

## **BILL ANALYSIS**

S.B. 442  
By: Hughes  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised by leaders in local health communities that additional operational and transparency safeguards for local school health advisory councils are needed to ensure that parents are informed and involved in the health education of their children. S.B. 442 seeks to address these concerns by establishing certain requirements for local school health advisory council meetings and for public school districts in establishing a process for the adoption of curriculum materials for the district's human sexuality curriculum.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 442 amends the Education Code to require a local school health advisory council, for each of its meetings, to do the following:

- at least 72 hours before the meeting, post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the applicable public school district and ensure that the notice is posted on the district's website, if the district has a website;
- allow the public to attend the meeting and provide an opportunity for public comment;
- prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the council during the meeting;
- make an audio or video recording of the meeting; and
- not later than the 10th day after the meeting, submit the minutes and audio or video recording of the meeting to the district.

The bill requires the district to post the minutes and recording on its website, if the district has a website, as soon as practicable after receipt of the minutes and recording from the council.

S.B. 442 requires a district board of trustees to adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The bill sets out requirements for the policy with respect to related duties of the board and the local school health advisory council, and requires the board, before adopting the curriculum materials, to ensure that the materials are based on the advice of the local school health advisory council and suitable for and reviewed by academic experts in the subject and grade level for which the materials are

intended. The bill requires curriculum materials proposed to be adopted for a district's human sexuality instruction and those adopted to be made available as follows, as applicable:

- for curriculum materials in the public domain, by providing a copy of the materials by mail or email to a parent of a student enrolled in the district on the parent's request and by posting the materials on the district's website, if the district has a website; and
- for copyrighted curriculum materials, allowing such a parent to review the materials at the student's campus at any time during regular business hours, purchase a copy of the materials from the publisher as provided by the district's purchase agreement for the materials, or review the materials online through a secure electronic account in a manner that prevents the materials from being copied and that otherwise complies with copyright law.

S.B. 442 revises the contents of the written notice required to be provided before each school year to a parent of each student enrolled in the district if the district's board decides to provide human sexuality instruction to district students as follows:

- replaces a summary of the basic content of the instruction to be provided with a detailed description of the content of the instruction and a general schedule on which the instruction will be provided;
- includes a statement of the parent's right to purchase a copy of the materials at the parent's discretion;
- includes a specification in the statement of the parent's right to review the materials that the review is at the parent's discretion;
- includes a statement of the parent's right to use a grievance procedure adopted by the board or the appeals process concerning a complaint of a violation of applicable provisions; and
- includes a statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's website, if the district has a website, and the website address at which the materials are located.

The bill makes the authorization for a parent to use the adopted grievance procedure concerning a complaint of a violation of the notice requirements applicable instead to a violation of provisions relating to local school health advisory councils and health education instruction.

S.B. 442 requires a district that purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction to ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the materials. This requirement applies only to a purchase agreement entered into, amended, or renewed on or after September 1, 2021.

S.B. 442 establishes that, for purposes of provisions relating to a local school health advisory council and health education instruction, "curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction and that "human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health. The bill subjects an open-enrollment charter school to a prohibition, restriction, or requirement, as applicable, imposed by provisions relating to public education or a rule adopted under those provisions, relating to establishing a local school health advisory council and providing health education instruction.

S.B. 442 applies beginning with the 2021-2022 school year, except as otherwise provided.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.