

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 890
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local schools have long been referred to as "community schools," because the community, particularly the parents of local school children, are an integral part of the school experience. In recent years, many parents have become less trusting of school districts and charter schools because they do not feel as if they have been granted appropriate opportunities to direct their children's educational experience. H.B. 890 seeks to provide a course correction to put parents back in the center of the community of the school.

Research has demonstrated that parental involvement in their child's education is one of the key contributing factors for academic success. H.B. 890 ensures parents remain a central component of a child's education by clearly enumerating their rights to direct the moral and religious training of their children in the Education Code and empowering them with the tools to stay aware and involved.

H.B. 890 includes several revisions to the school district grievance process, such as clear timelines to reduce delays and ensure the concerns of parents are addressed in a fair and timely manner. If a school board is unable to satisfactorily resolve a parental grievance, an independent hearing examiner may be appointed to ensure concerns are fairly addressed at the local level.

School districts are prohibited from withholding information from children's parents, and are required to receive parental consent for the administration of any medical, psychiatric, and psychological treatments or tests. Parents are also given the right to request reviews of instructional material to verify lesson content is age-appropriate and on-grade-level. Instruction concerning sexual orientation and gender identity is prohibited at all grade levels.

Parents have the right to choose the educational setting of their children. As such, H.B. 890 gives parents the ability to exercise their freedom of educational choice by allowing free transfer between school districts.

C.S.H.B. 890 amends current law relating to parental rights and public school responsibilities regarding instructional materials.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 5 (Section 26.0061, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 17 (Section 31.0236, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1, Education Code, by adding Section 1.009, as follows:

Sec. 1.009. INFRINGEMENT OF PARENTAL RIGHTS PROHIBITED. Prohibits 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 (Rights and Duties of Parent), Family Code, from being 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. Amends Section 11.161, Education Code, as follows:

Sec. 11.161. New heading: FRIVOLOUS SUIT OR PROCEEDING. (a) Authorizes the court or another person authorized to make decisions regarding an administrative proceeding, in a civil suit or proceeding brought under state law or rules against an independent school district or an officer of an independent school district acting under color of office, to award costs and reasonable attorney's fees if certain requirements are met. Makes conforming and nonsubstantive changes.

- (b) Provides that 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.). Provides that 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.

SECTION 3. Amends Section 25.036, Education Code, as follows:

Sec. 25.036. TRANSFER OF STUDENT. (a) Authorizes any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year to apply to transfer for in-person instruction annually from the child's school district of residence to another district in this state for in-person instruction, rather than in this state if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer.

- (b) Requires that a transfer application approved under this section, rather than an agreement under this section, be filed and preserved as a receiving district record for audit purposes of the Texas Education Agency (TEA).

- (c) Authorizes a school district to deny approval of a transfer under this section only if:

- (1) the district or a school in the district to which a student seeks to transfer is at full student capacity or has more requests for transfers than available positions after the district has filled available positions in accordance with Subsection (e);

- (2) at the time a student seeks to transfer, the student is suspended or expelled by the district in which the student is enrolled; or

- (3) approving the transfer would supersede a court-ordered desegregation plan.

- (d) Prohibits the district, for the purpose of determining whether a school in a school district is at full student capacity under Subsection (c)(1), from considering equity as a factor in the district's decision-making process.

(e) Requires a school district that has more applicants for transfer under this section than available positions to fill the available positions by lottery and to give priority to applicants in the following order:

(1) students who do not reside in the district but were enrolled in the district in the preceding school year or who are dependents of an employee of the receiving district; and

(2) students:

(A) receiving special education services under Subchapter A (Special Education Program), Chapter 29;

(B) who are dependents of military personnel;

(C) who are dependents of law enforcement personnel;

(D) in foster care;

(E) who are the subject of court-ordered modification of an order establishing conservatorship or possession and access; or

(F) who are siblings of a student who is enrolled in the receiving district at the time the student seeks to transfer.

(f) Prohibits a student who transfers to another school district under this section from being charged tuition. Provides that the student is included in the average daily attendance of the district to which the student transfers, beginning on the date the student begins attending classes at that district.

