

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

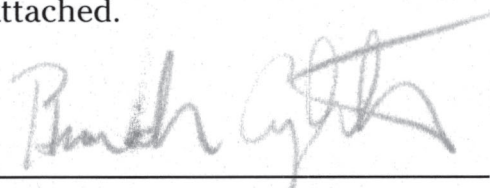
5/29/2025  
Date

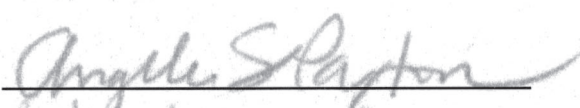
Honorable Dan Patrick  
President of the Senate

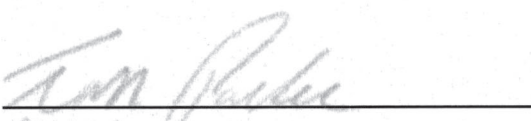
Honorable Dustin Burrows  
Speaker of the House of Representatives

Sirs:

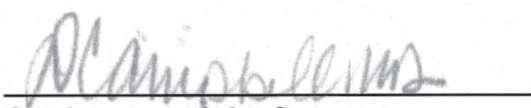
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 12 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

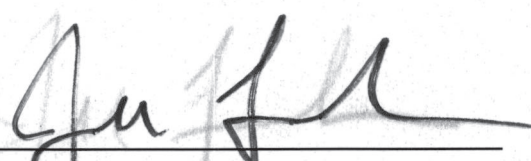
  
Greg Abbott

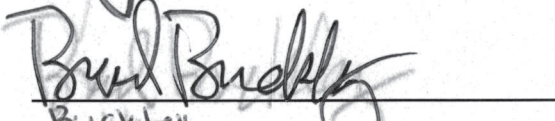
  
Angela Stanton

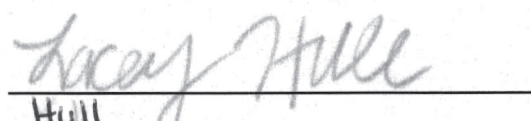
  
Tom Parker


  
Greg Abbott

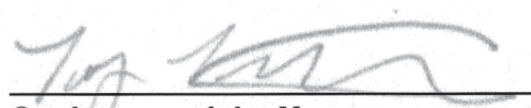
  
On the part of the Senate  
Campbell

  
Lou Lou

  
Brad Buckley

  
Lacey Hull

  
Metcalf

  
On the part of the House  
Tindert

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in public education, to certain public school requirements and prohibitions regarding instruction, diversity, equity, and inclusion duties, and social transitioning, and to student clubs at public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1, Education Code, is amended by adding Sections 1.007 and 1.009 to read as follows:

Sec. 1.007. COMPLIANCE WITH MANDATORY POLICY. (a) In this section, "public elementary or secondary school" means a school district and a district, campus, program, or school operating under a charter under Chapter 12.

(b) A public elementary or secondary school, the school's governing body, and the school's employees shall implement and comply with each policy the school is required to adopt under this code or other law.

Sec. 1.009. INFRINGEMENT OF PARENTAL RIGHTS PROHIBITED. 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, Family Code, may not be 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. Subchapter C, Chapter 7, Education Code, is  
amended by adding Section 7.0611 to read as follows:

Sec. 7.0611. FACILITY USAGE REPORT. (a) In this section,  
"instructional facility" has the meaning assigned by Section  
46.001.

(b) The agency by rule shall require each school district to  
annually report the following information in the form and manner  
prescribed by the agency:

(1) the square footage of each school district  
facility and the acreage of land on which each facility sits;

(2) the total student capacity for each instructional  
facility on a district campus;

(3) for each campus in the school district:

(A) the enrollment capacity of the campus and of  
each grade level offered at the campus; and

(B) the number of students currently enrolled at  
the campus and in each grade level offered at the campus;

(4) whether a school district facility is used by one  
or more campuses and the campus identifier of each campus that uses  
the facility;

1           (5) what each school district facility is used for,  
2 including:

- 3                   (A) an instructional facility;
- 4                   (B) a career and technology center;
- 5                   (C) an administrative building;
- 6                   (D) a food service facility;
- 7                   (E) a transportation facility; and
- 8                   (F) vacant land; and

9           (6) whether each school district facility is leased or  
10 owned.

11       (c) From the information submitted under Subsection (b),  
12 the agency shall produce and make available to the public on the  
13 agency's Internet website an annual report on school district land  
14 and facilities. The agency may combine the report required under  
15 this section with any other required report to avoid multiplicity  
16 of reports.

17       (d) If the agency determines information provided under  
18 Subsection (b) would create a security risk, such information is  
19 considered confidential for purposes of Chapter 552, Government  
20 Code, and may not be disclosed in the annual report under Subsection  
21 (c).

22       (e) The commissioner may adopt rules as necessary to  
23 implement this section. In adopting rules for determining the  
24 student capacity of a school district or district campus, the  
25 commissioner may consider the staffing, student-teacher ratio, and  
26 facility capacity of the district or campus.

27       SECTION 3. Subchapter A, Chapter 11, Education Code, is

amended by adding Section 11.005 to read as follows:

Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION DUTIES. (a) In this section, "diversity, equity, and inclusion duties" means:

(1) influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;

(2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

(3) developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except:

(A) for the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts or open-enrollment charter schools; or

(B) as necessary to comply with state or federal law; and

(4) compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

(b) Except as required by state or federal law, a school district:

(1) may not assign diversity, equity, and inclusion duties to any person; and

1           (2) shall prohibit a district employee, contractor, or  
2 volunteer from engaging in diversity, equity, and inclusion duties  
3 at, for, or on behalf of the district.

4           (c) A school district shall adopt a policy and procedure for  
5 the appropriate discipline, including termination, of a district  
6 employee or contractor who intentionally or knowingly engages in or  
7 assigns to another person diversity, equity, and inclusion duties.  
8 The district shall provide a physical and electronic copy of the  
9 policy and procedure to each district employee or contractor.

10          (d) The policy and procedure adopted by a school district  
11 under Subsection (c) must ensure that an employee or contractor  
12 receives adequate due process and an opportunity to appeal  
13 disciplinary actions, including termination, in the same manner  
14 provided for other disciplinary actions.

15          (e) Nothing in this section may be construed to:

16           (1) limit or prohibit a school district from  
17 contracting with historically underutilized businesses or  
18 businesses owned by members of a minority group or by women in  
19 accordance with applicable state law;

20           (2) limit or prohibit a school district from  
21 acknowledging or teaching the significance of state and federal  
22 holidays or commemorative months and how those holidays or months  
23 fit into the themes of history and the stories of this state and the  
24 United States of America in accordance with the essential knowledge  
25 and skills adopted under Subchapter A, Chapter 28;

26           (3) affect a student's rights under the First  
27 Amendment to the United States Constitution or Section 8, Article

1 I, Texas Constitution;

2 (4) limit or prohibit a school district from analyzing  
3 school-based causes and taking steps to eliminate unlawful  
4 discriminatory practices as necessary to address achievement gaps  
5 and differentials described by Section 39.053; or

6 (5) apply to:

7 (A) classroom instruction that is consistent  
8 with the essential knowledge and skills adopted by the State Board  
9 of Education;

10 (B) the collection, monitoring, or reporting of  
11 data;

12 (C) a policy, practice, procedure, program, or  
13 activity intended to enhance student academic achievement or  
14 postgraduate outcomes that is designed and implemented without  
15 regard to race, sex, color, or ethnicity; or

16 (D) a student club that is in compliance with the  
17 requirements of Section 33.0815.

18 SECTION 4. The heading to Section 11.1518, Education Code,  
19 is amended to read as follows:

20 Sec. 11.1518. TRUSTEE INFORMATION [~~POSTED ON WEBSITE~~].

21 SECTION 5. Section 11.1518, Education Code, is amended by  
22 amending Subsection (c) and adding Subsections (d) and (e) to read  
23 as follows:

24 (c) Not later than the 30th day after a new person is sworn  
25 in as a member [~~Each time there is a change in the membership~~] of a  
26 school district's board of trustees, the district shall update the  
27 information required under Subsection (a) and, as applicable:

1           (1) post the updated information on the district's  
2 Internet website; or

3           (2) submit the updated information to the agency for  
4 posting on the agency's Internet website in accordance with  
5 Subsection (b).

6           (d) A school district shall annually submit to the agency  
7 the information required under Subsection (a) for each member of  
8 the district's board of trustees. The information must:

9                 (1) identify the member designated as chair; and

10                (2) be updated as required by Subsection (c).

11           (e) The commissioner may adopt rules as necessary to  
12 implement this section.

13           SECTION 6. Section 11.161, Education Code, is amended to  
14 read as follows:

15           Sec. 11.161. FRIVOLOUS SUIT OR PROCEEDING. (a) In a civil  
16 suit or administrative proceeding brought under state law or  
17 rules<sup>[7]</sup> against an independent school district or an officer of an  
18 independent school district acting under color of office, the court  
19 or another person authorized to make decisions regarding the  
20 proceeding may award costs and reasonable attorney's fees if:

21                 (1) the court or other authorized person finds that  
22 the suit or proceeding is frivolous, unreasonable, and without  
23 foundation; and

24                 (2) the suit or proceeding is dismissed or judgment is  
25 for the defendant.

26           (b) This section does not apply to a civil suit or  
27 administrative proceeding brought under the Individuals with

1 Disabilities Education Act (20 U.S.C. Section 1400 et seq.). A  
2 civil suit or administrative proceeding described by this  
3 subsection is governed by the attorney's fees provisions under 20  
4 U.S.C. Section 1415.

5 (c) This section does not apply to a proceeding regarding a  
6 grievance filed under the grievance procedure established by the  
7 board of trustees of a school district under Section 26.011.

8 SECTION 7. Chapter 11, Education Code, is amended by adding  
9 Subchapter I to read as follows:

10 SUBCHAPTER I. ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED

11 Sec. 11.401. SCHOOL DISTRICT POLICY: ASSISTANCE WITH SOCIAL  
12 TRANSITIONING PROHIBITED. (a) In this subchapter, "social  
13 transitioning" means a person's transition from the person's  
14 biological sex at birth to the opposite biological sex through the  
15 adoption of a different name, different pronouns, or other  
16 expressions of gender that deny or encourage a denial of the  
17 person's biological sex at birth.

