

1-1 By: Hughes S.B. No. 784
 1-2 (In the Senate - Filed February 12, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 April 30, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 3; April 30, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio			X	
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell		X		
1-17 Watson		X		
1-18 West		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 784 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to local school health advisory councils and health
 1-24 education provided by school districts, including requirements
 1-25 regarding human sexuality instruction.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 28.004, Education Code, is amended by
 1-28 amending Subsections (d), (d-1), (h), (i), (i-1), and (j) and
 1-29 adding Subsections (e-1) and (e-2) to read as follows:

1-30 (d) The local school health advisory council must consist of
 1-31 at least five members, with each member appointed by the [The] board
 1-32 of trustees [shall appoint at least five members to the local school
 1-33 health advisory council]. A majority of the members must be persons
 1-34 who are parents of students enrolled in the district and who are not
 1-35 employed by the district. One of those members shall serve as chair
 1-36 or co-chair of the council. The board of trustees also may appoint
 1-37 one or more persons from each of the following groups or a
 1-38 representative from a group other than a group specified under this
 1-39 subsection:

- 1-40 (1) public school teachers;
- 1-41 (2) public school administrators;
- 1-42 (3) district students;
- 1-43 (4) health care professionals;
- 1-44 (5) the business community;
- 1-45 (6) law enforcement;
- 1-46 (7) senior citizens;
- 1-47 (8) the clergy;
- 1-48 (9) nonprofit health organizations; and
- 1-49 (10) local domestic violence programs.

1-50 (d-1) The local school health advisory council shall meet at
 1-51 least four times each year and promptly submit the minutes of each
 1-52 meeting to the school district. As soon as practicable after
 1-53 receipt of minutes under this subsection, the district shall post
 1-54 the minutes on the district's Internet website, if the district has
 1-55 an Internet website.

1-56 (e-1) The board of trustees shall adopt a policy
 1-57 establishing a process for the adoption of curriculum or curriculum
 1-58 materials for the district's human sexuality instruction. The
 1-59 policy must require:

- 1-60 (1) the board to adopt a resolution convening the

2-1 local school health advisory council for the purpose of making
2-2 recommendations regarding the curriculum or curriculum materials;

2-3 (2) the local school health advisory council to:

2-4 (A) after the board's adoption of the resolution
2-5 under Subdivision (1), hold at least two public meetings, at which
2-6 an opportunity for public comment is provided, on the curriculum or
2-7 curriculum materials before adopting recommendations; and

2-8 (B) provide the recommendations adopted under
2-9 Paragraph (A) to the board at a public meeting of the board, at
2-10 which an opportunity for public comment is provided; and

2-11 (3) the board, after receipt of the local school
2-12 health advisory council's recommendations under Subdivision (2),
2-13 to take action on the adoption of the recommendations by a record
2-14 vote at a public meeting.

2-15 (e-2) The commissioner shall adopt rules requiring school
2-16 districts to use a process for adopting curriculum materials for
2-17 the district's human sexuality instruction, subject to the
2-18 requirements under Subsection (e-1), that is substantially similar
2-19 to the process used by the State Board of Education in adopting its
2-20 list of instructional materials under Section 31.023.

2-21 (h) The board of trustees shall determine the specific
2-22 content of the district's instruction in human sexuality, in
2-23 accordance with this section [~~Subsections (e), (f), and (g)~~].

2-24 (i) Before each school year, a school district shall provide
2-25 written notice to a parent of each student enrolled in the district
2-26 of the board of trustees' decision regarding whether the district
2-27 will provide human sexuality instruction to district students. If
2-28 instruction will be provided, the notice must include:

2-29 (1) a summary of the basic content of the district's
2-30 human sexuality instruction to be provided to the student,
2-31 including a statement informing the parent of the instructional
2-32 requirements under state law;

2-33 (2) each date on which the district's human sexuality
2-34 instruction will be provided to the student along with a detailed
2-35 description of the content of the instruction to be provided on that
2-36 date;

2-37 (3) a statement of the parent's right to:

2-38 (A) receive a copy of [~~review~~] curriculum
2-39 materials as provided by Subsection (j); [~~and~~]

2-40 (B) remove the student from any part of the
2-41 district's human sexuality instruction without subjecting the
2-42 student to any disciplinary action, academic penalty, or other
2-43 sanction imposed by the district or the student's school; and

2-44 (C) use the grievance procedure as provided by
2-45 Subsection (i-1) or the appeals process under Section 7.057
2-46 concerning a complaint of a violation of this section;

2-47 (4) a statement that the curriculum materials for the
2-48 district's human sexuality instruction must be posted on the
2-49 district's Internet website and the Internet website address at
2-50 which the curriculum materials are located; and

2-51 (5) [~~(3)~~] information describing the opportunities
2-52 for parental involvement in the development of the curriculum to be
2-53 used in human sexuality instruction, including information
2-54 regarding the local school health advisory council established
2-55 under Subsection (a).

2-56 (i-1) A parent may use the grievance procedure adopted under
2-57 Section 26.011 concerning a complaint of a violation of this
2-58 section [~~Subsection (i)~~].