(g) Authorizes, but does not require, a receiving school district to provide transportation to a student who transfers to the receiving district under this section.

(h) Authorizes a receiving school district to revoke, at any time during the school year, the approval of the student's transfer if:

(1) the student:

(A) fails to comply with a condition specified in the agreement that is:

(i) a circumstance specified in the student code of conduct under Section 37.001(a)(1) (relating to requiring the board of trustees of an independent school district to adopt a student code of conduct for the district that is required to specify the circumstances under which a student is authorized to be removed from certain locations);

(ii) a condition specified in the student code of conduct under Section 37.001(a)(2) (relating to requiring the board of trustees of an independent school district to adopt a student code of conduct for the district that is required to specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program);

(iii) conduct for which a student is required or permitted to be removed from class and placed in a disciplinary

alternative education program under Section 37.006 (Removal for Certain Conduct); or

(iv) conduct for which a student is required or permitted to be expelled from school under Section 37.007 (Expulsion for Serious Offenses); or

(B) fails to maintain a specified school attendance rate; and

(2) before revoking approval of the student's transfer, the district ensures the student is afforded appropriate due process and complies with any requirements of state law or district policy relating to the expulsion of a student to the same extent as if the student were being expelled under Section 37.007.

SECTION 4. Amends Section 26.001, Education Code, by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1) and (c-1), as follows:

(a) Provides that a parent, as provided under Section 151.001, Family Code, 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) Creates this subsection from existing text.

(c) Provides that a board of trustees, administrator, educator, or other person, unless otherwise provided by law, is required to comply with Section 1.009 and is prohibited from limiting parental rights or withholding information from a parent regarding the parent's child.

(c-1) Prohibits a school district from being 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 Education Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(d) Requires each board of trustees to:

(1) creates this subdivision from existing text;

(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) redesignates existing Subsection (e) as Subsection (d)(3) and makes a nonsubstantive change; 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 (Local School Health Advisory Council and Health Education Instruction);

(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 (Immunization; Requirements; Exceptions);

(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); and

(M) the local grievance procedure under Section 26.011.

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

SECTION 5. Amends Chapter 26, Education Code, by adding Sections 26.0026, 26.0061, and 26.0083, as follows:

Sec. 26.0026. RIGHT TO SELECT EDUCATIONAL SETTING. Entitles a parent to choose the educational setting for the parent's child, including public school, private school, or home school.

Sec. 26.0061. RIGHT TO REQUEST INSTRUCTIONAL MATERIAL REVIEW. (a) Requires the board of trustees of each school district to establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, is authorized to request an instructional material review under Section 31.0236 for a subject area in the grade level in which the student is enrolled.

(b) Provides that a process established under Subsection (a):

(1) is prohibited from requiring more than one parent of a student to make the request;

(2) is required to provide for the board of trustees of the school district to determine if the request will be granted, either originally or through an appeal process; and

(3) is authorized to permit the requesting parent to review the instructional material directly before the district conducts an instructional material review under Section 31.0236.

(c) Requires the board of trustees of the school district in which the campus is located, if the parents of at least 25 percent of the students enrolled at a campus present to the board a petition for the board to conduct an instructional material review under Section 31.0236, to conduct the review, unless, by a majority vote, the board denies the request.

(d) Requires the board of trustees of the district, notwithstanding Subsection (c), if the parents of at least 50 percent of the students enrolled at a school district campus present to the board a petition to conduct an instructional material review under Section 31.0236, to conduct the review.

(e) Requires that a review conducted under Subsection (c) or (d) include a review of instructional materials for each subject area or grade level specified in the petition.

(f) Authorizes the commissioner of education (commissioner) to adopt rules to implement this section.

Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL, EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a) Requires TEA to 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) Requires that a procedure adopted under Subsection (a) 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) Prohibits a school district from adopting 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) Provides that 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 (Definitions), Family Code.

(e) Prohibits a school district employee from discouraging or prohibiting parental knowledge of or involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

(f) Requires that any student support services training developed or provided by a school district to district employees comply with any student services guidelines, standards, and frameworks established by the State Board of Education (SBOE) and TEA.