18 (b) The board of trustees of a school district shall adopt a  
19 policy prohibiting an employee of the district from assisting a  
20 student enrolled in the district with social transitioning,  
21 including by providing any information about social transitioning  
22 or providing guidelines intended to assist a person with social  
23 transitioning.

24 (c) A parent of a student enrolled in the district or a  
25 district employee may report to the board of trustees of the  
26 district a suspected violation of the policy adopted under  
27 Subsection (b). The board shall investigate any suspected

1 violation and determine whether the violation occurred. If the  
2 board determines that a district employee has assisted a student  
3 enrolled at the district with social transitioning, the board shall  
4 immediately report the violation to the commissioner.

5 Sec. 11.402. RELIEF. A parent of a student enrolled in a  
6 school district may seek relief for a violation of this subchapter  
7 by filing a grievance through the district's grievance procedure  
8 adopted under Section 26.011.

9 SECTION 8. Section 12.104(b), Education Code, is amended to  
10 read as follows:

11 (b) An open-enrollment charter school is subject to:

12 (1) a provision of this title establishing a criminal  
13 offense;

14 (2) the provisions in Chapter 554, Government Code;  
15 and

16 (3) a prohibition, restriction, or requirement, as  
17 applicable, imposed by this title or a rule adopted under this  
18 title, relating to:

19 (A) the Public Education Information Management  
20 System (PEIMS) to the extent necessary to monitor compliance with  
21 this subchapter as determined by the commissioner;

22 (B) criminal history records under Subchapter C,  
23 Chapter 22;

24 (C) reading instruments and accelerated reading  
25 instruction programs under Section 28.006;

26 (D) accelerated instruction under Section  
27 28.0211;

- 1 (E) high school graduation requirements under  
2 Section 28.025;
- 3 (F) special education programs under Subchapter  
4 A, Chapter 29;
- 5 (G) bilingual education under Subchapter B,  
6 Chapter 29;
- 7 (H) prekindergarten programs under Subchapter E  
8 or E-1, Chapter 29, except class size limits for prekindergarten  
9 classes imposed under Section 25.112, which do not apply;
- 10 (I) extracurricular activities under Section  
11 33.081;
- 12 (J) discipline management practices or behavior  
13 management techniques under Section 37.0021;
- 14 (K) health and safety under Chapter 38;
- 15 (L) the provisions of Subchapter A, Chapter 39;
- 16 (M) public school accountability and special  
17 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
18 39, and Chapter 39A;
- 19 (N) the requirement under Section 21.006 to  
20 report an educator's misconduct;
- 21 (O) intensive programs of instruction under  
22 Section 28.0213;
- 23 (P) the right of a school employee to report a  
24 crime, as provided by Section 37.148;
- 25 (Q) bullying prevention policies and procedures  
26 under Section 37.0832;
- 27 (R) the right of a school under Section 37.0052

1 to place a student who has engaged in certain bullying behavior in a  
2 disciplinary alternative education program or to expel the student;

3 (S) the right under Section 37.0151 to report to  
4 local law enforcement certain conduct constituting assault or  
5 harassment;

6 (T) a parent's right to information regarding the  
7 provision of assistance for learning difficulties to the parent's  
8 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

9 (U) establishment of residency under Section  
10 25.001;

11 (V) school safety requirements under Sections  
12 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,  
13 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and  
14 37.2071 and Subchapter J, Chapter 37;

15 (W) the early childhood literacy and mathematics  
16 proficiency plans under Section 11.185;

17 (X) the college, career, and military readiness  
18 plans under Section 11.186; ~~and~~

19 (Y) parental options to retain a student under  
20 Section 28.02124;

21 (Z) diversity, equity, and inclusion duties  
22 under Section 11.005;

23 (AA) parental access to instructional materials  
24 and curricula under Section 26.0061;

25 (BB) the adoption of a parental engagement policy  
26 as provided by Section 26.0071;

27 (CC) parental rights to information regarding a

1 student's mental, emotional, and physical health-related needs and  
2 related services offered by the school as provided by Section  
3 26.0083; and

4 (DD) establishment of a local school health  
5 advisory council with members appointed by the governing body of  
6 the school and health education instruction that complies with  
7 Section 28.004.

8 SECTION 9. Section 12A.004(a), Education Code, is amended  
9 to read as follows:

10 (a) A local innovation plan may not provide for the  
11 exemption of a district designated as a district of innovation from  
12 the following provisions of this title:

13 (1) a state or federal requirement applicable to an  
14 open-enrollment charter school operating under Subchapter D,  
15 Chapter 12;

16 (2) Subchapters A, C, D, and E, Chapter 11, except that  
17 a district may be exempt from Sections 11.1511(b)(5) and (14) and  
18 Section 11.162;

19 (3) state curriculum and graduation requirements  
20 adopted under Chapter 28; ~~and~~

21 (4) Section 28.004; and

22 (5) academic and financial accountability and  
23 sanctions under Chapters 39 and 39A.

24 SECTION 10. Section 21.057, Education Code, is amended by  
25 adding Subsection (f) to read as follows:

26 (f) Except as provided by Subsection (e) and  
27 notwithstanding any other provision of this code, a school district

1 is not exempt from the requirements of this section.

2 SECTION 11. Section 26.001, Education Code, is amended by  
3 amending Subsections (a), (c), (d), and (e) and adding Subsections  
4 (a-1) and (c-1) to read as follows:

5 (a) As provided under Section 151.001, Family Code, a parent  
6 has the right to direct the moral and religious training of the  
7 parent's child, make decisions concerning the child's education,  
8 and consent to medical, psychiatric, and psychological treatment of  
9 the child without obstruction or interference from this state, any  
10 political subdivision of this state, a school district or  
11 open-enrollment charter school, or any other governmental entity.

12 (a-1) Parents are partners with educators, administrators,  
13 and school district boards of trustees in their children's  
14 education. Parents shall be encouraged to actively participate in  
15 creating and implementing educational programs for their children.

16 (c) Unless otherwise provided by law, a board of trustees,  
17 administrator, educator, or other person shall comply with Section  
18 1.009 and may not limit parental rights or withhold information  
19 from a parent regarding the parent's child.

20 (c-1) A school district may not be considered to have  
21 withheld information from a parent regarding the parent's child if  
22 the district's actions are in accordance with other law, including  
23 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
24 Section 1232g).

25 (d) Each board of trustees shall:

26 (1) provide for procedures to consider complaints that  
27 a parent's right has been denied;[-]

1           (2) develop a plan for parental participation in the  
2 district to improve parent and teacher cooperation, including in  
3 the areas of homework, school attendance, and discipline;

4           (3) [~~(e) Each board of trustees shall~~] cooperate in  
5 the establishment of ongoing operations of at least one  
6 parent-teacher organization at each school in the district to  
7 promote parental involvement in school activities; and

8           (4) provide to a parent of a child on the child's  
9 enrollment in the district for the first time and to the parent of  
10 each child enrolled in the district at the beginning of each school  
11 year information about parental rights and options, including the  
12 right to withhold consent for or exempt the parent's child from  
13 certain activities and instruction, that addresses the parent's  
14 rights and options concerning:

15                   (A) the child's course of study and supplemental  
16 services;

17                   (B) instructional materials and library  
18 materials;

19                   (C) health education instruction under Section  
20 28.004;

21                   (D) instruction regarding sexual orientation and  
22 gender identity under Section 28.0043;

23                   (E) school options, including virtual and remote  
24 schooling options;

25                   (F) immunizations under Section 38.001;

26                   (G) gifted and talented programs;

27                   (H) promotion, retention, and graduation

1 policies;

2 (I) grade, class rank, and attendance  
3 information;

4 (J) state standards and requirements;

5 (K) data collection practices;

6 (L) health care services, including notice and  
7 consent under Section 26.0083(g);

8 (M) the grievance procedure under Section  
9 26.011; and

10 (N) special education and bilingual education  
11 and special language programs.

12 (e) The agency shall develop a form for use by school  
13 districts in providing information about parental rights and  
14 options under Subsection (d)(4). Each school district shall post  
15 the form in a prominent location on the district's Internet  
16 website.

17 SECTION 12. Chapter 26, Education Code, is amended by  
18 adding Section 26.0025 to read as follows:

19 Sec. 26.0025. RIGHT TO SELECT EDUCATIONAL SETTING. A  
20 parent is entitled to choose the educational setting for the  
21 parent's child, including public school, private school, or home  
22 school.

23 SECTION 13. Section 26.004(b), Education Code, is amended  
24 to read as follows:

25 (b) A parent is entitled to access to all written records of  
26 a school district concerning the parent's child, including:

27 (1) attendance records;

- (2) test scores;
- (3) grades;
- (4) disciplinary records;
- (5) counseling records;
- (6) psychological records;
- (7) applications for admission;
- (8) medical records in accordance with Section 38.0095, including health and immunization information;
- (9) teacher and school counselor evaluations;
- (10) reports of behavioral patterns; ~~and~~
- (11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child; and
- (12) records relating to library materials checked out by the child from a school library.

SECTION 14. Section 26.006, Education Code, is amended by adding Subsection (g) to read as follows:

(g) Each school district and open-enrollment charter school shall post on the home page of the district's or school's Internet website a notice stating that a parent of a student enrolled in the district or school is entitled to review the materials described by Subsection (a)(1) and may request that the district or school make the materials available for review as provided by this section.

SECTION 15. Chapter 26, Education Code, is amended by adding Sections 26.0062 and 26.0071 to read as follows:

Sec. 26.0062. REQUIRED DISCLOSURE REGARDING INSTRUCTIONAL PLAN. (a) Each school district shall adopt a policy to make

1 available on the district's Internet website at the beginning of  
2 each semester an instructional plan or course syllabus for each  
3 class offered in the district for that semester.

4 (b) The policy adopted under Subsection (a) must:

5 (1) require each teacher to provide before the  
6 beginning of each semester a copy of the teacher's instructional  
7 plan or course syllabus for each class for which the teacher  
8 provides instruction to:

9 (A) district administration; and

10 (B) the parent of each student enrolled in the  
11 class; and

12 (2) provide for additional copies of an instructional  
13 plan or course syllabus to be made available to a parent of a  
14 student enrolled in the class on the parent's request.

