

## AN ACT

relating to parental rights in public education, to certain public school requirements and prohibitions regarding instruction, diversity, equity, and inclusion duties, and social transitioning, and to student clubs at public schools.

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

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

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

(b) A public elementary or secondary school, the school's governing body, and the school's employees shall 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. 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, Family Code, may not be 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:

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

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

SECTION 2. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.0611 to read as follows:

Sec. 7.0611. FACILITY USAGE REPORT. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001.

(b) The agency by rule shall require each school district to annually report the following information in the form and manner prescribed by the agency:

(1) the square footage of each school district facility and the acreage of land on which each facility sits;

(2) the total student capacity for each instructional facility on a district campus;

(3) for each campus in the school district:

(A) the enrollment capacity of the campus and of each grade level offered at the campus; and

(B) the number of students currently enrolled at the campus and in each grade level offered at the campus;

(4) whether a school district facility is used by one or more campuses and the campus identifier of each campus that uses the facility;

(5) what each school district facility is used for, including:

(A) an instructional facility;

(B) a career and technology center;

(C) an administrative building;

(D) a food service facility;

(E) a transportation facility; and

(F) vacant land; and

(6) whether each school district facility is leased or owned.

(c) From the information submitted under Subsection (b), the agency shall produce and make available to the public on the

agency's Internet website or website to annual report on school district land and facilities. The agency may combine the report required under this section with any other required report to avoid multiplicity of reports.

(d) If the agency determines information provided under Subsection (b) would create a security risk, such information is considered confidential for purposes of Chapter 552, Government Code, and may not be disclosed in the annual report under Subsection (c).

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

SECTION 3. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.005 to read as follows:

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

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

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

(3) developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except:

(A) for the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts or open-enrollment charter schools; or

(B) as necessary to comply with state or federal law; and

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

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

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

(2) shall prohibit a district employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district.

(c) A school district shall 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. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

(d) The policy and procedure adopted by a school district under Subsection (c) must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions.

(e) Nothing in this section may be construed to:

(1) limit or prohibit a school district from contracting with historically underutilized businesses or businesses owned by members of a minority group or by women in accordance with applicable state law;

(2) 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, Chapter 28;

(3) affect a student's rights under the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution;

(4) 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; or

(5) apply to:

(A) classroom instruction that is consistent with the essential knowledge and skills adopted by the State Board of Education;

(B) the collection, monitoring, or reporting of data;

(C) 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

(D) a student club that is in compliance with the requirements of Section 33.0815.

SECTION 4. The heading to Section 11.1518, Education Code, is amended to read as follows:

Sec. 11.1518. TRUSTEE INFORMATION [~~POSTED ON WEBSITE~~].

SECTION 5. Section 11.1518, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) Not later than the 30th day after a new person is sworn in as a member [~~Each time there is a change in the membership~~] of a school district's board of trustees, the district shall update the information required under Subsection (a) and, as applicable:

(1) post the updated information on the district's Internet website; or

(2) submit the updated information to the agency for posting on the agency's Internet website in accordance with Subsection (b).

(d) A school district shall annually submit to the agency the information required under Subsection (a) for each member of the district's board of trustees. The information must:

(1) identify the member designated as chair; and

(2) be updated as required by Subsection (c).

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION 6. Section 11.161, Education Code, is amended to read as follows:

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

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

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

(b) 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.). 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.

(c) This section does not apply to a proceeding regarding a grievance filed under the grievance procedure established by the board of trustees of a school district under Section 26.011.

SECTION 7. Chapter 11, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED

Sec. 11.401. SCHOOL DISTRICT POLICY: ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED. (a) In this subchapter, "social transitioning" means a person's transition from the person's biological sex at birth to the opposite biological sex through the adoption of a different name, different pronouns, or other expressions of gender that deny or encourage a denial of the person's biological sex at birth.