- (g) Requires a school district, before the first instructional day of each school year, to 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. Requires that the notice include a statement of the parent's right to withhold consent for or decline a health-related service. Provides that a parent's consent to a health-related service does not waive a requirement of Subsection (a), (c), or (e).
- (h) Requires a school district, before administering a student well-being questionnaire or health screening form to a student enrolled in prekindergarten through 12th grade, to 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.
- (i) Prohibits this section from being construed to:
 - (1) limit or alter the requirements of Section 38.004 (Child Abuse Reporting and Programs) of this code or Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code; or
 - (2) limit a school district employee's ability to inquire about a student's daily well-being without parental consent.
- (j) Requires TEA, SBOE, and the State Board for Educator Certification (SBEC), as appropriate, not later than June 30, 2024, to 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) Provides that Subsection (j) and this subsection expire September 1, 2025.

SECTION 6. Amends Section 26.004(b), Education Code, as follows:

- (b) Entitles a parent to access to all written records of a school district concerning the parent's child, including medical records in accordance with Section 38.0095, including health and immunization information.

SECTION 7. Amends Chapter 26, Education Code, by adding Section 26.0071, as follows:

- Sec. 26.0071. COMMUNITY ENGAGEMENT POLICY. Requires each board of trustees of a school district to develop a parental engagement policy that:
- (1) provides for an Internet portal through which parents of students enrolled in the district are authorized to 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 8. Amends Section 26.008, Education Code, as follows:

- Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT. (a) Entitles a parent, except as provided by Section 38.004, to certain privileges, including to 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. Makes nonsubstantive changes.

(b) Provides that 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 certain statutes, as applicable, or by SBEC, if applicable.

SECTION 9. Amends Section 26.009, Education Code, by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (c), and (d), as follows:

(a) Requires an employee of a school district to obtain the written consent of a child's parent in the manner required by Subsection (a-2) before the employee is authorized to:

(1) makes a nonsubstantive change to this subdivision;

(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.

Makes a nonsubstantive change.

(a-1) Defines "biometric identifier."

(a-2) Requires that written consent for a parent's child to participate in a district activity described by Subsection (a) be signed by the parent and returned to the district. Prohibits a child from participating in the activity unless the district receives the parent's signed written consent to that activity.

(a-3) Authorizes the district, 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, to obtain consent at the beginning of the school year or at the time of the child's enrollment in the district. Provides that written consent obtained in accordance with this subsection, unless otherwise provided by a child's parent, is effective until the end of the school year in which the consent was obtained.

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

(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) Requires a school district to 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.

SECTION 10. Amends Section 26.011, Education Code, as follows:

Sec. 26.011. New heading: LOCAL GRIEVANCE PROCEDURE. (a) Requires the board of trustees of each school district to adopt a grievance procedure under which the board is required to:

(1) address each grievance, rather than each complaint, that the board receives concerning a violation of a right guaranteed by Section 1.009 or this chapter:

(A) if the grievance is filed not later than six school weeks after the date on which the parent received notice of an incident giving rise to the grievance; or

(B) regardless of whether the grievance was filed during the period prescribed by Paragraph (A) if the grievance was informally brought to the attention of school district personnel during that period;

(2) allow a parent at any time before a final decision by the board to provide additional evidence regarding the parent's grievance; and

(3) allow a parent to file more than one grievance at the same time.

Makes nonsubstantive changes.

(b) Makes a conforming change to this subsection.

(c) Requires the board of trustees of a school district to ensure a grievance procedure adopted under Subsection (a):

(1) authorizes a parent to file a grievance with the principal of the district campus the parent's child attends or the person designated by the district to receive grievances for that campus;

(2) requires that a principal or the person designated by the district to receive grievances for a campus:

(A) acknowledge receipt of a grievance under Subdivision (1) not later than two school business days after receipt of the grievance; and

(B) not later than the 14th school business day after receipt of a grievance described by Subdivision (1), provide to the parent who submitted the grievance written documentation of the decision regarding the issue that gave rise to the grievance, including:

(i) an explanation of the findings that contributed to the decision;

(ii) notification regarding the parent's right to appeal the decision; and

(iii) the timeline for appealing the decision;