15 Sec. 26.0071. PARENTAL ENGAGEMENT POLICY. Each board of  
16 trustees of a school district shall develop a parental engagement  
17 policy that:

18 (1) provides for an Internet portal through which  
19 parents of students enrolled in the district may submit comments to  
20 campus or district administrators and the board;

21 (2) requires the board to prioritize public comments  
22 by presenting those comments at the beginning of each board  
23 meeting; and

24 (3) requires board meetings to be held outside of  
25 typical work hours.

26 SECTION 16. Section 26.008, Education Code, is amended to  
27 read as follows:

Sec. 26.008. RIGHT TO FULL INFORMATION CONCERNING STUDENT.

(a) Except as provided by Section 38.004, a [A] parent is entitled to:

(1) full information regarding the school activities of a parent's child; and

(2) 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 [except as provided by Section 38.004].

(b) 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 Section 21.104, 21.156, or 21.211, as applicable, or by the State Board for Educator Certification, if applicable.

SECTION 17. Chapter 26, Education Code, is amended by adding Section 26.0083 to read as follows:

Sec. 26.0083. RIGHT TO INFORMATION REGARDING MENTAL, EMOTIONAL, AND PHYSICAL HEALTH AND HEALTH-RELATED SERVICES. (a) The agency shall 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) A procedure adopted under Subsection (a) must 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           (1) encourage a student to discuss issues relating to  
2 the student's well-being with the student's parent; or

3           (2) facilitate a discussion described under  
4 Subdivision (1).

5           (c) A school district may not adopt a procedure that:

6           (1) prohibits a district employee from notifying the  
7 parent of a student regarding:

8           (A) information about the student's mental,  
9 emotional, or physical health or well-being; or

10           (B) a change in services provided to or  
11 monitoring of the student related to the student's mental,  
12 emotional, or physical health or well-being;

13           (2) encourages or has the effect of encouraging a  
14 student to withhold from the student's parent information described  
15 by Subdivision (1)(A); or

16           (3) prevents a parent from accessing education or  
17 health records concerning the parent's child.

18           (d) Subsections (a) and (c) do not require the disclosure of  
19 information to a parent if a reasonably prudent person would  
20 believe the disclosure is likely to result in the student suffering  
21 abuse or neglect, as those terms are defined by Section 261.001,  
22 Family Code.

23           (e) A school district employee may not discourage or  
24 prohibit parental knowledge of or involvement in critical decisions  
25 affecting a student's mental, emotional, or physical health or  
26 well-being.

27           (f) Any student support services training developed or

1 provided by a school district to district employees must comply  
2 with any student services guidelines, standards, and frameworks  
3 established by the State Board of Education and the agency.

4 (g) Before the first instructional day of each school year,  
5 a school district shall provide to the parent of each student  
6 enrolled in the district written notice of each health-related  
7 service offered at the district campus the student attends. The  
8 notice must include a statement of the parent's right to withhold  
9 consent for or decline a health-related service. A parent's  
10 consent to a health-related service does not waive a requirement of  
11 Subsection (a), (c), or (e).

12 (h) Before administering a student well-being questionnaire  
13 or health screening form to a student enrolled in prekindergarten  
14 through 12th grade, a school district must provide a copy of the  
15 questionnaire or form to the student's parent and obtain the  
16 parent's consent to administer the questionnaire or form in the  
17 manner provided by Section 26.009(a-2).

18 (i) This section may not be construed to:

19 (1) limit or alter the requirements of Section 38.004  
20 of this code or Chapter 261, Family Code; or

21 (2) limit a school district employee's ability to  
22 inquire about a student's daily well-being without parental  
23 consent.

24 (j) Not later than June 30, 2026, the agency, the State  
25 Board of Education, and the State Board for Educator Certification,  
26 as appropriate, shall review and revise as necessary the following  
27 to ensure compliance with this section:

- 1           (1) school counseling frameworks and standards;  
2           (2) educator practices and professional conduct  
3 principles; and  
4           (3) any other student services personnel guidelines,  
5 standards, or frameworks.

6           (k) Subsection (j) and this subsection expire September 1,  
7 2027.

8           SECTION 18. Section 26.009, Education Code, is amended to  
9 read as follows:

10           Sec. 26.009. CONSENT REQUIRED FOR CERTAIN ACTIVITIES.

11           (a) An employee or contractor of a school district must obtain the  
12 written consent of a child's parent in the manner required by  
13 Subsection (a-2) before the employee or contractor may:

14                   (1) conduct a psychological or psychiatric  
15 examination or ~~[7]~~ test, or psychological or psychiatric treatment,  
16 unless the examination, test, or treatment is required under  
17 Section 38.004 or state or federal law regarding requirements for  
18 special education; ~~[or]~~

19                   (2) subject to Subsection (b), make or authorize the  
20 making of a videotape of a child or record or authorize the  
21 recording of a child's voice;

22                   (3) unless authorized by other law:

23                           (A) disclose a child's health or medical  
24 information to any person other than the child's parent; or

25                           (B) collect, use, store, or disclose to any  
26 person other than the child's parent a child's biometric  
27 identifiers; or

1           (4) subject to Subsection (a-3), provide health care  
2 services or medication or conduct a medical procedure.

3           (a-1) For purposes of Subsection (a):

4           (1) "Biometric identifier" means a blood sample, hair  
5 sample, skin sample, DNA sample, body scan, retina or iris scan,  
6 fingerprint, voiceprint, or record of hand or face geometry.

7           (2) "Psychological or psychiatric examination or  
8 test" means a method designed to elicit information regarding an  
9 attitude, habit, trait, opinion, belief, feeling, or mental  
10 disorder or a condition thought to lead to a mental disorder,  
11 regardless of the manner in which the method is presented or  
12 characterized, including a method that is presented or  
13 characterized as a survey, check-in, or screening or is embedded in  
14 an academic lesson.

15           (3) "Psychological or psychiatric treatment" means  
16 the planned, systematic use of a method or technique that is  
17 designed to affect behavioral, emotional, or attitudinal  
18 characteristics of an individual or group.

19           (a-2) Written consent for a parent's child to participate in  
20 a district activity described by Subsection (a) must be signed by  
21 the parent and returned to the district. A child may not  
22 participate in the activity unless the district receives the  
23 parent's signed written consent to that activity.

24           (a-3) For the purpose of obtaining written consent for  
25 actions described by Subsection (a)(4) that are determined by a  
26 school district to be routine care provided by a person who is  
27 authorized by the district to provide physical or mental

1 health-related services, the district may obtain consent at the  
2 beginning of the school year or at the time of the child's  
3 enrollment in the district. Unless otherwise provided by a child's  
4 parent, written consent obtained in accordance with this subsection  
5 is effective until the end of the school year in which the consent  
6 was obtained.

7 (b) An employee or contractor of a school district is not  
8 required to obtain the consent of a child's parent before the  
9 employee or contractor may make a videotape of a child or authorize  
10 the recording of a child's voice if the videotape or voice recording  
11 is to be used only for:

12 (1) purposes of safety, including the maintenance of  
13 order and discipline in common areas of the school or on school  
14 buses;

15 (2) a purpose related to a cocurricular or  
16 extracurricular activity;

17 (3) a purpose related to regular classroom  
18 instruction;

19 (4) media coverage of the school; or

20 (5) a purpose related to the promotion of student  
21 safety under Section 29.022.

22 (c) Before the first instructional day of each school year,  
23 a school district shall provide to the parent of each student  
24 enrolled in the district written notice of any actions the district  
25 may take involving the authorized collection, use, or storage of  
26 information as described by Subsection (a)(3). The notice must:

27 (1) include a plain language explanation for the

1 district's collection, use, or storage of the child's information  
2 and the district's legal authority to engage in that collection,  
3 use, or storage; and

4 (2) be signed by the parent and returned to the  
5 district.

6 (d) A school district shall take disciplinary action  
7 against an employee responsible for allowing a child to participate  
8 in an activity described by Subsection (a)(4) if the district did  
9 not obtain a parent's consent for the child's participation in that  
10 activity.

11 (e) A school district shall retain the written informed  
12 consent of a child's parent obtained under this section as part of  
13 the child's education records.

14 (f) Nothing in this section may be construed to:

15 (1) require an employee or contractor of a school  
16 district to obtain the written consent of a child's parent before  
17 verbally asking the child about the child's general well-being; or

18 (2) affect the duty to report child abuse or neglect  
19 under Chapter 261, Family Code, or an investigation of a report of  
20 abuse or neglect under that chapter.

21 SECTION 19. Section 26.011, Education Code, is amended to  
22 read as follows:

23 Sec. 26.011. GRIEVANCES [~~COMPLAINTS~~]. (a) The board of  
24 trustees of each school district shall adopt a grievance procedure  
25 that complies with Chapter 26A under which the board shall address  
26 each grievance [~~complaint~~] that the board receives concerning  
27 violation of a right guaranteed by this chapter, of a board of

1 trustees policy, or of a provision of this title.

2 (b) The board of trustees of a school district is not  
3 required by Subsection (a) or Section 11.1511(b)(13) to address a  
4 grievance [~~complaint~~] that the board receives concerning a  
5 student's participation in an extracurricular activity that does  
6 not involve a violation of a right guaranteed by this chapter, of a  
7 board of trustees policy, or of a provision of this title. This  
8 subsection does not affect a claim brought by a parent under the  
9 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
10 et seq.) or a successor federal statute addressing special  
11 education services for a child with a disability.

12 SECTION 20. Subtitle E, Title 2, Education Code, is amended  
13 by adding Chapter 26A to read as follows:

14 CHAPTER 26A. GRIEVANCE POLICY

15 Sec. 26A.001. GRIEVANCE POLICY. (a) The board of trustees  
16 of a school district shall adopt a grievance policy to address  
17 grievances received by the district.

18 (b) The policy must provide for the following levels of  
19 review, subject to Subsection (c):

20 (1) review by:

21 (A) the principal of the school district campus  
22 at which the grievance is filed or the principal's designee; or

23 (B) for a grievance that arises from subject  
24 matter unrelated to a campus, an administrator at the school  
25 district's central office;

26 (2) if established by the policy, an appeal to an  
27 administrator at the school district's central office;

1           (3) an appeal to the superintendent of the school  
2 district or the superintendent's designee; and

3           (4) an appeal to the board of trustees of the school  
4 district.

5           (c) A review or appeal on a grievance must be conducted by a  
6 person with the authority to address the grievance unless a  
7 preliminary hearing is necessary to develop a record or a  
8 recommendation for the board of trustees of the school district.

