

## **BILL ANALYSIS**

Senate Research Center

S.B. 784  
By: Hughes  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 28.004, Education Code, pertains to local school health advisory councils and health education. A school district's board of trustees is directed to establish a health advisory council to assist the district on various matters related to health education, including human sexuality instruction. The health advisory council must meet at least four times a year and must have a membership whose majority is comprised of parents with children enrolled in the district. The council is responsible for recommending "appropriate grade levels and methods" for human sexuality instruction (28.004(c)), and the school district must select its human sexuality curriculum with the advice of the council.

Before each school year, a school district that provides human sexuality instruction must provide a written notice to parents that includes "a summary of the basic content" of the instruction, "a statement of the parent's right" to review curricular material and remove a student from any part of the curriculum, and "information describing the opportunities for parental involvement in the development of the curriculum" (28.004(i)). Finally, the school district is required to make all curricular materials "available for reasonable public inspection" (28.004(j)).

S.B. 784 includes provisions to ensure that school districts comply with the provisions of Section 28.004 and that parents are fully informed about the content of human sexuality instruction. The commissioner of education (commissioner) must determine that a school district has fulfilled the notice and content requirements specified in statute before the district may offer the curriculum. The commissioner is given rulemaking authority to implement this review process in a flexible way, giving school districts requisite time to submit relevant information and to address any areas of noncompliance (this provision would not take effect until the 2020–2021 school year). Second, rather than a vague summary, school districts are required to provide the full human sexuality curriculum to parents and a detailed description of content on each class day.

As proposed, S.B. 784 amends current law relating to human sexuality instruction in public schools.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 28.004, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.004, Education Code, by adding Subsection (h-1) and amending Subsections (i) and (j), as follows:

(h-1) Prohibits a school district from offering human sexuality instruction in a school year unless the commissioner of education (commissioner) determines that the district's instruction for that school year, including all curriculum materials used in the instruction, and the notice required under Subsection (i) comply with the requirements under this section. Requires the commissioner to adopt rules as necessary to implement this subsection, including rules that:

(1) establish a process for the determination that concludes not later than the 30th day before the first day of each school year; and

(2) provide a school district an opportunity to revise any noncompliant instruction, including the materials, or notice, as necessary to comply with the requirements under this section, as determined by the commissioner.

(i) Requires a school district, before each school year, to provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. Requires the notice to include if instruction will be provided:

(1) makes no changes to this subdivision;

(2) each date on which the district's human sexuality instruction will be provided to the student along with a detailed description of the content of the instruction to be provided on that date;

(3) creates this subdivision from existing text and requires the notice to include, if instruction will be provided, a statement of the parent's right to:

(A) receive a copy of, rather than review, curriculum materials as provided by Subsection (j); and

(B) makes no changes to this paragraph; and

(4) redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes.

(j) Requires a school district to provide by mail or e-mail to a parent of each student enrolled in the district a copy of all curriculum materials used in the district's human sexuality instruction, rather than requiring a school district to make all curriculum materials used in the district's human sexuality instruction available for reasonable public inspection.

SECTION 2. Provides that Sections 28.004(i) and (j), Education Code, apply beginning with the 2019–2020 school year.

SECTION 3. Provides that Section 28.004(h-1), Education Code, as added by this Act, applies beginning with the 2020–2021 school year.

SECTION 4. Effective date: upon passage or September 1, 2019.