(3) requires that, if a parent appeals a decision under Subdivision (2) not later than the 14th school business day after receiving notice of the decision, the superintendent or the superintendent's designee provide to

the parent not later than the 14th school business day after receipt of the appeal written documentation of the decision regarding the issue that gave rise to the grievance, including:

- (A) an explanation of the findings that contributed to the decision;
- (B) notification regarding the parent's right to appeal the decision; and
- (C) the timeline for appealing the decision;

(4) requires that, if a parent appeals a decision under Subdivision (3) not later than the 14th school business day after receiving notice of the decision, the board hear the grievance in a closed session at the board's next regular meeting that occurs on or after the 14th school business day after the date the board receives notice of the appeal; and

(5) requires that, not later than the 10th school business day after the date of a board meeting described by Subdivision (4), the board provide to the parent written documentation of the board's decision regarding the issue that gave rise to the grievance, including notice that the parent is authorized to appeal to the commissioner in writing under Section 7.057 (Appeals), if applicable.

(d) Authorizes the parties to mutually agree to adjust the timeline for the procedure under this section.

(e) Authorizes the district, notwithstanding Subsection (d), if a grievance submitted under this section involves an employee who is on documented leave that is scheduled to begin or has begun before the grievance is submitted, to alter the timeline for the procedure under this section to make a reasonable accommodation for the employee's leave. Requires the district to provide notice of the change to the parent who submitted the grievance.

SECTION 11. Amends Chapter 26, Education Code, by adding Sections 26.0111 and 26.0112, as follows:

Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER. (a) Provides that this section applies only to a grievance regarding a violation of:

(1) Section 28.0022 (Certain Instructional Requirements and Prohibitions), 28.004 (Local School Health Advisory Council), or 28.0043 or Chapter 38 (Health and Safety) or the implementation of those provisions by a school district; or

(2) Chapter 551 (Open Meetings), Government Code, involving school district personnel.

(b) Authorizes a parent, if the parent has exhausted the parent's options under the local grievance procedure established by the board of trustees of a school district under Section 26.011 regarding a grievance to which this section applies, and the grievance is not resolved to a parent's satisfaction, to file a written request with the commissioner for a hearing before a hearing examiner under this section not later than the 30th school business day after the date on which the board of trustees of the district resolved the parent's grievance under Section 26.011. Requires the parent to provide the district with a copy of the request and to provide the commissioner with a copy of the district's resolution of the grievance. Authorizes the parties to agree in writing to extend by not more than 10 school business days the deadline for requesting a hearing.

(c) Requires the commissioner to assign a hearing examiner to review the grievance in the manner provided by Section 21.254 (Assignment of Hearing Examiner). Provides that the hearing examiner has the powers described by Sections 21.255 (Hearings Before Hearing Examiner) and 21.256 (Conduct of Hearing) and is required to conduct the hearing in the manner provided by those sections as if the parent were a teacher.

(d) Requires the hearing examiner, not later than the 60th business day after the date on which the commissioner receives a parent's written request for a hearing, to complete the hearing and make a written recommendation that includes proposed findings of fact and conclusions of law. Provides that the recommendation of the hearing examiner is final and is prohibited from being appealed.

(e) Provides that certain subsections apply to a hearing under this section in the same manner as a hearing conducted under Subchapter F (Hearings Before Hearing Examiners), Chapter 21.

(f) Provides that Section 21.258 (Consideration of Recommendation by Board of Trustees or Board Subcommittee) applies to SBOE in the same manner as if the board were the board of trustees of the school district or board subcommittee.

(g) Provides that Chapter 2001 (Administrative Procedure), Government Code, does not apply to SBOE's actions regarding the recommendation of the hearing examiner.

(h) Requires that the costs of the hearing examiner, the court reporter, the original hearing transcript, and any hearing room costs, if the hearing room is not provided by the school district, be paid by the school district if the hearing examiner finds in favor of the parent.

(i) Provides that the hearing examiner, notwithstanding Subsection (d), if a parent fails to appear at a hearing under this section, is not required to complete the hearing and is prohibited from making a recommendation in favor of the parent.