9           (d) The board of trustees of a school district may delegate  
10 the authority to hear and decide a grievance to a committee of at  
11 least three members composed only of members of the board of  
12 trustees. For purposes of an appeal to the commissioner under  
13 Section 7.057, a decision by the committee is a decision of the  
14 board of trustees. Subsection (e) applies to the committee in the  
15 same manner as that subsection applies to the board of trustees.

16           (e) The policy must:

17           (1) prohibit the board of trustees of the school  
18 district or a district employee from retaliating against a student  
19 or parent of or person standing in parental relation to a student  
20 who files a grievance in accordance with the policy;

21           (2) require a person involved in reviewing a grievance  
22 under the policy to recuse himself or herself from reviewing the  
23 grievance if the person is the subject of the grievance;

24           (3) provide for a higher level of review under  
25 Subsection (b) if the person who would otherwise review the  
26 grievance is required to recuse himself or herself under  
27 Subdivision (2);

1           (4) provide for the creation and retention of a record  
2 of each hearing on the grievance, including:

3                   (A) documents submitted by the person who filed  
4 the grievance or determined relevant by school district personnel;  
5 and

6                   (B) a written record of the decision, including  
7 an explanation of the basis for the decision and an indication of  
8 each document that supports the decision;

9           (5) allow the person who filed the grievance to  
10 supplement the record with additional documents or add additional  
11 claims;

12           (6) allow for a member of the board of trustees of the  
13 school district to file a grievance with the district, but prohibit  
14 the member from voting on matters related to that grievance;

15           (7) allow for a remand to a lower level of review under  
16 Subsection (b) to develop a record at any time, including at the  
17 board of trustees level of review;

18           (8) require the school district to direct a grievance  
19 that is filed with the incorrect administrator to the appropriate  
20 administrator and consider the grievance filed on the date on which  
21 the grievance was initially filed;

22           (9) require the school district to issue a decision on  
23 the merits of the concern raised in the grievance, notwithstanding  
24 procedural errors or the type of relief requested;

25           (10) unless otherwise required by law, allow for a  
26 hearing or meeting at which the grievance will be discussed to be  
27 open or closed at the request of the person who filed the grievance;

1 and

2 (11) for a grievance before the board of trustees of  
3 the school district, require that:

4 (A) the person who filed the grievance be  
5 provided at least five business days before the date on which the  
6 meeting to discuss the grievance will be held a description of any  
7 information the board of trustees intends to rely on that is not  
8 contained in the record; and

9 (B) the meeting at which the grievance is  
10 discussed be recorded by video or audio recording or by transcript  
11 created by a certified court reporter.

12 (f) If a grievance is appealed to the commissioner under  
13 Section 7.057, the commissioner may:

14 (1) investigate an alleged violation of state or  
15 federal law regarding the confidentiality of student information,  
16 including the Family Educational Rights and Privacy Act of 1974 (20  
17 U.S.C. Section 1232g), relating to the grievance;

18 (2) collaborate with relevant federal agencies in an  
19 investigation described by Subdivision (1); and

20 (3) take any action necessary to compel the school  
21 district, the board of trustees of the district, or a district  
22 employee to comply with law described by Subdivision (1).

23 (g) Each school district shall annually submit to the agency  
24 a report on grievances filed in the district during the preceding  
25 year. The report must include for each grievance the resolution of  
26 the grievance and any corrective action taken.

27 (h) Not later than December 1 of each year, the agency shall

1 post on the agency's Internet website a report on grievances filed  
2 in school districts during the preceding year. The report must  
3 aggregate the data statewide and state:

4 (1) the number of grievances filed;

5 (2) the number of grievances resolved and the  
6 resolution of those grievances; and

7 (3) any corrective actions taken.

8 (i) If the commissioner determines that a school district  
9 educator has retaliated against a student or parent of or person  
10 standing in parental relation to a student in violation of  
11 Subsection (e)(1), the commissioner may report the educator to the  
12 State Board for Educator Certification for investigation.

13 Sec. 26A.002. TIMELINES FOR FILING AND APPEAL. The policy  
14 adopted under Section 26A.001 must:

15 (1) provide at least:

16 (A) for a grievance filed by a parent of or person  
17 standing in parental relation to a student enrolled in the school  
18 district:

19 (i) 60 days to file a grievance from the  
20 date on which the parent or person knew or had reason to know of the  
21 facts giving rise to the grievance; or

22 (ii) if the parent or person engaged in  
23 informal attempts to resolve the grievance, the later of 90 days to  
24 file a grievance from the date described by Subparagraph (i) or 30  
25 days to file a grievance from the date on which the district  
26 provided information to the parent or person regarding how to file  
27 the grievance; and

1                   (B) 20 days to file an appeal after the date on  
2 which a decision on the grievance was made;

3                   (2) for a hearing that is not before the board of  
4 trustees of the school district, require:

5                   (A) the district to hold a hearing not later than  
6 the 10th day after the date on which the grievance or appeal was  
7 filed; and

8                   (B) a written decision to be made not later than  
9 the 20th day after the date on which the hearing was held that  
10 includes:

11                   (i) any relief or redress to be provided;  
12 and

13                   (ii) information regarding filing an  
14 appeal, including the timeline to appeal under this section and  
15 Section 7.057, if applicable; and

16                   (3) for a hearing before the board of trustees of the  
17 school district, require the board of trustees to:

18                   (A) hold a meeting to discuss the grievance not  
19 later than the 60th day after the date on which the previous  
20 decision on the grievance was made; and

21                   (B) make a decision on the grievance not later  
22 than the 30th day after the date on which the meeting is held under  
23 Paragraph (A).

24                   Sec. 26A.003. POSTING OF PROCEDURES AND FORMS. (a) The  
25 board of trustees of a school district shall develop, make publicly  
26 available in a prominent location on the district's Internet  
27 website, and include in the district's student handbook:

1           (1) procedures for resolving grievances;

2           (2) standardized forms for filing a grievance, a  
3 notice of appeal, or a request for a hearing under this chapter; and

4           (3) the method by which a grievance may be filed  
5 electronically.

6           (b) A school district shall ensure that a grievance may be  
7 submitted electronically at the location on the district's Internet  
8 website at which the information described by Subsection (a) is  
9 available.

10          (c) A school district shall submit and make accessible to  
11 the agency the location on the district's Internet website at which  
12 the information described by Subsection (a) is available.

13          Sec. 26A.004. TESTIMONY BEFORE STATE BOARD OF EDUCATION.  
14 If the commissioner finds against a school district under Section  
15 7.057 in at least five grievances to which that section applies  
16 involving the district during a school year, the superintendent of  
17 the school district must appear before the State Board of Education  
18 to testify regarding the commissioner's findings and the frequency  
19 of grievances against the district.

20          SECTION 21. Section 28.002, Education Code, is amended by  
21 adding Subsection (c-6) to read as follows:

22          (c-6) The State Board of Education may not adopt standards  
23 in violation of Section 28.0043.

24          SECTION 22. Section 28.0022, Education Code, is amended by  
25 amending Subsection (f) and adding Subsection (h) to read as  
26 follows:

27          (f) This section does not create a private cause of action

1 against a teacher, administrator, or other employee of a school  
2 district or open-enrollment charter school. [~~A school district or~~  
3 ~~open-enrollment charter school may take appropriate action~~  
4 ~~involving the employment of any teacher, administrator, or other~~  
5 ~~employee based on the individual's compliance with state and~~  
6 ~~federal laws and district policies.~~]

7       (h) A school district or open-enrollment charter school  
8 shall adopt a policy and procedure for the appropriate discipline,  
9 including termination, of a district or school employee or  
10 contractor who intentionally or knowingly engages in or assigns to  
11 another person an act prohibited by this section. The district or  
12 school shall provide a physical and electronic copy of the policy  
13 and procedure to each district or school employee or contractor.

14       SECTION 23. Section 28.004, Education Code, is amended by  
15 adding Subsection (i-2) to read as follows:

16       (i-2) Before a student may be provided with human sexuality  
17 instruction, a school district must obtain the written consent of  
18 the student's parent. A request for written consent under this  
19 subsection:

20               (1) may not be included with any other notification or  
21 request for written consent provided to the parent, other than the  
22 notice provided under Subsection (i); and

23               (2) must be provided to the parent not later than the  
24 14th day before the date on which the human sexuality instruction  
25 begins.

26       SECTION 24. Subchapter A, Chapter 28, Education Code, is  
27 amended by adding Section 28.0043 to read as follows:

1       Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL  
2 ORIENTATION AND GENDER IDENTITY. (a) A school district,  
3 open-enrollment charter school, or district or charter school  
4 employee may not provide or allow a third party to provide  
5 instruction, guidance, activities, or programming regarding sexual  
6 orientation or gender identity to students enrolled in  
7 prekindergarten through 12th grade.

8       (b) This section may not be construed to:

9               (1) limit a student's ability to engage in speech or  
10 expressive conduct protected by the First Amendment to the United  
11 States Constitution or by Section 8, Article I, Texas Constitution,  
12 that does not result in material disruption to school activities;

13               (2) limit the ability of a person who is authorized by  
14 the district to provide physical or mental health-related services  
15 to provide the services to a student, subject to any required  
16 parental consent; or

17               (3) prohibit an organization whose membership is  
18 restricted to one sex and whose mission does not advance a political  
19 or social agenda from meeting on a school district or  
20 open-enrollment charter school campus.

21       SECTION 25. The heading to Section 28.022, Education Code,  
22 is amended to read as follows:

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

25       SECTION 26. Section 28.022(a), Education Code, is amended  
26 to read as follows:

27       (a) The board of trustees of each school district shall

1 adopt a policy that:

2 (1) provides for at least two opportunities for  
3 in-person conferences during each school year [~~a conference~~]  
4 between each parent of a child enrolled in the district and the  
5 child's [~~parents and~~] teachers;

6 (2) requires the district, at least once every 12  
7 weeks, to give written notice to a parent of a student's performance  
8 in each class or subject; and

9 (3) requires the district, at least once every three  
10 weeks, or during the fourth week of each nine-week grading period,  
11 to give written notice to a parent or legal guardian of a student's  
12 performance in a subject included in the foundation curriculum  
13 under Section 28.002(a)(1) if the student's performance in the  
14 subject is consistently unsatisfactory, as determined by the  
15 district.

