICY. Each board of  
22 trustees of a school district shall develop a parental engagement  
23 policy that:

- 24 (1) provides for an Internet portal through which  
25 parents of students enrolled in the district may submit comments to  
26 campus or district administrators and the board;
- 27 (2) requires the board to prioritize public comments

1 by presenting those comments at the beginning of each board  
2 meeting; and

3 (3) requires board meetings to be held outside of  
4 typical work hours.

5 SECTION 12. Section 26.008, Education Code, is amended to  
6 read as follows:

7 Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT.

8 (a) Except as provided by Section 38.004, a [A] parent is entitled  
9 to:

10 (1) full information regarding the school activities  
11 of a parent's child; and

12 (2) notification not later than one school business  
13 day after the date a school district employee first suspects that a  
14 criminal offense has been committed against the parent's child  
15 [except as provided by Section 38.004].

16 (b) An attempt by any school district employee to encourage  
17 or coerce a child to withhold information from the child's parent is  
18 grounds for discipline under Section 21.104, 21.156, or 21.211, as  
19 applicable, or by the State Board for Educator Certification, if  
20 applicable.

21 SECTION 13. Chapter 26, Education Code, is amended by  
22 adding Section 26.0083 to read as follows:

23 Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL,  
24 EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a)  
25 The agency shall adopt a procedure for school districts to notify  
26 the parent of a student enrolled in the district regarding any  
27 change in services provided to or monitoring of the student related

1 to the student's mental, emotional, or physical health or  
2 well-being.

3 (b) A procedure adopted under Subsection (a) must reinforce  
4 the fundamental right of a parent to make decisions regarding the  
5 upbringing and control of the parent's child by requiring school  
6 district personnel to:

7 (1) encourage a student to discuss issues relating to  
8 the student's well-being with the student's parent; or

9 (2) facilitate a discussion described under  
10 Subdivision (1).

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

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

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

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

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

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

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



1 Family Code.

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

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

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

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

23 (i) This section may not be construed to:

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

26 (2) limit a school district employee's ability to  
27 inquire about a student's daily well-being without parental

1 consent.

2 (j) Not later than June 30, 2026, the agency, the State  
3 Board of Education, and the State Board for Educator Certification,  
4 as appropriate, shall review and revise as necessary the following  
5 to ensure compliance with this section:

6 (1) school counseling frameworks and standards;

7 (2) educator practices and professional conduct  
8 principles; and

9 (3) any other student services personnel guidelines,  
10 standards, or frameworks.

11 (k) Subsection (j) and this subsection expire September 1,  
12 2027.

13 SECTION 14. Section 26.009, Education Code, is amended by  
14 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),  
15 (c), and (d) to read as follows:

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

19 (1) conduct a psychological examination, test, or  
20 treatment, unless the examination, test, or treatment is required  
21 under Section 38.004 or state or federal law regarding requirements  
22 for special education; ~~or~~

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

26 (3) unless authorized by other law:

27 (A) disclose a child's health or medical

1 information to any person other than the child's parent; or

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

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

7 (a-1) For purposes of Subsection (a), "biometric  
8 identifier" means a blood sample, hair sample, skin sample, DNA  
9 sample, body scan, retina or iris scan, fingerprint, voiceprint, or  
10 record of hand or face geometry.

11 (a-2) Written consent for a parent's child to participate in  
12 a district activity described by Subsection (a) must be signed by  
13 the parent and returned to the district. A child may not  
14 participate in the activity unless the district receives the  
15 parent's signed written consent to that activity.

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

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

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

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

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

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

15 SECTION 15. Section 26.011, Education Code, is amended to  
16 read as follows:

17 Sec. 26.011. LOCAL GRIEVANCE PROCEDURE [~~COMPLAINTS~~].

18 (a) The board of trustees of each school district shall adopt a  
19 grievance procedure under which the board shall:

20 (1) address each grievance [~~complaint~~] that the board  
21 receives concerning a violation of the prohibition under Section  
22 11.005 or of a right guaranteed by Section 1.009 or this chapter:

23 (A) if the grievance is filed not later than six  
24 school weeks after the date on which the parent received notice of  
25 an incident giving rise to the grievance; or

26 (B) regardless of whether the grievance was filed  
27 during the period prescribed by Paragraph (A) if the grievance was

1 informally brought to the attention of school district personnel  
2 during that period;