2-59 (j) A school district shall:

2-60 (1) on request by a parent of a student enrolled in the
2-61 district, provide by mail or e-mail to the parent a copy of [~~make~~]
2-62 all curriculum materials used in the district's human sexuality
2-63 instruction; and

2-64 (2) post on the district's Internet website all
2-65 curriculum materials used in the district's human sexuality
2-66 instruction [~~available for reasonable public inspection~~].

2-67 SECTION 2. Section 551.001(3), Government Code, is amended
2-68 to read as follows:

2-69 (3) "Governmental body" means:

- 3-1 (A) a board, commission, department, committee,
- 3-2 or agency within the executive or legislative branch of state
- 3-3 government that is directed by one or more elected or appointed
- 3-4 members;
- 3-5 (B) a county commissioners court in the state;
- 3-6 (C) a municipal governing body in the state;
- 3-7 (D) a deliberative body that has rulemaking or
- 3-8 quasi-judicial power and that is classified as a department,
- 3-9 agency, or political subdivision of a county or municipality;
- 3-10 (E) a school district board of trustees;
- 3-11 (F) a county board of school trustees;
- 3-12 (G) a county board of education;
- 3-13 (H) the governing board of a special district
- 3-14 created by law;
- 3-15 (I) a local workforce development board created
- 3-16 under Section 2308.253;
- 3-17 (J) a nonprofit corporation that is eligible to
- 3-18 receive funds under the federal community services block grant
- 3-19 program and that is authorized by this state to serve a geographic
- 3-20 area of the state;
- 3-21 (K) a nonprofit corporation organized under
- 3-22 Chapter 67, Water Code, that provides a water supply or wastewater
- 3-23 service, or both, and is exempt from ad valorem taxation under
- 3-24 Section 11.30, Tax Code; ~~and~~
- 3-25 (L) a joint board created under Section 22.074,
- 3-26 Transportation Code; and
- 3-27 (M) a local school health advisory council
- 3-28 established under Section 28.004, Education Code.

3-29 SECTION 3. Section 552.003(1), Government Code, is amended

3-30 to read as follows:

- 3-31 (1) "Governmental body":
- 3-32 (A) means:
- 3-33 (i) a board, commission, department,
- 3-34 committee, institution, agency, or office that is within or is
- 3-35 created by the executive or legislative branch of state government
- 3-36 and that is directed by one or more elected or appointed members;
- 3-37 (ii) a county commissioners court in the
- 3-38 state;
- 3-39 (iii) a municipal governing body in the
- 3-40 state;
- 3-41 (iv) a deliberative body that has
- 3-42 rulemaking or quasi-judicial power and that is classified as a
- 3-43 department, agency, or political subdivision of a county or
- 3-44 municipality;
- 3-45 (v) a school district board of trustees;
- 3-46 (vi) a county board of school trustees;
- 3-47 (vii) a county board of education;
- 3-48 (viii) the governing board of a special
- 3-49 district;
- 3-50 (ix) the governing body of a nonprofit
- 3-51 corporation organized under Chapter 67, Water Code, that provides a
- 3-52 water supply or wastewater service, or both, and is exempt from ad
- 3-53 valorem taxation under Section 11.30, Tax Code;
- 3-54 (x) a local workforce development board
- 3-55 created under Section 2308.253;
- 3-56 (xi) a nonprofit corporation that is
- 3-57 eligible to receive funds under the federal community services
- 3-58 block grant program and that is authorized by this state to serve a
- 3-59 geographic area of the state; ~~and~~
- 3-60 (xii) the part, section, or portion of an
- 3-61 organization, corporation, commission, committee, institution, or
- 3-62 agency that spends or that is supported in whole or in part by
- 3-63 public funds; and
- 3-64 (xiii) a local school health advisory
- 3-65 council established under Section 28.004, Education Code; and
- 3-66 (B) does not include the judiciary.

3-67 SECTION 4. Sections 28.004(d), (d-1), (i), (i-1), and (j),
3-68 Education Code, as amended by this Act, apply beginning with the
3-69 2019-2020 school year.

4-1 SECTION 5. Sections 28.004(e-1) and (e-2), Education Code,
4-2 as added by this Act, and Section 28.004(h), Education Code, as
4-3 amended by this Act, apply beginning with the 2020-2021 school
4-4 year.

4-5 SECTION 6. (a) Section 551.001, Government Code, as
4-6 amended by this Act, applies only to a meeting held on or after
4-7 September 1, 2019. A meeting held before September 1, 2019, is
4-8 governed by the law in effect immediately before September 1, 2019,
4-9 and the former law is continued in effect for that purpose.

4-10 (b) Section 552.003, Government Code, as amended by this
4-11 Act, applies only to a request for public information received on or
4-12 after September 1, 2019. A request for public information received
4-13 before September 1, 2019, is governed by the law in effect when the
4-14 request was received, and the former law is continued in effect for
4-15 that purpose.

4-16 SECTION 7. This Act takes effect immediately if it receives
4-17 a vote of two-thirds of all the members elected to each house, as
4-18 provided by Section 39, Article III, Texas Constitution. If this
4-19 Act does not receive the vote necessary for immediate effect, this
4-20 Act takes effect September 1, 2019.

4-21

* * * * *