16 SECTION 27. Subchapter D, Chapter 33, Education Code, is  
17 amended by adding Section 33.0815 to read as follows:

18 Sec. 33.0815. CERTAIN REQUIREMENTS FOR STUDENT CLUBS. (a)  
19 Subject to Subsection (b), a school district or open-enrollment  
20 charter school may authorize or sponsor a student club.

21 (b) A school district or open-enrollment charter school may  
22 not authorize or sponsor a student club based on sexual orientation  
23 or gender identity.

24 (c) A school district or open-enrollment charter school  
25 must require the written consent of the parent of or person standing  
26 in parental relation to a student enrolled in the district or school  
27 before the student may participate in a student club authorized or

1 sponsored under Subsection (a) at the district or school.

2 SECTION 28. Subchapter A, Chapter 39, Education Code, is  
3 amended by adding Section 39.008 to read as follows:

4 Sec. 39.008. CERTIFICATION OF COMPLIANCE WITH CERTAIN LAWS  
5 REQUIRED. (a) Not later than September 30 of each year, the  
6 superintendent of a school district or open-enrollment charter  
7 school shall certify to the agency that the district or school is in  
8 compliance with this section and Sections 11.005 and 28.0022.

9 (b) The certification required by Subsection (a) must:

10 (1) be:

11 (A) approved by a majority vote of the board of  
12 trustees of the school district or the governing body of the  
13 open-enrollment charter school at a public meeting that includes an  
14 opportunity for public testimony and for which notice was posted on  
15 the district's or school's Internet website at least seven days  
16 before the date on which the meeting is held; and

17 (B) submitted electronically to the agency; and

18 (2) include:

19 (A) a description of the policies and procedures  
20 required by Sections 11.005(c) and 28.0022(h) and the manner in  
21 which district or school employees and contractors were notified of  
22 those policies and procedures;

23 (B) any existing policies, programs, procedures,  
24 or trainings that were altered to ensure compliance with this  
25 section or Section 11.005 or 28.0022; and

26 (C) any cost savings resulting from actions taken  
27 by the school district or open-enrollment charter school to comply

1 with this section.

2 (c) The agency shall post each certification received under  
3 Subsection (a) on the agency's Internet website.

4 SECTION 29. Section 12A.004(a), Education Code, as amended  
5 by this Act, applies to a local innovation plan adopted or renewed  
6 before, on, or after the effective date of this Act.

7 SECTION 30. This Act applies beginning with the 2025-2026  
8 school year.

9 SECTION 31. This Act takes effect immediately if it  
10 receives a vote of two-thirds of all the members elected to each  
11 house, as provided by Section 39, Article III, Texas Constitution.  
12 If this Act does not receive the vote necessary for immediate  
13 effect, this Act takes effect September 1, 2025.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 1. Chapter 1, Education Code, is amended by adding Sections 1.007 and 1.009.

SECTION 1. Same as Senate version.

SECTION 1. Same as Senate version.

SECTION 2. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.0611.

SECTION 2. Same as Senate version.

SECTION 2. Same as Senate version.

*No equivalent provision.*

SECTION 3. The heading to Section 11.1518, Education Code, is amended to read as follows:  
Sec. 11.1518. TRUSTEE INFORMATION [~~POSTED ON WEBSITE~~].

SECTION 4. Same as House version.

*No equivalent provision.*

SECTION 4. Section 11.1518, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:  
(c) Not later than the 30th day after a new person is sworn in as a member [~~Each time there is a change in the membership~~] of a school district's board of trustees, the district shall update the information required under Subsection (a) and, as applicable:  
(1) post the updated information on the district's Internet website; or  
(2) submit the updated information to the agency for posting on the agency's Internet website in accordance with Subsection (b).  
(d) A school district shall annually submit to the agency the information required under Subsection (a) for each member of the district's board of trustees. The information must:  
(1) identify the member designated as chair; and  
(2) be updated as required by Subsection (c).

SECTION 5. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 3. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.005 to read as follows:  
Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION DUTIES.

(a) In this section,

"diversity, equity, and inclusion duties" means:

- (1) influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;
- (2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION 5. Same as Senate version except as follows:

(a) In this section:

*(1) "Classroom instruction" means the provision of information as part of a curriculum by a teacher, or other person designated by a school district to serve in the role of a teacher, in an academic instructional setting. The term does not include:*

*(A) a discussion that is not instructional;*

*(B) a discussion or activity not related to the curriculum for the course or subject being taught;*

*(C) an example or incidental reference included in school work or a lesson or given by a student;*

*(D) an action taken to prevent or mitigate bullying, as defined by Section 37.0832;*

*(E) the display or provision of literature or other material that is unrelated to the course or subject being taught; or*

*(F) the sponsorship of or participation in a club or other extracurricular activity.*

(2) "Diversity, equity, and inclusion duties" means: [FA1(1)]

(A) influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws; [FA1(2)]

(B) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

SECTION 3. Same as House version except as follows:

(a) Defines "diversity, equity and inclusion duties" in the same manner as the House version but does not include that version's definition of "classroom instruction."

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(3) developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except

[FA1(3)]

(C) developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation except:

[FA1(4)]

*(i) for the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts or open-enrollment charter schools; or*

(ii) as necessary to comply with state or federal law; and

[FA1(5)]

(D) compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[FA1(6)]

as necessary to comply with state or federal law; and

(4) compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

(b) Except as required by state or federal law, a school district:

(1) may not assign diversity, equity, and inclusion duties to any person; and

(2) shall prohibit a district employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district.

(b) Same as Senate version.

(b) Same as Senate version.

(c) A school district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district

(c) Same as Senate version.

(c) Same as Senate version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

employee or contractor.

*No equivalent provision.*

(d) Nothing in this section may be construed to:

(1) limit or prohibit a school district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the essential knowledge and skills adopted under Subchapter A, Chapter 28;

(2) affect a student's rights under the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution;

(3) limit or prohibit a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by Section 39.053; or

(4) apply to:

(A) classroom instruction that is consistent with the essential knowledge and skills adopted by the State Board of

(c-1) The policy and procedure adopted by a school district under Subsection (c) must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions. [FA1(7)]

(d) Nothing in this section may be construed to:

~~( ) limit or prohibit a school district from contracting with historically underutilized businesses or businesses owned by members of a minority group or by women in accordance with applicable state law;~~ [FA1(8)]

(1) limit or prohibit a school district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the essential knowledge and skills adopted under Subchapter A, Chapter 28;

(2) affect a student's rights under the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution;

(3) limit or prohibit a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by Section 39.053; [FA1(9);FA6]

(4) apply to:

(A) classroom instruction that is consistent with the essential knowledge and skills adopted by the State Board of

(d) Same as House version.

(e) Same as House version except does not include Subdivision (d)(5) relating to targeted recruitment initiatives.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

Education;

(B) the collection, monitoring, or reporting of data;

(C) a policy, practice, procedure, program, or activity intended to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity; or

(D) a student club that is in compliance with the requirements of Section 33.0815.

Education;

(B) the collection, monitoring, or reporting of data;

(C) a policy, practice, procedure, program, or activity intended to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity; or

(D) a student club that is in compliance with the requirements of Section 33.0815; or

*(5) limit or prohibit a school district from developing or implementing a targeted recruitment initiative to encourage a diverse applicant pool for district employee positions, provided that the initiative does not constitute a preference in hiring and complies with federal and state antidiscrimination laws.* [FA1(10)]

SECTION 4. Section 11.161, Education Code, is amended. Among other provisions, Subsection (c) is added to read as follows:

(c) This section does not apply to a proceeding regarding a grievance filed under the *local* grievance procedure established by the board of trustees of a school district under Section 26.011.

*No equivalent provision.*

SECTION 6. Same as Senate version except as follows:

(c) This section does not apply to a proceeding regarding a grievance filed under the grievance procedure established by the board of trustees of a school district under Section 26.011.

SECTION \_\_. Chapter 11, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. ASSISTANCE WITH SOCIAL  
TRANSITIONING PROHIBITED

Sec. 11.401. SCHOOL DISTRICT POLICY: ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED. (a) In this subchapter, "social transitioning" means a person's transition from the person's biological sex at birth to the

SECTION 6. Same as House version.

SECTION 7. Same as House version except as follows:

Sec. 11.401. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

opposite biological sex through the adoption of a different name, different pronouns, or other expressions of gender that deny or encourage a denial of the person's biological sex at birth.

(b) The board of trustees of a school district shall adopt a policy prohibiting an employee of the district from assisting a student enrolled in the district with social transitioning, including by providing any information about social transitioning or providing guidelines intended to assist a person with social transitioning.

(c) A parent of a student enrolled in the district or a district employee may report to the board of trustees of the district a suspected violation of the policy adopted under Subsection (b). The board shall investigate any suspected violation and determine whether the violation occurred. If the board determines that a district employee has assisted a student enrolled at the district with social transitioning, the board shall immediately report the violation to the commissioner.

Sec. 11.402. RELIEF. A parent of a student enrolled in *the district* may seek relief through the grievance *policy* adopted under *Chapter 26A* for *violations* of this subchapter.  
[FA12(3)]

Sec. 11.402. RELIEF. A parent of a student enrolled in *a school district* may seek relief for *a violation* of this subchapter *by filing a grievance* through the *district's* grievance *procedure* adopted under *Section 26.011*.

SECTION 5. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

...

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

SECTION 7. Section 12.104, Education Code, is amended by amending Subsection (b) and adding Subsection (b-5) to read as follows: [FA12(1)]

(b) An open-enrollment charter school is subject to:

...

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

SECTION 8. Same as Senate version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

...

(Z) diversity, equity, and inclusion duties under Section 11.005;  
(AA) parental access to instructional materials and curricula under Section 26.0061;  
(BB) the adoption of a parental engagement policy as provided by Section 26.0071;  
(CC) 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; and  
(DD) establishment of a local school health advisory council with members appointed by the governing body of the school and health education instruction that complies with Section 28.004.

...

