Chapter 729

S.B. No. 283

AN ACT

relating to the membership and activities of local school health
advisory councils and to parental involvement in human sexuality
instruction in public schools.

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

SECTION 1. Section 28.004, Education Code, is amended by
amending Subsections (d) and (i) and adding Subsections (d-1),
(i-1), (m), (m-1), and (m-2) to read as follows:

(d) The board of trustees shall appoint at least five
members to the local school health advisory council. A majority of
the members must be persons who are parents of students enrolled in
the district and who are not employed by the district. One of those
members shall serve as chair or co-chair of the council. The board
of trustees also may appoint one or more persons from each of the
following groups or a representative from a group other than a group
specified under this subsection:

(1) public school teachers;
(2) public school administrators;
(3) district students;
(4) health care professionals;
(5) the business community;
(6) law enforcement;
(7) senior citizens;
(8) the clergy; and
(9) nonprofit health organizations.

(d-l) The local school health advisory council shall meet at least four times each year.

(i) Before each school year, a [A] school district shall provide written notice to [notify] a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

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

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

(A) review curriculum materials as provided by Subsection (j); and

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

(3) information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(i-1) A parent may use the grievance procedure adopted under Section 26.011 concerning a complaint of a violation of Subsection
(i).

(m) In addition to performing other duties, the local school health advisory council shall submit to the board of trustees, at least annually, a written report that includes:

(1) any council recommendation concerning the school district's health education curriculum and instruction or related matters that the council has not previously submitted to the board;

(2) any suggested modification to a council recommendation previously submitted to the board; and

(3) a detailed explanation of the council's activities during the period between the date of the current report and the date of the last prior written report.

(m-1) In lieu of the report that otherwise would be required under Subsection (m), not later than April 1, 2010, the local school health advisory council shall submit to the board of trustees an initial written report that includes:

(1) any information required under Subsections (m)(1) and (2); and

(2) a detailed explanation of the council's activities during the 12-month period preceding the date of the report.

(m-2) Subsection (m-1) and this subsection expire April 30, 2010.

SECTION 2. This Act takes effect September 1, 2009.
S.B. No. 283

David Dewhurst
President of the Senate

I hereby certify that S.B. No. 283 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Speaker of the House

I hereby certify that S.B. No. 283 passed the House, with amendments, on May 21, 2009, by the following vote: Yeas 143, Nays 0, two present not voting.

Secretary of the Senate

Chief Clerk of the House

Approved:
19 JUN '09

Date
Rick Perry
Governor

FILED IN THE OFFICE OF THE:
SECRETARY OF STATE

JUN 1 9 2009

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