

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

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 C, Chapter 7, Education Code, is
9 amended by adding Section 7.0611 to read as follows:

10 Sec. 7.0611. FACILITY USAGE REPORT. (a) In this section,
11 "instructional facility" has the meaning assigned by Section
12 46.001.

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

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

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

20 (3) for each campus in the school district:

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

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

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

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

- 3 (A) an instructional facility;
- 4 (B) a career and technology center;
- 5 (C) an administrative building;
- 6 (D) a food service facility;
- 7 (E) a transportation facility; and
- 8 (F) vacant land; and

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

11 (c) From the information submitted under Subsection (b),
12 the agency shall produce and make available to the public on the
13 agency's Internet website an annual report on school district land
14 and facilities. The agency may combine the report required under
15 this section with any other required report to avoid multiplicity
16 of reports.

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

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

27 SECTION 3. Subchapter A, Chapter 11, Education Code, is

1 amended by adding Section 11.005 to read as follows:

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

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

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

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

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

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

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

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

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

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

4 (c) A school district shall adopt a policy and procedure for
5 the appropriate discipline, including termination, of a district
6 employee or contractor who intentionally or knowingly engages in or
7 assigns to another person diversity, equity, and inclusion duties.
8 The district shall provide a physical and electronic copy of the
9 policy and procedure to each district employee or contractor.

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

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

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

20 (2) limit or prohibit a school district from
21 acknowledging or teaching the significance of state and federal
22 holidays or commemorative months and how those holidays or months
23 fit into the themes of history and the stories of this state and the
24 United States of America in accordance with the essential knowledge
25 and skills adopted under Subchapter A, Chapter 28;

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

1 I, Texas Constitution;

2 (4) limit or prohibit a school district from analyzing
3 school-based causes and taking steps to eliminate unlawful
4 discriminatory practices as necessary to address achievement gaps
5 and differentials described by Section 39.053; or

6 (5) apply to:

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

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

12 (C) a policy, practice, procedure, program, or
13 activity intended to enhance student academic achievement or
14 postgraduate outcomes that is designed and implemented without
15 regard to race, sex, color, or ethnicity; or

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

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

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

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

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

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

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

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

9 (1) identify the member designated as chair; and

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

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

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

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

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

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

26 (b) This section does not apply to a civil suit or
27 administrative proceeding brought under the Individuals with

1 Disabilities Education Act (20 U.S.C. Section 1400 et seq.). A
2 civil suit or administrative proceeding described by this
3 subsection is governed by the attorney's fees provisions under 20
4 U.S.C. Section 1415.

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

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

10 SUBCHAPTER I. ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED

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

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

24 (c) A parent of a student enrolled in the district or a
25 district employee may report to the board of trustees of the
26 district a suspected violation of the policy adopted under
27 Subsection (b). The board shall investigate any suspected

1 violation and determine whether the violation occurred. If the
2 board determines that a district employee has assisted a student
3 enrolled at the district with social transitioning, the board shall
4 immediately report the violation to the commissioner.

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

9 SECTION 8. 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;

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; and

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

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

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

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

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

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

21 (4) Section 28.004; and

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

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

26 (f) Except as provided by Subsection (e) and
27 notwithstanding any other provision of this code, a school district

1 is not exempt from the requirements of this section.

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

5 (a) As provided under Section 151.001, Family Code, a parent
6 has the right to direct the moral and religious training of the
7 parent's child, make decisions concerning the child's education,
8 and consent to medical, psychiatric, and psychological treatment of
9 the child without obstruction or interference from this state, any
10 political subdivision of this state, a school district or
11 open-enrollment charter school, or any other governmental entity.

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

16 (c) Unless otherwise provided by law, a board of trustees,
17 administrator, educator, or other person shall comply with Section
18 1.009 and may not limit parental rights or withhold information
19 from a parent regarding the parent's child.

20 (c-1) A school district may not be considered to have
21 withheld information from a parent regarding the parent's child if
22 the district's actions are in accordance with other law, including
23 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
24 Section 1232g).

