

By: Patterson

H.B. No. 1155

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in public education and prohibiting instruction regarding sexual orientation or gender identity for certain public school students.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.0083 to read as follows:

Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL, EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a) Each school district shall adopt a procedure for notifying the parent of a student enrolled in the district regarding any change in:

(1) services provided to or monitoring of the student related to the student's mental, emotional, or physical health or well-being; or

(2) the district's ability to provide a safe and supportive learning environment for the student.

(b) A procedure adopted under Subsection (a) must 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

1 Subdivision (1).

2 (c) A school district may not adopt a procedure or a student
3 support form, including a student well-being questionnaire or
4 health screening form, that:

5 (1) prohibits a district employee from notifying the
6 parent of a student regarding:

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

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

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

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

17 (d) Subsections (a) and (c) do not require the disclosure of
18 information to a parent if a reasonably prudent person would
19 believe the disclosure is likely to result in the student suffering
20 abuse or neglect, as those terms are defined by Section [261.001](#),
21 Family Code.

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

26 (f) Any student support services training developed or
27 provided by a school district to district employees must comply

1 with any student services guidelines, standards, and frameworks
2 established by the State Board of Education and the agency.

3 (g) Before the first instructional day of each school year,
4 a school district shall provide to the parent of each student
5 enrolled in the district written notice of each health-related
6 service offered at the district campus the student attends. The
7 notice must include a statement of the parent's right to withhold
8 consent for or decline a health-related service. A parent's
9 consent to a health-related service does not waive a requirement of
10 Subsection (a), (c), or (e).

11 (h) Before administering a student well-being questionnaire
12 or health screening form to a student enrolled in kindergarten
13 through eighth grade, a school district must provide a copy of the
14 questionnaire or form to the student's parent and obtain the
15 parent's consent to administer the questionnaire or form.

16 (i) This section may not be construed to limit or alter the
17 requirements of Section 38.004 of this code or Chapter 261, Family
18 Code.

19 (j) Not later than August 1, 2024, the agency, the State
20 Board of Education, and the State Board for Educator Certification,
21 as appropriate, shall review and revise as necessary the following
22 to ensure compliance with this section:

23 (1) school counseling frameworks and standards;
24 (2) educator practices and professional conduct
25 principles; and

26 (3) any other student services personnel guidelines,
27 standards, or frameworks.

1 (k) Subsection (j) and this subsection expire September 1,
2 2025.

3 SECTION 2. Subchapter A, Chapter 28, Education Code, is
4 amended by adding Section 28.0043 to read as follows:

5 Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL
6 ORIENTATION AND GENDER IDENTITY. A school district,
7 open-enrollment charter school, or district or charter school
8 employee may not provide or allow a third party to provide
9 instruction regarding sexual orientation or gender identity:

10 (1) to students enrolled in kindergarten through
11 eighth grade; or

12 (2) in a manner that is not age-appropriate or
13 developmentally appropriate.

14 SECTION 3. Section 12.104(b), Education Code, as amended by
15 Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B.
16 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular
17 Session, 2021, is reenacted and amended to read as follows:

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

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

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

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

26 (A) the Public Education Information Management
27 System (PEIMS) to the extent necessary to monitor compliance with

1 this subchapter as determined by the commissioner;

2 (B) criminal history records under Subchapter C,

3 Chapter 22;

4 (C) reading instruments and accelerated reading

5 instruction programs under Section 28.006;

6 (D) accelerated instruction under Section

7 28.0211;

8 (E) high school graduation requirements under

9 Section 28.025;

10 (F) special education programs under Subchapter

11 A, Chapter 29;

12 (G) bilingual education under Subchapter B,

13 Chapter 29;

14 (H) prekindergarten programs under Subchapter E

15 or E-1, Chapter 29, except class size limits for prekindergarten

16 classes imposed under Section 25.112, which do not apply;

17 (I) extracurricular activities under Section

18 33.081;

19 (J) discipline management practices or behavior

20 management techniques under Section 37.0021;

21 (K) health and safety under Chapter 38;

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

23 (M) public school accountability and special

24 investigations under Subchapters A, B, C, D, F, G, and J, Chapter

25 39, and Chapter 39A;

26 (N) the requirement under Section 21.006 to

27 report an educator's misconduct;

1 (O) intensive programs of instruction under
2 Section 28.0213;

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

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

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

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

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

16 (U) establishment of residency under Section
17 25.001;

18 (V) school safety requirements under Sections
19 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115,
20 37.207, and 37.2071;

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

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

25 (Y) [~~(X)~~] parental options to retain a student
26 under Section 28.02124; and

27 (Z) parental rights to information regarding a

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

4 SECTION 4. This Act applies beginning with the 2023-2024
5 school year.

6 SECTION 5. To the extent of any conflict, this Act prevails
7 over another Act of the 88th Legislature, Regular Session, 2023,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.