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

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

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

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

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

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

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

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

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

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

10                   (iii) the timeline for appealing the  
11 decision;

12           (3) requires that, if a parent appeals a decision  
13 under Subdivision (2) not later than the 14th school business day  
14 after receiving notice of the decision, the superintendent or the  
15 superintendent's designee provide to the parent not later than the  
16 14th school business day after receipt of the appeal written  
17 documentation of the decision regarding the issue that gave rise to  
18 the grievance, including:

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

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

23                   (C) the timeline for appealing the decision;

24           (4) requires that, if a parent appeals a decision  
25 under Subdivision (3) not later than the 14th school business day  
26 after receiving notice of the decision, the board hear the  
27 grievance in a closed session at the board's next regular meeting

1 that occurs on or after the 14th school business day after the date  
2 the board receives notice of the appeal; and

3 (5) requires that, not later than the 10th school  
4 business day after the date of a board meeting described by  
5 Subdivision (4), the board provide to the parent written  
6 documentation of the board's decision regarding the issue that gave  
7 rise to the grievance, including notice that the parent may appeal  
8 to the commissioner in writing under Section 7.057, if applicable.

9 (d) The parties may mutually agree to adjust the timeline  
10 for the procedure under this section.

11 (e) Notwithstanding Subsection (d), if a grievance  
12 submitted under this section involves an employee who is on  
13 documented leave that is scheduled to begin or has begun before the  
14 grievance is submitted, the school district may alter the timeline  
15 for the procedure under this section to make a reasonable  
16 accommodation for the employee's leave. The district must provide  
17 notice of the change to the parent who submitted the grievance.

18 SECTION 16. Chapter 26, Education Code, is amended by  
19 adding Sections 26.0111 and 26.0112 to read as follows:

20 Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER.

21 (a) This section applies only to a grievance regarding a violation  
22 of:

23 (1) Section 11.005, 28.0022, 28.004, or 28.0043 or  
24 Chapter 38 or the implementation of those provisions by a school  
25 district; or

26 (2) Chapter 551, Government Code, involving school  
27 district personnel.

1       (b) If a parent has exhausted the parent's options under the  
2 local grievance procedure established by the board of trustees of a  
3 school district under Section 26.011 regarding a grievance to which  
4 this section applies, and the grievance is not resolved to a  
5 parent's satisfaction, the parent may file a written request with  
6 the commissioner for a hearing before a hearing examiner under this  
7 section not later than the 30th school business day after the date  
8 on which the board of trustees of the district resolved the parent's  
9 grievance under Section 26.011. The parent must provide the  
10 district with a copy of the request and must provide the  
11 commissioner with a copy of the district's resolution of the  
12 grievance. The parties may agree in writing to extend by not more  
13 than 10 school business days the deadline for requesting a hearing.

14       (c) The commissioner shall assign a hearing examiner to  
15 review the grievance in the manner provided by Section 21.254. The  
16 hearing examiner has the powers described by Sections 21.255 and  
17 21.256 and shall conduct the hearing in the manner provided by those  
18 sections as if the parent were a teacher.

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

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



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

6       (g) Notwithstanding Subsection (d), if a parent fails to  
7 appear at a hearing under this section, the hearing examiner is not  
8 required to complete the hearing and may not make a recommendation  
9 in favor of the parent.

10       Sec. 26.0112. TESTIMONY BEFORE STATE BOARD OF EDUCATION.  
11 If the commissioner adopts the recommendation of a hearing examiner  
12 finding against a school district under Section 26.0111 in at least  
13 five grievances to which that section applies involving the  
14 district during a school year, the superintendent of the school  
15 district must appear before the State Board of Education to testify  
16 regarding the hearing examiner's findings and the frequency of  
17 grievances against the district.

18       SECTION 17. Section 28.002, Education Code, is amended by  
19 adding Subsection (c-6) to read as follows:

20       (c-6) The State Board of Education may not adopt standards  
21 in violation of Section 28.0043.

22       SECTION 18. Section 28.0022, Education Code, is amended by  
23 amending Subsection (f) and adding Subsection (h) to read as  
24 follows:

25       (f) This section does not create a private cause of action  
26 against a teacher, administrator, or other employee of a school  
27 district or open-enrollment charter school. [~~A school district or~~

1 ~~open-enrollment charter school may take appropriate action~~  
2 ~~involving the employment of any teacher, administrator, or other~~  
3 ~~employee based on the individual's compliance with state and~~  
4 ~~federal laws and district policies.]~~

5 (h) A school district or open-enrollment charter school  
6 shall adopt a policy and procedure for the appropriate discipline,  
7 including termination, of a district or school employee or  
8 contractor who engages in or assigns to another person an act  
9 prohibited by this section.