Sec. 26.0112. TESTIMONY BEFORE STATE BOARD OF EDUCATION. Requires the superintendent of a school district, if a hearing examiner reviews and finds against the school district under Section 26.0111 in at least five grievances to which that section applies involving the district during a school year, to appear before SBOE to testify regarding the hearing examiner's findings and the frequency of grievances against the district.

SECTION 12. Amends Section 28.002, Education Code, by adding Subsection (c-4), to prohibit SBOE from adopting standards in violation of Section 28.0043.

SECTION 13. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0043, as follows:

Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY. (a) Prohibits a school district, open-enrollment charter school, or district or charter school employee from providing or allowing 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) Prohibits this section from being construed to limit:

(1) 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 (Freedom of Speech and Press; Libel), Article I (Bill of Rights), Texas

Constitution, that does not result in material disruption to school activities;
or

(2) 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.

SECTION 14. Amends Section 28.02124, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Authorizes a parent or guardian, subject to Subsection (c) (relating to requiring a school district or open-enrollment charter school, in certain circumstances, to convene a retention committee and meet with the parent or guardian to discuss retention), to elect for a student to:

(1)-(4) makes no changes to these subdivisions; or

(5) for grades one through eight, rather than one through three, repeat the grade in which the student was enrolled during the previous school year.

(a-1) Authorizes a parent or guardian, subject to Subsection (c), for courses taken for high school credit, to elect for a student to repeat any course in which the student was enrolled during the previous school year. Prohibits a parent or guardian from electing for a student to repeat a course under this subsection if the school district or open-enrollment charter school determines the student has met all of the requirements for graduation.

(a-2) Authorizes a parent or guardian to make an election under Subsection (a)(5) or (a-1), or both.

SECTION 15. Amends the heading to Section 28.022, Education Code, to read as follows:

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

SECTION 16. Amends Section 28.022(a), Education Code, as follows:

(a) Requires the board of trustees of each school district to adopt a policy that meets certain criteria, including providing for at least two opportunities for in-person conferences during each school year between each parent of a child enrolled in the district and the child's teachers, rather than providing for a conference between parents and teachers.

SECTION 17. Amends Subchapter B, Chapter 31, Education Code, by adding Section 31.0236, as follows:

Sec. 31.0236. LOCAL REVIEW OF CLASSROOM INSTRUCTIONAL MATERIAL.
(a) Requires TEA to adopt rules developing a process by which a school district is authorized to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course under Section 28.002(a)(1) (relating to requiring each school district that offers kindergarten through grade 12 to offer, as a required curriculum, a foundation curriculum that includes certain components) to determine the degree to which the material complies with the instructional materials adopted by the school district and is appropriately rigorous for the grade level in which it is being used.

(b) Authorizes a review conducted under this section only to be conducted using a rubric developed by TEA and approved by SBOE.

(c) Provides that TEA, in developing a review process under Subsection (a):

(1) is required to minimize, to the extent possible, the time a classroom teacher is required to spend complying with a review conducted under this section;

(2) is prohibited from requiring a teacher to spend more than 30 minutes on a single review conducted under this section unless the teacher determines that spending more than 30 minutes on the review is necessary; and

(3) is required to permit a regional education service center to conduct the review for a school district, if the center has completed the training offered by TEA under Subsection (d).

(d) Requires TEA to provide to regional education service centers training relating to appropriately conducting a review under this section.

SECTION 18. Reenacts Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, and amends it, as follows:

(b) Provides that an open-enrollment charter school is subject to:

(1)-(2) makes no changes to these subdivisions; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) or a rule adopted under this title, relating to:

(A)-(W) makes no changes to these paragraphs;

(X)-(Y) makes nonsubstantive changes to these paragraphs;

(Z) parental access to instructional materials and curricula under Section 26.0061;

(AA) the adoption of a community engagement policy as provided by Section 26.0071; and

(BB) 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.

SECTION 19. Repealer: Section 28.004(i-3) (relating to providing that Subsection (i-2) (relating to requiring a school district, before a student is authorized to be provided with human sexuality instruction, to obtain the written consent of the student's parent) and this subsection expire August 1, 2024), Education Code.

SECTION 20. Provides that this Act, to the extent of any conflict, prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 21. Effective date: upon passage or September 1, 2023.