***(Z) the grievance procedure under Section 26.011 and the grievance policy under Chapter 26A;***  
(AA) diversity, equity, and inclusion duties under Section 11.005;  
(BB) parental access to instructional materials and curricula under Section 26.0061;  
(CC) the adoption of a parental engagement policy as provided by Section 26.0071;  
(DD) 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; and  
(EE) establishment of a local school health advisory council with members appointed by the governing body of the school and health education instruction that complies with Section 28.004.  
***(b-5) Section 11.401 applies to an open-enrollment charter school as though the governing body of the school were the board of trustees of a school district.*** [FA12(2)]

SECTION 6. Section 12A.004(a), Education Code, is amended to read as follows:  
(a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:  
(1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;  
(2) Subchapters A, C, D, and E, Chapter 11, except that a

SECTION 8. Section 12A.004(a), Education Code, is amended to read as follows:  
(a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:  
(1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;  
(2) Subchapters A, C, D, and E, Chapter 11, except that a

SECTION 9. Same as Senate version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;	district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;	
(3) state curriculum and graduation requirements adopted under Chapter 28; <del>and</del>	(3) <u><i>the grievance policy under Chapter 26A;</i></u>	
(4) <u>Section 28.004;</u> and	(4) state curriculum and graduation requirements adopted under Chapter 28;	
(5) academic and financial accountability and sanctions under Chapters 39 and 39A.	(5) <u>Section 28.004;</u> and	
	(6) <del>[(4)]</del> academic and financial accountability and sanctions under Chapters 39 and 39A.	
SECTION 7. Section 21.057, Education Code, is amended.	SECTION 9. Same as Senate version.	SECTION 10. Same as Senate version.
SECTION 8. Section 25.001(h), Education Code, is amended to read as follows: (h) In addition to the penalty provided by Section 37.10, Penal Code, a person who knowingly falsifies information on a form required for enrollment of a student in a school district is liable to the district if the student is not eligible for enrollment in the district but is enrolled on the basis of the false information. The person is liable, for the period during which the ineligible student is enrolled, for <del>[the greater of:</del> <del>[(1) the maximum tuition fee the district may charge under Section 25.038; or</del> <del>[(2)]</del> the amount the district has budgeted for each student as maintenance and operating expenses.	<i>No equivalent provision.</i>	Same as House version.
SECTION 9. Section 25.036, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (d), (e), (f), (g), (h), (i), and (j) to read as follows:	<i>No equivalent provision.</i>	Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(a) 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 may apply to transfer for in-person instruction ~~annually~~ from the child's school district of residence to another district 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) A transfer application ~~agreement~~ under this section shall be filed and preserved as a receiving district record for audit purposes of the agency.

(d) A school district may 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 (f) and has satisfied the requirements provided under Subsection (g);

(2) before the application deadline for the applicable school year, the district adopted a policy that provides for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37, and the student meets the conditions for exclusion under the policy; or

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

(e) For the purpose of determining whether a school in a school district is at full student capacity under Subsection (d)(1), the district may not consider equity as a factor in the district's decision-making process.

(f) A school district that has more applicants for transfer

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (1E)

CONFERENCE

under this section than available positions must fill the available positions by lottery and must give priority to applicants in the following order:

(1) students who are dependents of an employee of the receiving district; and

(2) students:

(A) receiving special education services under Subchapter A, 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.

(g) A school district may deny approval of a transfer under Subsection (d)(1) only if:

(1) the district publishes and annually updates the district's full student capacity by campus; and

(2) the district campus to which the student seeks to transfer is determined to be at capacity based on the information reported under Section 7.0611 to the agency.

(h) Except as provided by other law, a receiving school district may, but is not required to, provide transportation to a student who transfers to the receiving district under this section.

(i) A receiving school district may revoke, at any time during the school year, the approval of the student's transfer only if:

(1) the student engages in conduct:

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

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

education program under Section 37.006; or  
(B) for which a student is required or permitted to be expelled  
from school under Section 37.007; and  
(2) before revoking approval of the student's transfer, the  
district:  
(A) 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;  
and  
(B) if the student is a child with a disability under the  
Individuals with Disabilities Education Act (20 U.S.C. Section  
1400 et seq.), or the district suspects or has a reason to suspect  
that the student may be a child with a disability, complies with  
all federal and state requirements regarding revoking the  
approval of the student's transfer.  
(j) Except as provided by Subsection (i), a student who  
transfers under this section may remain enrolled in the  
receiving district until the earlier of the date on which:  
(1) the student graduates from high school; or  
(2) the student is no longer eligible to attend a public school  
under Section 25.001.

SECTION 10. Section 25.038, Education Code, is amended  
to read as follows:  
Sec. 25.038. TUITION FEE FOR TRANSFER STUDENTS  
PAID BY SCHOOL DISTRICT. (a) Except as provided by  
Subsection (b), a [The] receiving school district may charge a  
tuition fee to another school district, if the receiving district  
has contracted with the other district to educate the other  
district's students, to the extent that the district's actual

*No equivalent provision.*

Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

expenditure per student in average daily attendance, as determined by its board of trustees, exceeds the sum the district benefits from state aid sources as provided by Section 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement before its execution by the parties, an increase in tuition charge may not be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year.

(b) A school district may not charge a tuition fee under this section for a student transfer authorized under Section 25.036.

SECTION 11. Section 26.001, Education Code, is amended. Among other provisions, Subdivision (d)(4) is added to read as follows:

(d) Each board of trustees shall:

...

(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;

(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;

SECTION 10. Same as Senate version except as follows:

(d) Each board of trustees shall:

...

(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;

(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;

SECTION 11. Same as Senate version except as follows:

(d) Each board of trustees shall:

...

(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;

(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;

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

(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);  
(M) the *local* grievance procedure under Section 26.011; and

(N) special education and bilingual education and special  
language programs.

SECTION 12. Chapter 26, Education Code, is amended by adding Section 26.0025 to read as follows:  
Sec. 26.0025. RIGHT TO SELECT ***EDUCATIONAL SETTING.*** A parent is entitled to choose *the educational setting* for the parent's child, *including public school, private school, or home school.*

SECTION 13. Section 26.004(b), Education Code, is amended to read as follows:  
(b) A parent is entitled to access to all written records of a school district concerning the parent's child, including:  
...  
(8) medical records in accordance with Section 38.0095,  
including health and immunization information;  
(9) teacher and school counselor evaluations;

HOUSE VERSION (IE)

(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);  
(M) the grievance procedure under Section 26.011 *and*  
*informs parents that they are not required to file a grievance*  
*or an appeal at the district level before pursuing another*  
*remedy under law, including by filing a complaint with*  
*appropriate authorities to request an investigation; and*  
(N) special education and bilingual education and special  
language programs.

SECTION 11. Chapter 26, Education Code, is amended by adding Section 26.0025 to read as follows:  
Sec. 26.0025. RIGHT TO SELECT ***PUBLIC OR PRIVATE SCHOOL.*** A parent is entitled to choose *a public school or private school, including a home school,* for the parent's child.

SECTION 12. Section 26.004(b), Education Code, is amended to read as follows:  
(b) A parent is entitled to access to all written records of a school district concerning the parent's child, including:  
...  
(8) medical records in accordance with Section 38.0095,  
including health and immunization information;  
(9) teacher and school counselor evaluations;

CONFERENCE

(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);  
(M) the grievance procedure under Section 26.011; and

(N) special education and bilingual education and special  
language programs.

SECTION 12. Same as Senate version.

SECTION 13. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(10) reports of behavioral patterns; and  
(11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

(10) reports of behavioral patterns; ~~and~~  
(11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child; and  
**(12) records relating to library materials checked out by the child from a school library.**

*No equivalent provision.*

SECTION 13. Section 26.006, Education Code, is amended by adding Subsection (g) to read as follows:  
(g) Each school district and open-enrollment charter school shall post on the home page of the district's or school's Internet website a notice stating that a parent of a student enrolled in the district or school is entitled to review the materials described by Subsection (a)(1) and may request that the district or school make the materials available for review as provided by this section.

SECTION 14. Same as House version.

*No equivalent provision.*

SECTION 14. Chapter 26, Education Code, is amended by adding Section 26.0062 to read as follows:

Sec. 26.0062. REQUIRED DISCLOSURE REGARDING INSTRUCTIONAL PLAN. (a) Each school district shall adopt a policy to make available on the district's Internet website at the beginning of each semester an instructional plan or course syllabus for each class offered in the district for that semester.  
(b) The policy adopted under Subsection (a) must:  
(1) require each teacher to provide before the beginning of each semester a copy of the teacher's instructional plan or course syllabus for each class for which the teacher provides

SECTION 15. Chapter 26, Education Code, is amended by adding Sections 26.0062 **and 26.0071** to read as follows:

Section 26.0062. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

instruction to:  
(A) district administration; and  
(B) the parent of each student enrolled in the class; and  
(2) provide for additional copies of an instructional plan or  
course syllabus to be made available to a parent of a student  
enrolled in the class on the parent's request.

SECTION 14. Chapter 26, Education Code, is amended by adding Section 26.0071 to read as follows:

Sec. 26.0071. PARENTAL ENGAGEMENT POLICY. Each board of trustees of a school district shall develop a parental engagement policy that:

- (1) provides for an Internet portal through which parents of students enrolled in the district may 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 15. Section 26.008, Education Code, is amended.

SECTION 16. Chapter 26, Education Code, is amended by adding Section 26.0083. Among other provisions, Subsection (h) is added to read as follows:

(h) Before administering a student well-being questionnaire or health screening form to a student enrolled in prekindergarten through 12th grade, a school district must provide a copy of the questionnaire or form to the student's

SECTION 15. Same as Senate version.

SECTION 16. Same as Senate version.

SECTION 17. Same as Senate version except as follows:

(h) Before administering a student well-being questionnaire or health screening form to a student enrolled in prekindergarten through 12th grade, a school district must provide a copy of the questionnaire or form to the student's

Section 26.0071. Same as Senate version.

SECTION 16. Same as Senate version.

SECTION 17. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

parent and obtain the parent's consent to administer the questionnaire or form.

SECTION 17. Section 26.009, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (c), and (d) to read as follows:

(a) An employee of a school district must obtain the written consent of a child's parent in the manner required by Subsection (a-2) before the employee may:

(1) conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required under Section 38.004 or state or federal law regarding requirements for special education; [✗]

(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.

(a-1) For purposes of Subsection (a), "biometric identifier" means a blood sample, hair sample, skin sample, DNA sample, body scan, retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.

