

BILL ANALYSIS

Senate Research Center
83R13305 EAH-D

C.S.S.B. 521
By: Paxton et al.
Education
3/13/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Education Code currently provides for human sexuality curriculum with some local discretion to allow a school district to determine specific content in the course. School districts are to make the course materials for the human sexuality curriculum available for public review and parents have the right to remove a child from any particular coursework taught in the human sexuality curriculum.

C.S.S.B. 521 requires the school district to provide parents a notice for consent prior to the school district hosting an individual to teach a human sexuality or family planning course who is not employed by a school district. C.S.S.B. 521 prohibits an individual who performs abortions or who affiliates with an abortion provider from teaching human sexuality or family planning or providing instructional materials for use in such courses in a public school.

C.S.S.B. 521 amends current law relating to the provision of and parental approval for a student's participation in human sexuality and family planning instruction in public schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.004, Education Code, by adding Subsections (e-1), (e-2), (e-3), and (i-2), as follows:

(e-1) Prohibits an entity or individual that performs abortions or an affiliate of an entity or individual that performs abortions from providing human sexuality or family planning instruction or instructional materials for use in human sexuality or family planning instruction in a public school.

(e-2) Provides that for the purposes of Subsection (e-1), an "affiliate" means an entity or individual that has a legal relationship with another entity or individual that is created or governed by at least one written instrument that demonstrates:

(1) common ownership, management, or control;

(2) the existence of a franchise; or

(3) the granting or extension of a license or other agreement that authorizes the affiliate to use the entity's or individual's brand name, trademark, service mark, or other registered identification mark.

(e-3) Provides that Subsection (e-1) does not apply to a hospital licensed under Chapter 241 (Hospitals), Health and Safety Code, or a hospital owned and operated by the state.

(i-2) Requires the district, before a student may be provided with human sexuality or family planning instruction from an entity or individual other than an employee of a

school district, to obtain the written consent of the student's parent or guardian. Provides that a request for written consent under this subsection:

- (1) is prohibited from being included with any other notification or request for written consent provided to the parent or guardian;
- (2) is required to be provided to the parent or guardian not later than the 14th day before the date on which the human sexuality or family planning instruction begins; and
- (3) is required to include the information described by Subsection (i)(1) (relating to requiring a school district to provide written notice to a parent about any offered human sexuality course that includes certain information, including a summary of the content to be provided in the course) and the name of the entity or individual who will provide the instruction.

SECTION 2. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 3. Effective date: upon passage or September 1, 2013.