25 (d) Each board of trustees shall:

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

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

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

8 (4) provide to a parent of a child on the child's
9 enrollment in the district for the first time and to the parent of
10 each child enrolled in the district at the beginning of each school
11 year information about parental rights and options, including the
12 right to withhold consent for or exempt the parent's child from
13 certain activities and instruction, that addresses the parent's
14 rights and options concerning:

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

17 (B) instructional materials and library
18 materials;

19 (C) health education instruction under Section
20 28.004;

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

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

25 (F) immunizations under Section 38.001;

26 (G) gifted and talented programs;

27 (H) promotion, retention, and graduation

1 policies;
2 (I) grade, class rank, and attendance
3 information;
4 (J) state standards and requirements;
5 (K) data collection practices;
6 (L) health care services, including notice and
7 consent under Section 26.0083(g);
8 (M) the grievance procedure under Section
9 26.011; and
10 (N) special education and bilingual education
11 and special language programs.

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

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

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

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

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

27 (1) attendance records;

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

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

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

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

26 Sec. 26.0062. REQUIRED DISCLOSURE REGARDING INSTRUCTIONAL
27 PLAN. (a) Each school district shall adopt a policy to make

1 available on the district's Internet website at the beginning of
2 each semester an instructional plan or course syllabus for each
3 class offered in the district for that semester.

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

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

9 (A) district administration; and

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

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

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

18 (1) provides for an Internet portal through which
19 parents of students enrolled in the district may submit comments to
20 campus or district administrators and the board;

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

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

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

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

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

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

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

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

15 SECTION 17. Chapter 26, Education Code, is amended by
16 adding Section 26.0083 to read as follows:

17 Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL,
18 EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a)
19 The agency shall adopt a procedure for school districts to notify
20 the parent of a student enrolled in the district regarding any
21 change in services provided to or monitoring of the student related
22 to the student's mental, emotional, or physical health or
23 well-being.

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

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

3 (2) facilitate a discussion described under
4 Subdivision (1).

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

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

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

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

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

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

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

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

27 (f) Any student support services training developed or

1 provided by a school district to district employees must comply
2 with any student services guidelines, standards, and frameworks
3 established by the State Board of Education and the agency.

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

12 (h) Before administering a student well-being questionnaire
13 or health screening form to a student enrolled in prekindergarten
14 through 12th grade, a school district must provide a copy of the
15 questionnaire or form to the student's parent and obtain the
16 parent's consent to administer the questionnaire or form in the
17 manner provided by Section 26.009(a-2).

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

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

21 (2) limit a school district employee's ability to
22 inquire about a student's daily well-being without parental
23 consent.

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

- 1 (1) school counseling frameworks and standards;
- 2 (2) educator practices and professional conduct
- 3 principles; and
- 4 (3) any other student services personnel guidelines,
- 5 standards, or frameworks.

6 (k) Subsection (j) and this subsection expire September 1,

7 2027.

8 SECTION 18. Section 26.009, Education Code, is amended to

9 read as follows:

10 Sec. 26.009. CONSENT REQUIRED FOR CERTAIN ACTIVITIES.

11 (a) An employee or contractor of a school district must obtain the

12 written consent of a child's parent in the manner required by

13 Subsection (a-2) before the employee or contractor may:

14 (1) conduct a psychological or psychiatric

15 examination or~~[r]~~ test, or psychological or psychiatric treatment,

16 unless the examination, test, or treatment is required under

17 Section 38.004 or state or federal law regarding requirements for

18 special education; ~~[or]~~

19 (2) subject to Subsection (b), make or authorize the

20 making of a videotape of a child or record or authorize the

21 recording of a child's voice;

22 (3) unless authorized by other law:

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

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

25 (B) collect, use, store, or disclose to any

26 person other than the child's parent a child's biometric

27 identifiers; or

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

3 (a-1) For purposes of Subsection (a):

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

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

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

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

24 (a-3) For the purpose of obtaining written consent for
25 actions described by Subsection (a)(4) that are determined by a
26 school district to be routine care provided by a person who is
27 authorized by the district to provide physical or mental

1 health-related services, the district may obtain consent at the
2 beginning of the school year or at the time of the child's
3 enrollment in the district. Unless otherwise provided by a child's
4 parent, written consent obtained in accordance with this subsection
5 is effective until the end of the school year in which the consent
6 was obtained.