HOUSE VERSION (IE)

parent and obtain the parent's consent to administer the questionnaire or form *in the manner provided by Section 26.009(a-2).*

SECTION 18. Section 26.009, Education Code, is amended to read as follows:

Sec. 26.009. **CONSENT REQUIRED FOR CERTAIN ACTIVITIES.** (a) An employee *or contractor* of a school district must obtain the written consent of a child's parent in the manner required by Subsection (a-2) before the employee *or contractor* may:

(1) conduct a psychological *or psychiatric* examination *or* test, or *psychological or psychiatric* treatment, unless the examination, test, or treatment is required under Section 38.004 or state or federal law regarding requirements for special education; [✗]

(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.

(a-1) For purposes of Subsection (a):

(1) "Biometric identifier" means a blood sample, hair sample, skin sample, DNA sample, body scan, retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.

**(2) "Psychological or psychiatric examination or test"**

CONFERENCE

SECTION 18. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(3) "Psychological or psychiatric treatment" means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

(a-2) Written consent for a parent's child to participate in a district activity described by Subsection (a) must be signed by the parent and returned to the district. A child may not participate in the activity unless the district receives the parent's signed written consent to that activity.

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

(a-2) Written consent for a parent's child to participate in a district activity described by Subsection (a) must be signed by the parent and returned to the district. A child may not participate in the activity unless the district receives the parent's signed written consent to that activity.

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

(b) An employee or contractor of a school district is not required to obtain the consent of a child's parent before the employee or contractor may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

(1) purposes of safety, including the maintenance of order

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

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

(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) A school district shall 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.

and discipline in common areas of the school or on school buses;

(2) a purpose related to a cocurricular or extracurricular activity;

(3) a purpose related to regular classroom instruction;

(4) media coverage of the school; or

(5) a purpose related to the promotion of student safety under Section 29.022.

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

(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) A school district shall 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.

*(e) A school district shall retain the written informed consent of a child's parent obtained under this section as part of the child's education records.*

*(f) Nothing in this section may be construed to:*

*(1) require an employee or contractor of a school district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being; or*

*(2) affect the duty to report child abuse or neglect under*

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

*Chapter 261, Family Code, or an investigation of a report of abuse or neglect under that chapter.* [FA9]

SECTION 18. Section 26.011, Education Code, is amended to read as follows:

Sec. 26.011. **LOCAL GRIEVANCE PROCEDURE** [~~COMPLAINTS~~]. (a) The board of trustees of each school district shall adopt a grievance procedure under which the board shall:

*(1) address each grievance [~~complaint~~] that the board receives concerning a violation of the prohibition under Section 11.005 or of a right guaranteed by Section 1.009 or this chapter 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;*

*(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.*

(b) The board of trustees of a school district is not required by Subsection (a) or Section 11.1511(b)(13) to address a *grievance [~~complaint~~]* that the board receives concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by this chapter. This subsection does not affect a claim brought by a parent under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) or a successor federal statute addressing special education services for a child with a disability.

*(c) The board of trustees of a school district shall ensure a*

SECTION 19. Section 26.011, Education Code, is amended to read as follows:

Sec. 26.011. **GRIEVANCES** [~~COMPLAINTS~~]. (a) The board of trustees of each school district shall adopt a grievance procedure *that complies with Chapter 26A* under which the board shall *address each grievance [~~complaint~~] that the board receives concerning violation of a right guaranteed by this chapter, of a board of trustees policy, or of a provision of this title.*

(b) The board of trustees of a school district is not required by Subsection (a) or Section 11.1511(b)(13) to address a *grievance [~~complaint~~]* that the board receives concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by this chapter, *of a board of trustees policy, or of a provision of this title.* This subsection does not affect a claim brought by a parent under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) or a successor federal statute addressing special education services for a child with a disability.

SECTION 19. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

*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;*

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(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;  
(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 may appeal to the commissioner in writing under Section 7.057, if applicable;  
(6) requires a person responsible for reviewing a grievance under the procedure to recuse himself or herself from reviewing the grievance if the person is the subject of the grievance; and  
(7) provides for a review by the next person to whom the grievance would be appealed if the person who would otherwise review the grievance is required to recuse himself or herself under Subdivision (6).  
(d) The parties may mutually agree to adjust the timeline for the procedure under this section.  
(e) 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, the school district may alter the timeline for the procedure under this section to make a reasonable accommodation for the employee's leave. The district must provide notice of the change to the parent who submitted the grievance.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 19. Chapter 26, Education Code, is amended by adding Sections 26.0111 and 26.0112 to read as follows:	<i>No equivalent provision.</i>	Same as House version.
<u>Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER. (a) This section applies only to a grievance regarding a violation of:</u> <u>(1) Section 11.005, 28.0022, 28.004, or 28.0043 or Chapter 38 or the implementation of those provisions by a school district; or</u> <u>(2) Chapter 551, Government Code, involving school district personnel.</u> <u>(b) If a 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 the parent's satisfaction, the parent may 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. The parent must provide the district with a copy of the request and must provide the commissioner with a copy of the district's resolution of the grievance. The parties may agree in writing to extend by not more than 10 school business days the deadline for requesting a hearing.</u> <u>(c) The commissioner shall assign a hearing examiner to review the grievance in the manner provided by Section 21.254. The hearing examiner has the powers described by Sections 21.255 and 21.256 and shall conduct the hearing in the manner provided by those sections as if the parent were a teacher.</u> <u>(d) Not later than the 60th business day after the date on</u>	<i>No equivalent provision.</i>	Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

which the commissioner receives a parent's written request for a hearing, the hearing examiner shall complete the hearing and make a written determination that includes findings of fact and conclusions of law. The hearing examiner's determination is final and may not be appealed.  
(e) Sections 21.257(c), (d), and (e) apply to a hearing under this section in the same manner as a hearing conducted under Subchapter F, Chapter 21.  
(f) 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, shall be paid by the school district if the hearing examiner finds in favor of the parent.  
(g) Notwithstanding Subsection (d), if a parent fails to appear at a hearing under this section, the hearing examiner is not required to complete the hearing and may not find in favor of the parent.

*No equivalent provision.*

*No equivalent provision.*

SECTION 20. Subtitle E, Title 2, Education Code, is amended by adding Chapter 26A to read as follows.  
CHAPTER 26A. GRIEVANCE POLICY

Sec. 26A.001. GRIEVANCE POLICY. (a) The board of trustees of a school district shall adopt a grievance policy to address grievances received by the district.  
(b) The policy must provide for the following levels of review, subject to Subsection (c):  
(1) review by:  
(A) the principal of the school district campus at which the grievance is filed or the principal's designee; or  
(B) for a grievance that arises from subject matter unrelated

SECTION 20. Same as House version except as follows:

Sec. 26A.001. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

to a campus, an administrator at the school district's central office;  
(2) if established by the policy, an appeal to an administrator at the school district's central office;  
(3) an appeal to the superintendent of the school district or the superintendent's designee; and  
(4) an appeal to the board of trustees of the school district.  
(c) A review or appeal on a grievance must be conducted by a person with the authority to address the grievance unless a preliminary hearing is necessary to develop a record or a recommendation for the board of trustees of the school district.  
(d) The board of trustees of a school district may delegate the authority to hear and decide a grievance to a committee of at least three members composed only of members of the board of trustees. For purposes of an appeal to the commissioner under Section 7.057, a decision by the committee is a decision of the board of trustees. Subsection (e) applies to the committee in the same manner as that subsection applies to the board of trustees.  
(e) The policy must:  
(1) prohibit the board of trustees of the school district or a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the policy;  
(2) require a person involved in reviewing a grievance under the policy to recuse himself or herself from reviewing the grievance if the person is the subject of the grievance;  
(3) provide for a higher level of review under Subsection (b) if the person who would otherwise review the grievance is required to recuse himself or herself under Subdivision (2);  
(4) provide for the creation and retention of a record of each

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

hearing on the grievance, including:

(A) documents submitted by the person who filed the grievance or determined relevant by school district personnel; and

(B) a written record of the decision, including an explanation of the basis for the decision and an indication of each document that supports the decision;

(5) allow the person who filed the grievance to supplement the record with additional documents or add additional claims;

(6) allow for a member of the board of trustees of the school district to file a grievance with the district, but prohibit the member from voting on matters related to that grievance;

(7) allow for a remand to a lower level of review under Subsection (b) to develop a record at any time, including at the board of trustees level of review;

(8) require the school district to direct a grievance that is filed with the incorrect administrator to the appropriate administrator and consider the grievance filed on the date on which the grievance was initially filed;

(9) require the school district to issue a decision on the merits of the concern raised in the grievance, notwithstanding procedural errors or the type of relief requested;

(10) unless otherwise required by law, allow for a hearing or meeting at which the grievance will be discussed to be open or closed at the request of the person who filed the grievance; and

(11) for a grievance before the board of trustees of the school district, require that:

(A) the person who filed the grievance be provided at least five business days before the date on which the meeting to discuss the grievance will be held a description of any information the board of trustees intends to rely on that is not

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

contained in the record; and  
(B) the meeting at which the grievance is discussed be recorded by video or audio recording or by transcript created by a certified court reporter.  
(f) If a grievance is appealed to the commissioner under Section 7.057, the commissioner may:  
(1) investigate an alleged violation of state or federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), relating to the grievance;  
(2) collaborate with relevant federal agencies in an investigation described by Subdivision (1); and  
(3) take any action necessary to compel the school district, the board of trustees of the district, or a district employee to comply with law described by Subdivision (1).  
(g) Each school district shall annually submit to the agency a report on grievances filed in the district during the preceding year. The report must include for each grievance the resolution of the grievance and any corrective action taken.  
(h) Not later than December 1 of each year, the agency shall post on the agency's Internet website a report on grievances filed in school districts during the preceding year. The report must aggregate the data statewide and state:  
(1) the number of grievances filed;  
(2) the number of grievances resolved and the resolution of those grievances; and  
(3) any corrective actions taken.  
(i) If the commissioner determines that a school district educator has retaliated against a student or parent of or person standing in parental relation to a student in violation of Subsection (e)(1), the commissioner may report the educator to the State Board for Educator Certification for investigation.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

[FA1(11)]

*No equivalent provision.*

Sec. 26A.002. TIMELINES FOR FILING AND APPEAL.  
The policy adopted under Section 26A.001 must:  
(1) provide at least:  
(A) for a grievance filed by a parent of or person standing in  
parental relation to a student enrolled in the school district:  
(i) 60 days to file a grievance from the date on which the  
parent or person knew or had reason to know of the facts  
giving rise to the grievance; or  
(ii) if the parent or person engaged in informal attempts to  
resolve the grievance, the later of 90 days to file a grievance  
from the date described by Subparagraph (i) or 30 days to file  
a grievance from the date on which the district provided  
information to the parent or person regarding how to file the  
grievance; and  
(B) 20 days to file an appeal after the date on which a  
decision on the grievance was made;  
(2) for a hearing that is not before the board of trustees of the  
school district, require:  
(A) the district to hold a hearing not later than the 10th day  
after the date on which the grievance or appeal was filed; and  
(B) a written decision to be made not later than the 20th day  
after the date on which the hearing was held that includes:  
(i) any relief or redress to be provided; and  
(ii) information regarding filing an appeal, including the  
timeline to appeal under this section and Section 7.057, if  
applicable; and  
(3) for a hearing before the board of trustees of the school  
district, require the board of trustees to:  
(A) hold a meeting to discuss the grievance not later than the  
60th day after the date on which the previous decision on the

Sec. 26A.002. Same as House version.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

grievance was made; and  
(B) make a decision on the grievance not later than the 30th  
day after the date on which the meeting is held under  
Paragraph (A).