(b) The board of trustees of a school district shall adopt a policy prohibiting an employee of the district from assisting a student enrolled in the district with social transitioning, including by providing any information about social transitioning or providing guidelines intended to assist a person with social transitioning.

(c) A parent of a student enrolled in the district or a district employee may report to the board of trustees of the district a suspected violation of the policy adopted under Subsection (b). The board shall investigate any suspected violation and determine whether the violation occurred. If the board determines that a district employee has assisted a student enrolled at the district with social transitioning, the board shall immediately report the violation to the commissioner.

Sec. 11.402. RELIEF. A parent of a student enrolled in a school district may seek relief for a violation of this subchapter by filing a grievance through the district's grievance procedure adopted under Section 26.011.

SECTION 8. 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) parental access to instructional materials and curricula under Section 26.0061;

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

(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; and

(DD) 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 9. Section 12A.004(a), Education Code, is amended to read as follows:

(a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

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

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

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

(4) Section 28.004; and

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

SECTION 10. Section 21.057, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Except as provided by Subsection (e) and notwithstanding any other provision of this code, a school district is not exempt from the requirements of this section.

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

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

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

(c-1) A school district may not be 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 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(d) Each board of trustees shall:

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

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

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

(B) instructional materials and library materials;

(C) health education instruction under Section 28.004;

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

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

(F) immunizations under Section 38.001;

(G) gifted and talented programs;

(H) promotion, retention, and graduation policies;

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

(J) state standards and requirements;

(K) data collection practices;

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

(M) the grievance procedure under Section 26.011; and

(N) special education and bilingual education and special language programs.

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

SECTION 12. Chapter 26, Education Code, is amended by adding Section 26.0025 to read as follows:

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

SECTION 13. Section 26.004(b), Education Code, is amended to read as follows:

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

(1) attendance records;

(2) test scores;

(3) grades;

(4) disciplinary records;

(5) counseling records;

(6) psychological records;

(7) applications for admission;

(8) medical records in accordance with Section 38.0095, including health and immunization information;

(9) teacher and school counselor evaluations;

(10) reports of behavioral patterns; ~~and~~

(11) records relating to assistance provided for

learning difficulties, including information collected regarding any intervention strategies used with the child; and  
(12) records relating to library materials checked out by the child from a school library.

SECTION 14. Section 26.006, Education Code, is amended by adding Subsection (g) to read as follows:

(g) Each school district and open-enrollment charter school shall post on the home page of the district's or school's Internet website a notice stating that a parent of a student enrolled in the district or school is entitled to review the materials described by Subsection (a)(1) and may request that the district or school make the materials available for review as provided by this section.

SECTION 15. Chapter 26, Education Code, is amended by adding Sections 26.0062 and 26.0071 to read as follows:

Sec. 26.0062. REQUIRED DISCLOSURE REGARDING INSTRUCTIONAL PLAN. (a) Each school district shall adopt a policy to make available on the district's Internet website at the beginning of each semester an instructional plan or course syllabus for each class offered in the district for that semester.

(b) The policy adopted under Subsection (a) must:

(1) require each teacher to provide before the beginning of each semester a copy of the teacher's instructional plan or course syllabus for each class for which the teacher provides instruction to:

(A) district administration; and

(B) the parent of each student enrolled in the class; and

(2) provide for additional copies of an instructional plan or course syllabus to be made available to a parent of a student enrolled in the class on the parent's request.

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

(1) 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;

(2) requires the board to prioritize public comments by presenting those comments at the beginning of each board meeting; and

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

SECTION 16. Section 26.008, Education Code, is amended to read as follows:

Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT.

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

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

(2) 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 [except as provided by Section 38.004].

(b) 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 Section 21.104, 21.156, or 21.211, as applicable, or by the State Board for Educator Certification, if applicable.