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

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

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

17 (3) a purpose related to regular classroom
18 instruction;

19 (4) media coverage of the school; or

20 (5) a purpose related to the promotion of student
21 safety under Section [29.022](#).

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

27 (1) include a plain language explanation for the

1 district's collection, use, or storage of the child's information
2 and the district's legal authority to engage in that collection,
3 use, or storage; and

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

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

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

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

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

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

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

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

1 trustees policy, or of a provision of this title.

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

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

14 CHAPTER 26A. GRIEVANCE POLICY

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

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

20 (1) review by:

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

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

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

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

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

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

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

16 (e) The policy must:

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

21 (2) require a person involved in reviewing a grievance
22 under the policy to recuse himself or herself from reviewing the
23 grievance if the person is the subject of the grievance;

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

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

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

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

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

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

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

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

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

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

1 and

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

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

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

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

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

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

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

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

27 (h) Not later than December 1 of each year, the agency shall

1 post on the agency's Internet website a report on grievances filed
2 in school districts during the preceding year. The report must
3 aggregate the data statewide and state:

4 (1) the number of grievances filed;

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

7 (3) any corrective actions taken.

8 (i) If the commissioner determines that a school district
9 educator has retaliated against a student or parent of or person
10 standing in parental relation to a student in violation of
11 Subsection (e)(1), the commissioner may report the educator to the
12 State Board for Educator Certification for investigation.

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

15 (1) provide at least:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) procedures for resolving grievances;

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

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

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

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

13 Sec. 26A.004. TESTIMONY BEFORE STATE BOARD OF EDUCATION.

14 If the commissioner finds against a school district under Section
15 7.057 in at least five grievances to which that section applies
16 involving the district during a school year, the superintendent of
17 the school district must appear before the State Board of Education
18 to testify regarding the commissioner's findings and the frequency
19 of grievances against the district.

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

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

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

27 (f) This section does not create a private cause of action

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

7 (h) A school district or open-enrollment charter school
8 shall adopt a policy and procedure for the appropriate discipline,
9 including termination, of a district or school employee or
10 contractor who intentionally or knowingly engages in or assigns to
11 another person an act prohibited by this section. The district or
12 school shall provide a physical and electronic copy of the policy
13 and procedure to each district or school employee or contractor.

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

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

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

23 (2) must be provided to the parent not later than the
24 14th day before the date on which the human sexuality instruction
25 begins.

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

1 Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL
2 ORIENTATION AND GENDER IDENTITY. (a) A school district,
3 open-enrollment charter school, or district or charter school
4 employee may not provide or allow a third party to provide
5 instruction, guidance, activities, or programming regarding sexual
6 orientation or gender identity to students enrolled in
7 prekindergarten through 12th grade.

8 (b) This section may not be construed to:

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

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

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

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

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

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

27 (a) The board of trustees of each school district shall

1 adopt a policy that:

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

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

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

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

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

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

24 (c) A school district or open-enrollment charter school
25 must require the written consent of the parent of or person standing
26 in parental relation to a student enrolled in the district or school
27 before the student may participate in a student club authorized or

1 sponsored under Subsection (a) at the district or school.

2 SECTION 28. Subchapter A, Chapter 39, Education Code, is
3 amended by adding Section 39.008 to read as follows:

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

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

10 (1) be:

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

17 (B) submitted electronically to the agency; and

18 (2) include:

19 (A) a description of the policies and procedures
20 required by Sections 11.005(c) and 28.0022(h) and the manner in
21 which district or school employees and contractors were notified of
22 those policies and procedures;

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

26 (C) any cost savings resulting from actions taken
27 by the school district or open-enrollment charter school to comply

1 with this section.

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

4 SECTION 29. Section 12A.004(a), Education Code, as amended
5 by this Act, applies to a local innovation plan adopted or renewed
6 before, on, or after the effective date of this Act.

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

9 SECTION 31. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 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