

BILL ANALYSIS

Senate Research Center
76R15619 CAS-D

S.B. 1910
By: Nelson
Education
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As Filed

DIGEST

S.B. 1910 would increase parental awareness of records that may be kept regarding their children and involvement in decisions about their children's education. This bill would, specifically, reinstate the requirement that a parent provide written consent for their child's absence to be considered excused and require parents to be notified and informed about certain records regarding their children and the content of surveys and questionnaires in which their children are asked to participate.

PURPOSE

As proposed, S.B. 1910 increases parental rights concerning students in public schools.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.087(a), Education Code, to require a child's temporary absence to be excused if the child's parent or person having custody or control of the child submits a written notice concerning the absence that includes the date or time of the absence and the reason for the absence before the absence or immediately on the child's return to school.

SECTION 2. Amends Chapter 26, Education Code, by adding Section 26.011, as follows:

Sec. 26.0011. CONSTRUCTION AND APPLICATION. Requires this chapter to be liberally construed and applied to promote the purposes provided under Section 26.001.

SECTION 3. Amends Section 26.004, Education Code, as follows:

Sec. 26.004. ACCESS TO STUDENT RECORDS. Requires a school district to provide to a parent information to which the parent is entitled within five school days of the parent's request. Provides that a parent's entitlement to access written records relating the parent's child is not limited to certain records. Requires a school district to fully disclose in writing to the parent a descriptive summary of all information, whether in written or electronic form, that the district or a district employee maintains or possesses concerning the parent's child. Authorizes the State Board for Educator Certification (board) to suspend or revoke the certification of a district employee who has authority to release information required to be provided under this section if the employee refuses to release the information on request of the parent at a charge authorized by Section 26.012 (Fee for Copies) and in a timely manner. Prohibits the board from suspending or revoking the certification of a teacher under this subsection for the failure of an administrator to comply with this subsection. Provides that the information to which this section applies is confidential and, except for access by a parent, an authorized district employee, or an employee of the board as required by state law, access as required by federal law, or release in cooperation with an investigation under Section 38.004 (Child Abuse Reporting and Programs), may not be released in a manner that reveals a student's identity without the parent's informed, explicit written or verified oral consent. Entitles a noncustodial parent to receive information that the parent requests unless a court has issued a protective or similar order against that parent under which the parent is prohibited from receiving the information.

SECTION 4. Amends Section 26.009, Education Code, by amending the heading and Subsection (a) and adding Subsections (c), (d), and (e), as follows:

Sec. 26.009. New heading: **CONSENT OR NOTICE REQUIRED FOR CERTAIN ACTIVITIES**. Provides that an employee of a school district must provide a child's parent with a written explanation of the purpose of and a written description of any psychological examination, test, or treatment before conducting a psychological examination, test, or treatment, unless it is required under Section 38.004 or state or federal law regarding requirements for special education or making or authorizing the making of a videotape of a child or record or authorizing the recording of a child's voice. Requires the board of trustees of a school district to make a copy of any written survey or questionnaire the district or a district employee intends to administer to students that includes one or more questions regarding personal characteristics, feelings, or beliefs, such as religious beliefs, of a student or a student's family available to the public and on request provide a copy to a parent of a district student. Requires the board of trustees to hold a public hearing concerning the survey or questionnaire after making a copy of the survey or questionnaire in accordance with this section. Requires the board of trustees to approve or disapprove the administration of the survey or questionnaire by a record vote. Requires a school district to notify a parent in writing and provide information concerning a survey or questionnaire to be administered to the parent's child and require the parent's consent to administer the survey or questionnaire. Provides that the information provided must include the name of the organization that developed and funded the survey or questionnaire, the manner in which the results of the survey or questionnaire will be used, the title of the person who will maintain or have access to the results, and whether the results will reveal a student's identity. Prohibits a district that fails to comply with the hearing, approval, notice, and consent requirements under Subsections (c) and (d) from administering the survey or questionnaire to any student. Provides that the district must obtain the consent of the student's parent before administering a survey or questionnaire to a particular student.

SECTION 5. Amends Chapter 26, Education Code, by adding Section 26.013, as follows:

Sec. 26.013. **NOTIFICATION**. Requires notification under this chapter to be provided by administrative or clerical staff of a school district or school, as applicable. Prohibits the duty to provide notice from being delegated to a classroom teacher. Requires written notice required to be provided to a parent under this chapter to be provided by mail in addition to any other method by which the notice is provided.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.