By: Collier H.B. No. 1233

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of certain public school requirements and prohibitions regarding instruction, diversity, equity, and inclusion duties at public schools.

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

SECTION 1. Section 11.005, Education Code, is repealed.

SECTION 2. Section 12.104(b), Education Code, is amended to read as follows:

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

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

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

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

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

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

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

(D) accelerated instruction under Section

28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) the provisions of Subchapter A, Chapter 39;

(M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N) the requirement under Section 21.006 to report an educator's misconduct;

(O) intensive programs of instruction under Section 28.0213;

(P) the right of a school employee to report a crime, as provided by Section 37.148;

(Q) bullying prevention policies and procedures under Section 37.0832;

(R) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

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

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

(U) establishment of residency under Section 25.001;

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

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

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

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

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

~~(AA)~~(Z) parental access to instructional materials and curricula under Section 26.0061;

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

~~(CC)~~ (BB) 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; and

~~(DD)~~ (CC) establishment of a local school health advisory council with members appointed by the governing body of the school and health education instruction that complies with Section 28.004.

SECTION 3. Section 39.008, Education Code, is amended to read as follows:

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

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

(1) be:

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

(B) submitted electronically to the agency; and

(2) include:

(A) a description of the policies and procedures required by Section~~s 11.005(c)~~ and 28.0022(h) and the manner in

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

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

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.