SECTION 17. 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) The agency shall 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) 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 Subdivision (1).  
(c) A school district may not adopt 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) 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, Family Code.  
(e) A school district employee may not discourage or prohibit parental knowledge of or involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.  
(f) Any student support services training developed or provided by a school district to district employees must comply with any student services guidelines, standards, and frameworks established by the State Board of Education and the agency.  
(g) Before the first instructional day of each school year, a school district shall 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. The notice must include a statement of the parent's right to withhold consent for or decline a health-related service. A parent's consent to a health-related service does not waive a requirement of Subsection (a), (c), or (e).  
(h) Before administering a student well-being questionnaire or health screening form to a student enrolled in prekindergarten through 12th grade, a school district must 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 in the manner provided by Section 26.009(a-2).  
(i) This section may not be construed to:  
(1) limit or alter the requirements of Section 38.004 of this code or Chapter 261, Family Code; or  
(2) limit a school district employee's ability to inquire about a student's daily well-being without parental consent.  
(j) Not later than June 30, 2026, the agency, the State Board of Education, and the State Board for Educator Certification, as appropriate, shall 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) Subsection (j) and this subsection expire September 1, 2027.

SECTION 18. Section 26.009, Education Code, is amended to read as follows:

Sec. 26.009. CONSENT REQUIRED FOR CERTAIN ACTIVITIES.

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

(1) conduct a psychological or psychiatric examination or [7] test, or psychological or psychiatric treatment, unless the examination, test, or treatment is required under



Section 38.004 or state or federal law regarding requirements for special education; ~~or~~

(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) For purposes of Subsection (a):

(1) "Biometric identifier" means a blood sample, hair sample, skin sample, DNA sample, body scan, retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.

(2) "Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(3) "Psychological or psychiatric treatment" means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

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

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

(b) An employee or contractor of a school district is not required to obtain the consent of a child's parent before the employee or contractor may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

(1) purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;

(2) a purpose related to a cocurricular or extracurricular activity;

(3) a purpose related to regular classroom instruction;

(4) media coverage of the school; or

(5) a purpose related to the promotion of student safety under Section 29.022.

(c) Before the first instructional day of each school year, a school district shall provide to the parent of each student enrolled in the district written notice of any actions the district may take involving the authorized collection, use, or storage of information as described by Subsection (a)(3). The notice must:

(1) 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

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

(d) A school district shall 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.

(e) A school district shall retain the written informed consent of a child's parent obtained under this section as part of the child's education records.

(f) Nothing in this section may be construed to:

(1) require an employee or contractor of a school district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being; or

(2) affect the duty to report child abuse or neglect under Chapter 261, Family Code, or an investigation of a report of abuse or neglect under that chapter.

SECTION 19. Section 26.011, Education Code, is amended to read as follows:

Sec. 26.011. GRIEVANCES ~~[COMPLAINTS]~~. (a) The board of trustees of each school district shall adopt a grievance procedure that complies with Chapter 26A under which the board shall address each grievance ~~[complaint]~~ that the board receives concerning violation of a right guaranteed by this chapter, of a board of trustees policy, or of a provision of this title.

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

SECTION 20. Subtitle E, Title 2, Education Code, is amended by adding Chapter 26A to read as follows:

#### CHAPTER 26A. GRIEVANCE POLICY

Sec. 26A.001. GRIEVANCE POLICY. (a) The board of trustees of a school district shall adopt a grievance policy to address grievances received by the district.

(b) The policy must provide for the following levels of review, subject to Subsection (c):

(1) review by:

(A) the principal of the school district campus at which the grievance is filed or the principal's designee; or

(B) for a grievance that arises from subject matter unrelated to a campus, an administrator at the school district's central office;

(2) if established by the policy, an appeal to an administrator at the school district's central office;

(3) an appeal to the superintendent of the school district or the superintendent's designee; and

(4) an appeal to the board of trustees of the school district.

(c) A review or appeal on a grievance must be conducted by a person with the authority to address the grievance unless a preliminary hearing is necessary to develop a record or a recommendation for the board of trustees of the school district.