10 SECTION 19. Section 28.004, Education Code, is amended by  
11 adding Subsection (i-2) to read as follows:

12 (i-2) Before a student may be provided with human sexuality  
13 instruction, a school district must obtain the written consent of  
14 the student's parent. A request for written consent under this  
15 subsection:

16 (1) may not be included with any other notification or  
17 request for written consent provided to the parent, other than the  
18 notice provided under Subsection (i); and

19 (2) must be provided to the parent not later than the  
20 14th day before the date on which the human sexuality instruction  
21 begins.

22 SECTION 20. Subchapter A, Chapter 28, Education Code, is  
23 amended by adding Section 28.0043 to read as follows:

24 Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL  
25 ORIENTATION AND GENDER IDENTITY. (a) A school district,  
26 open-enrollment charter school, or district or charter school  
27 employee may not provide or allow a third party to provide

1 instruction, guidance, activities, or programming regarding sexual  
2 orientation or gender identity to students enrolled in  
3 prekindergarten through 12th grade.

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

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

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

14 SECTION 21. The heading to Section 28.022, Education Code,  
15 is amended to read as follows:

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

18 SECTION 22. Section 28.022(a), Education Code, is amended  
19 to read as follows:

20 (a) The board of trustees of each school district shall  
21 adopt a policy that:

22 (1) provides for at least two opportunities for  
23 in-person conferences during each school year [~~a conference~~]  
24 between each parent of a child enrolled in the district and the  
25 child's [~~parents and~~] teachers;

26 (2) requires the district, at least once every 12  
27 weeks, to give written notice to a parent of a student's performance

1 in each class or subject; and

2 (3) requires the district, at least once every three  
3 weeks, or during the fourth week of each nine-week grading period,  
4 to give written notice to a parent or legal guardian of a student's  
5 performance in a subject included in the foundation curriculum  
6 under Section 28.002(a)(1) if the student's performance in the  
7 subject is consistently unsatisfactory, as determined by the  
8 district.

9 SECTION 23. Subchapter A, Chapter 48, Education Code, is  
10 amended by adding Section 48.013 to read as follows:

11 Sec. 48.013. CERTIFICATION OF COMPLIANCE WITH CERTAIN LAWS  
12 REQUIRED. (a) Not later than September 30 of each year, the  
13 superintendent of a school district or open-enrollment charter  
14 school shall certify to the agency that the district or school is in  
15 compliance with this section and Sections 11.005 and 28.0022.

16 (b) The certification required by Subsection (a) must:

17 (1) be:

18 (A) approved by a majority vote of the board of  
19 trustees of the school district or the governing body of the  
20 open-enrollment charter school at a public meeting that includes an  
21 opportunity for public testimony and for which notice was posted on  
22 the district's or school's Internet website at least seven days  
23 before the date on which the meeting is held; and

24 (B) submitted electronically to the agency; and

25 (2) include:

26 (A) a description of the policies and procedures  
27 required by Sections 11.005(c) and 28.0022(h) and the manner in

1 which district or school employees and contractors were notified of  
2 those policies and procedures;

3 (B) any existing policies, programs, procedures,  
4 or trainings that were altered to ensure compliance with this  
5 section or Section 11.005 or 28.0022; and

6 (C) any cost savings resulting from actions taken  
7 by the school district or open-enrollment charter school to comply  
8 with this section.

9 (c) The agency shall post each certification received under  
10 Subsection (a) on the agency's Internet website.

11 SECTION 24. The following provisions are repealed:

12 (1) Section 25.0344, Education Code, as added by  
13 Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular  
14 Session, 2023; and

15 (2) Section 25.0344, Education Code, as added by  
16 Chapter 322 (H.B. 1959), Acts of the 88th Legislature, Regular  
17 Session, 2023.

18 SECTION 25. This Act applies beginning with the 2025-2026  
19 school year.

20 SECTION 26. (a) Except as provided by Subsection (b) of  
21 this section, this Act takes effect immediately if it receives a  
22 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.

26 (b) Section 48.013, Education Code, as added by this Act,  
27 takes effect September 1, 2025.