*No equivalent provision.*

Sec. 26A.003. POSTING OF PROCEDURES AND FORMS.  
(a) The board of trustees of a school district shall develop,  
make publicly available in a prominent location on the  
district's Internet website, and include in the district's student  
handbook:  
(1) procedures for resolving grievances;  
(2) standardized forms for filing a grievance, a notice of  
appeal, or a request for a hearing under this chapter; and  
(3) the method by which a grievance may be filed  
electronically.  
(b) A school district shall ensure that a grievance may be  
submitted electronically at the location on the district's  
Internet website at which the information described by  
Subsection (a) is available.  
(c) A school district shall submit and make accessible to the  
agency the location on the district's Internet website at which  
the information described by Subsection (a) is available.

Sec. 26A.003. Same as House version.

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

*No equivalent provision.*

Sec. 26A.004. TESTIMONY BEFORE STATE BOARD OF  
EDUCATION. If *the commissioner* finds against a school  
district under Section 7.057 in at least five grievances to  
which that section applies involving the district during a  
school year, the superintendent of the school district must  
appear before the State Board of Education to testify  
regarding the *commissioner's* findings and the frequency of  
grievances against the district.

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

SECTION 20. Section 28.002, Education Code, is amended.

SECTION 21. Same as Senate version.

SECTION 21. Same as Senate version.

SECTION 21. Section 28.0022, Education Code, is amended.

SECTION 22. Same as Senate version.

SECTION 22. Same as Senate version.

SECTION 22. Section 28.004, Education Code, is amended.

SECTION 23. Same as Senate version.

SECTION 23. Same as Senate version.

SECTION 23. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0043 to read as follows:  
Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY.

SECTION 24. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0043 to read as follows:  
Sec. 28.0043. RESTRICTION ON **CLASSROOM** INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY.

SECTION 24. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0043 to read as follows:  
Sec. 28.0043. RESTRICTION ON INSTRUCTION REGARDING SEXUAL ORIENTATION AND GENDER IDENTITY.

*No equivalent provision.*

(a) In this section, "classroom instruction" has the meaning assigned by Section 11.005. [FA1(12)]

Same as Senate version.

(a) A school district, open-enrollment charter school, or district or charter school employee may not provide or allow 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) A school district, open-enrollment charter school, or district or charter school employee may not provide or allow a third party to **whom the district or school has delegated teaching responsibility to** provide **classroom** instruction regarding sexual orientation or gender identity to students enrolled in prekindergarten through 12th grade. [FA1(13)-(15)]

(a) Same as Senate version.

(b) This section may not be construed to limit:

(c) This section may not be construed to: [FA1(16)]  
**( ) apply to classroom instruction that is consistent with**

(b) Same as House version except does not include the provision establishing that this section may not be construed

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

(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, Article I, 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 24. The heading to Section 28.022, Education Code, is amended.

SECTION 25. Section 28.022(a), Education Code, is amended.

SECTION 26. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0815 to read as follows:  
Sec. 33.0815. **STUDENT CLUBS; CERTAIN CLUBS PROHIBITED.**

*No equivalent provision.*

HOUSE VERSION (IE)

*the essential knowledge and skills adopted by the State Board of Education;* [FA1(17)]  
(1) limit 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, Article I, Texas Constitution, that does not result in material disruption to school activities;  
(2) limit 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; or  
*(3) prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a school district or open-enrollment charter school campus.*

SECTION 25. Same as Senate version.

SECTION 26. Same as Senate version.

SECTION \_\_. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0815 to read as follows:  
Sec. 33.0815. **CERTAIN REQUIREMENTS FOR STUDENT CLUBS.**

(a) A school district or open-enrollment charter school may authorize a student club.

CONFERENCE

to apply to classroom instruction that is consistent with the essential knowledge and skills adopted by the State Board of Education.

SECTION 25. Same as Senate version.

SECTION 26. Same as Senate version.

SECTION 27. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0815 to read as follows:  
Sec. 33.0815. **CERTAIN REQUIREMENTS FOR STUDENT CLUBS.**

(a) *Subject to Subsection (b),* a school district or open-enrollment charter school may authorize *or sponsor* a student

**Senate Bill 12**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

(a) A school district or open-enrollment charter school **shall** require the written consent of the parent of or person standing in parental relation to a student enrolled in the district or school before the student may participate in a student club at the district or school.

(b) A school district or open-enrollment charter school staff member may serve as the sponsor of a student club based on race, sex, color, or ethnicity in a supervisory capacity only and may not provide instruction on any topic in that capacity.

(c) A school district or open-enrollment charter school may not authorize or sponsor a student club based on sexual orientation or gender identity.

SECTION 27. Subchapter A, Chapter 39, Education Code, is amended by adding Section 39.008.

SECTION 28. The following provisions are repealed:  
(1) Section 25.0344, Education Code, as added by Chapter 583 (H.B. 2892), Acts of the 88th Legislature, Regular Session, 2023; and  
(2) Section 25.0344, Education Code, as added by Chapter 322 (H.B. 1959), Acts of the 88th Legislature, Regular Session, 2023.

(b) A school district or open-enrollment charter school **must** require the written consent of the parent of or person standing in parental relation to a student enrolled in the district or school before the student may participate in a student club **authorized under Subsection (a)** at the district or school.  
[FA1(18)]

*No equivalent provision.*

*No equivalent provision.*

SECTION 27. Same as Senate version.

*No equivalent provision.*

club.

(c) A school district or open-enrollment charter school **must** require the written consent of the parent of or person standing in parental relation to a student enrolled in the district or school before the student may participate in a student club **authorized or sponsored under Subsection (a)** at the district or school.

Same as House version.

(b) Same as Senate version.

SECTION 28. Same as Senate version.

Same as House version.

Senate Bill 12  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

SECTION 29. Section 12A.004(a), Education Code, as amended by this Act, applies to a local innovation plan adopted or renewed before, on, or after the effective date of this Act.

SECTION 30. This Act applies beginning with the 2025-2026 school year.

SECTION 31. Effective date.

HOUSE VERSION (IE)

SECTION 28. Same as Senate version.

SECTION 29. (a) *Except as provided by Subsection (b) of this section*, this Act applies beginning with the 2025-2026 school year.  
(b) *The changes in law made by this Act apply only to an appeal filed on or after September 1, 2025. An appeal filed before September 1, 2025, is governed by the law in effect on the date the appeal was filed, and the former law is continued in effect for that purpose.*

SECTION 30. Same as Senate version.

CONFERENCE

SECTION 29. Same as Senate version.

SECTION 30. Same as Senate version.

SECTION 31. Same as Senate version.

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 30, 2025

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** SB12 by Creighton (Relating to parental rights in public education, to certain public school requirements and prohibitions regarding instruction, diversity, equity, and inclusion duties, and social transitioning, and to student clubs at public schools.), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB12, Conference Committee Report: a negative impact of (\$1,481,790) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2026	(\$475,808)
2027	(\$1,005,982)
2028	(\$195,856)
2029	(\$195,856)
2030	(\$195,856)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$475,808)	2.0
2027	(\$1,005,982)	2.0
2028	(\$195,856)	2.0
2029	(\$195,856)	2.0
2030	(\$195,856)	2.0

Fiscal Analysis

The bill would require a public elementary or secondary school, the school's governing body, and the school's employees to comply with certain policies, including a prohibition on the infringement of parental rights and a prohibition on diversity, equity, and inclusion duties.

The bill would require districts to implement a local grievance procedure to address grievances relating to the policies prohibiting diversity, equity, and inclusion duties and the infringement of parental rights.

The bill would require local education agencies (LEAs) to annually report to the Texas Education Agency (TEA) information relating to facility space and usage. TEA would be required to produce and make available the report for LEAs to use.

The bill would require school district boards of trustees to adopt, post, and make available to TEA certain grievance policies and procedures.

**Methodology**

This analysis assumes TEA could implement provisions of the bill with 2.0 FTEs at an annual cost of \$0.2 million.

**Technology**

TEA assumes IT costs to implement the provisions of the bill would total \$0.3 million in fiscal year 2026 and \$0.8 million in fiscal year 2027.

**Local Government Impact**

TEA assumes that there may be costs to LEAs associated with reporting facility usage.

Public schools would be required to adopt a policy prohibiting an employee from assisting an enrolled student with social transitioning and to investigate suspected violations. According to TEA, public schools may incur costs associated with investigating violations.

LEAs may incur costs to implement provisions of the bill requiring certain reports, website postings, policy adoption, plan and procedure development, records maintenance, and providing copies of materials; however, these costs could not be determined at this time.

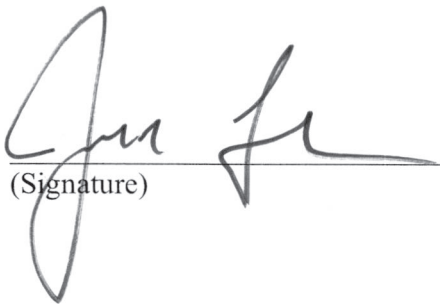
**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of, 701 Texas Education Agency

**LBB Staff:** JMc, CMA, ENA, NC, ASA, SD, NV

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on SB 12 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

  
(Signature)

5/30/25  
(Date)