(d) The board of trustees of a school district may delegate the authority to hear and decide a grievance to a committee of at least three members composed only of members of the board of trustees. For purposes of an appeal to the commissioner under Section 7.057, a decision by the committee is a decision of the board of trustees. Subsection (e) applies to the committee in the same manner as that subsection applies to the board of trustees.

(e) The policy must:

(1) prohibit the board of trustees of the school district or a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the policy;

(2) require a person involved in reviewing a grievance

under the policy to recuse himself or herself from reviewing the grievance if the person is the subject of the grievance;

(3) provide for a higher level of review under Subsection (b) if the person who would otherwise review the grievance is required to recuse himself or herself under Subdivision (2);

(4) provide for the creation and retention of a record of each hearing on the grievance, including:

(A) documents submitted by the person who filed the grievance or determined relevant by school district personnel; and

(B) a written record of the decision, including an explanation of the basis for the decision and an indication of each document that supports the decision;

(5) allow the person who filed the grievance to supplement the record with additional documents or add additional claims;

(6) allow for a member of the board of trustees of the school district to file a grievance with the district, but prohibit the member from voting on matters related to that grievance;

(7) allow for a remand to a lower level of review under Subsection (b) to develop a record at any time, including at the board of trustees level of review;

(8) require the school district to direct a grievance that is filed with the incorrect administrator to the appropriate administrator and consider the grievance filed on the date on which the grievance was initially filed;

(9) require the school district to issue a decision on the merits of the concern raised in the grievance, notwithstanding procedural errors or the type of relief requested;

(10) unless otherwise required by law, allow for a hearing or meeting at which the grievance will be discussed to be open or closed at the request of the person who filed the grievance; and

(11) for a grievance before the board of trustees of the school district, require that:

(A) the person who filed the grievance be provided at least five business days before the date on which the meeting to discuss the grievance will be held a description of any information the board of trustees intends to rely on that is not contained in the record; and

(B) the meeting at which the grievance is discussed be recorded by video or audio recording or by transcript created by a certified court reporter.

(f) If a grievance is appealed to the commissioner under Section 7.057, the commissioner may:

(1) investigate an alleged violation of state or federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), relating to the grievance;

(2) collaborate with relevant federal agencies in an investigation described by Subdivision (1); and

(3) take any action necessary to compel the school district, the board of trustees of the district, or a district employee to comply with law described by Subdivision (1).

(g) Each school district shall annually submit to the agency a report on grievances filed in the district during the preceding year. The report must include for each grievance the resolution of the grievance and any corrective action taken.

(h) Not later than December 1 of each year, the agency shall post on the agency's Internet website a report on grievances filed in school districts during the preceding year. The report must aggregate the data statewide and state:

(1) the number of grievances filed;

(2) the number of grievances resolved and the resolution of those grievances; and

(3) any corrective actions taken.

(i) If the commissioner determines that a school district educator has retaliated against a student or parent of or person standing in parental relation to a student in violation of

Subsection (e)(1), the commissioner may report the educator to the State Board for Educator Certification for investigation.

Sec. 26A.002. TIMELINES FOR FILING AND APPEAL. The policy adopted under Section 26A.001 must:

(1) provide at least:

(A) for a grievance filed by a parent of or person standing in parental relation to a student enrolled in the school district:

(i) 60 days to file a grievance from the date on which the parent or person knew or had reason to know of the facts giving rise to the grievance; or

(ii) if the parent or person engaged in informal attempts to resolve the grievance, the later of 90 days to file a grievance from the date described by Subparagraph (i) or 30 days to file a grievance from the date on which the district provided information to the parent or person regarding how to file the grievance; and

(B) 20 days to file an appeal after the date on which a decision on the grievance was made;

(2) for a hearing that is not before the board of trustees of the school district, require:

(A) the district to hold a hearing not later than the 10th day after the date on which the grievance or appeal was filed; and

(B) a written decision to be made not later than the 20th day after the date on which the hearing was held that includes:

(i) any relief or redress to be provided;  
and

(ii) information regarding filing an appeal, including the timeline to appeal under this section and Section 7.057, if applicable; and

(3) for a hearing before the board of trustees of the school district, require the board of trustees to:

(A) hold a meeting to discuss the grievance not later than the 60th day after the date on which the previous decision on the grievance was made; and

(B) make a decision on the grievance not later than the 30th day after the date on which the meeting is held under Paragraph (A).

Sec. 26A.003. POSTING OF PROCEDURES AND FORMS. (a) The board of trustees of a school district shall develop, make publicly available in a prominent location on the district's Internet website, and include in the district's student handbook:

(1) procedures for resolving grievances;

(2) standardized forms for filing a grievance, a notice of appeal, or a request for a hearing under this chapter; and

(3) the method by which a grievance may be filed electronically.

(b) A school district shall ensure that a grievance may be submitted electronically at the location on the district's Internet website at which the information described by Subsection (a) is available.

(c) A school district shall submit and make accessible to the agency the location on the district's Internet website at which the information described by Subsection (a) is available.

Sec. 26A.004. TESTIMONY BEFORE STATE BOARD OF EDUCATION. If the commissioner finds against a school district under Section 7.057 in at least five grievances to which that section applies involving the district during a school year, the superintendent of the school district must appear before the State Board of Education to testify regarding the commissioner's findings and the frequency of grievances against the district.

SECTION 21. Section 28.002, Education Code, is amended by adding Subsection (c-6) to read as follows:

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

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

(f) This section does not create a private cause of action against a teacher, administrator, or other employee of a school district or open-enrollment charter school. ~~[A school district or open enrollment charter school may 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) A school district or open-enrollment charter school shall 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. The district or school shall provide a physical and electronic copy of the policy and procedure to each district or school employee or contractor.

SECTION 23. Section 28.004, Education Code, is amended by adding Subsection (i-2) to read as follows:

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

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

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

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

Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY. (a) A school district, open-enrollment charter school, or district or charter school employee may not provide or allow 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) This section may not be construed to:

(1) 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, Article I, Texas Constitution, that does not result in material disruption to school activities;

(2) limit 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; or

(3) prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a school district or open-enrollment charter school campus.

SECTION 25. The heading to Section 28.022, Education Code, is amended to read as follows:

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

SECTION 26. Section 28.022(a), Education Code, is amended to read as follows:

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

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

(2) requires the district, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and

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

SECTION 27. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0815 to read as follows:

Sec. 33.0815. CERTAIN REQUIREMENTS FOR STUDENT CLUBS. (a) Subject to Subsection (b), a school district or open-enrollment charter school may authorize or sponsor a student club.

(b) A school district or open-enrollment charter school may not authorize or sponsor a student club based on sexual orientation or gender identity.

(c) A school district or open-enrollment charter school must 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 may participate in a student club authorized or sponsored under Subsection (a) at the district or school.

SECTION 28. Subchapter A, Chapter 39, Education Code, is amended by adding Section 39.008 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 Sections 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 Sections 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 29. Section 12A.004(a), Education Code, as amended by this Act, applies to a local innovation plan adopted or renewed before, on, or after the effective date of this Act.

SECTION 30. This Act applies beginning with the 2025-2026 school year.

SECTION 31. 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, 2025.

---

President of the Senate

---

Speaker of the House

I hereby certify that S.B. No. 12 passed the Senate on March 19, 2025, by the following vote: Yeas 20, Nays 11; May 28, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2025, House granted request of the Senate; May 31, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 20, Nays 11.

---

Secretary of the Senate

I hereby certify that S.B. No. 12 passed the House, with amendments, on May 25, 2025, by the following vote: Yeas 88, Nays 47, three present not voting; May 29, 2025, House granted request of the Senate for appointment of Conference Committee; May 31, 2025, House adopted Conference Committee Report by the following vote: Yeas 77, Nays 40, two present not voting.

---

Chief Clerk of the House

Approved:

---

Date

---

Governor