



August 22, 2023

**Re: New Laws Affecting Texas School Districts and Students Starting September 1, 2023**

Dear Superintendent and School Board Members,

The 88<sup>th</sup> Texas Legislature passed significant protections this year in the arenas of religious liberty, parental rights, and student protections. We are writing to you as a resource for implementation of this legislation in your own districts and as a reminder that our Legal and Policy Team is available to assist with these complex issues.

Similar to other legislative sessions, hundreds of bills were passed by legislators affecting public education. Some particularly important bills are included below with expanded discussion and analysis from our law and policy team:

**HB 2012, Protecting the Right to Display “In God We Trust” signs in the classroom**

In 2021, the Texas Legislature passed a law, SB 797, that requires schools to display our nation’s motto, “In God We Trust” in public school classrooms. In the year following SB 797 going into effect, teachers complained that they were sometimes reprimanded for displaying “In God We Trust” signs in the classroom. HB 2012 protects teachers by ensuring that a school cannot force a teacher to remove or take down their “In God We Trust” signs.

**HB 1605, Allowing Parental Access to School Materials and Putting Texas State Board of Education in Control of Materials Selection**

HB 1605 is a comprehensive bill covering an array of issues related to curriculum, instructional materials, and teacher preparation. More specifically, HB 1605 addresses many concerns parents and stakeholders have had in the past related to parents’ rights to review curriculum and the Texas State Board of Education (SBOE) having more centralized control over approving instructional materials. Under the recently passed HB 1605, parents will be able to look at the materials that are being used in their child’s classroom online by establishing parent portals. School districts will be incentivized to use instructional library materials that are approved by the SBOE. Instructional materials will be required to be more closely aligned with the standards set by the SBOE (TEKS).

Overall, the instructional material selection will no longer be a major component of teacher preparation, which eliminates the concern of teachers selecting inappropriate or biased materials that do not align with the state standards for student learning. Parents will also have the opportunity to call

instructional materials into question for a review process. The SBOE will begin adopting materials under the new law, HB 1605, in the year 2024.

### **HB 900, the READER Act**

Known as the “Restricting Explicit and Adult-Designated Educational Resources” Act (READER), this law creates new statewide processes for approval of school library materials, including material available in school libraries and online catalogs.

The Texas State Library and Archives Commission (TSLAC) must adopt standards for collection development, to be approved by the State Board of Education (SBOE) that school districts are required to follow when developing and implementing collection development policies. The mandatory TSLAC collection development standards apply to materials in classroom and school libraries.

Vendors must issue ratings for materials previously sold to Texas school districts that are in active use, and must recall library materials sold to a district that the vendor has rated sexually explicit. Materials rated sexually explicit may not be sold to Texas school districts. **Materials rated sexually relevant require parental consent for a student to check-out the material.**

The legislation puts in statute a process for vendors to submit ratings to the Texas Education Agency (TEA) and for the TEA to review materials and rating for accuracy. Every odd-numbered year, beginning January 1, 2025, school districts must also review the materials in their collection and determine if the materials should remain.

TEA is authorized to adopt rules to administer HB 900, and TEA staff will be able to answer questions, however, there are some key dates of which school districts should be aware.

### **Key Dates**

September 1, 2023	HB 900 effective date
January 1, 2024	TSLAC mandatory collection development standards, approved by SBOE
April 1, 2024	Initial vendor-provided list of sexually explicit or sexually relevant materials due to TEA <i>Materials rated sexually explicit must be removed from school libraries.</i>
September 1, 2024	Vendors provide updated list of materials they have rated to TEA
January 1, 2025	School districts review vendor rated sexually relevant material in their current collection and post a report online

### **SB 763, School Chaplain Volunteers**

This legislation was passed to fill a need of qualified individuals to counsel students in public schools. It permits a public school district or charter school to allow as an unpaid volunteer, or hire, a school chaplain to perform duties required of school counselors. The law requires every school board in

Texas to vote by March 1, 2024, on whether to adopt a policy authorizing individual schools to have chaplains as counselors. Despite groups' misleading warnings of potential religious proselytizing, this legislation is entirely constitutional and valid because it maintains religious neutrality and does not single out denominations or religions in line with the requirements of the First Amendment of the United States Constitution, and the Texas Constitution.

Chaplains provide extensive multilateral intervention services including confidential counseling and trauma care. This legislation provides another resource for school districts seeking qualified and trained individuals to help address the ongoing mental health crisis in public schools.

### **Texas Education Code 28.004, Parental Opt-In for Sex Education**

As of 2021, parents must provide written permission to opt their children into sex education. State law does not require or mandate that Texas schools teach sex education. However, if a school decides to teach sex education, parents must be notified, and each child must be opted in.

### **SB 29, Ban on COVID-19 Mandates**

This legislation prohibits school districts and other governmental entities from implementing, ordering, or otherwise imposing a mandate to prevent the spread of COVID-19 that requires a person to wear a face mask or other covering, or to be vaccinated against COVID-19. Additional sections regarding business closures and private schools do not directly apply to public school districts.

### **SB 15, Save Women's Sports Act 88<sup>th</sup> Legislature**

The Texas Legislature passed and Governor Greg Abbott signed SB 15, the Save Women's Sports Law that protects college women sports by ensuring men are not competing in women's sports. This law gives a legal cause of action for high school athletes and college athletes. College women also cannot be retaliated against for speaking out against a male who is stealing her opportunity to compete and win in women's sports programs. SB 15 will go into effect on September 1, 2023. To learn more about this law, visit [savewomensportexas.com](http://savewomensportexas.com).

### **HB 25, Save Girls' Sports Act 87<sup>th</sup> Legislature**

Not a brand-new law like the others, but the Save Girls' Sports Act was passed in 2021 to protect female athletes in grades Kindergarten through 12th grade by ensuring that boys do not compete in girls' sports. The law mandated that the University Interscholastic League (UIL) adopt rules that require students to participate on the sports team that aligns with their biological sex as listed on their birth certificate issued at or near the time of birth. The Save Girls' Sports Act went into effect in January 2022. UIL has been and will continue to enforce this law under the rules it adopted.

### **Conclusion:**

Schools boards should use caution when reviewing letters or purported legal guidance from the ACLU or other organizations such as the Texas Association of School Boards (TASB). TASB in particular

minimizes laws intended to protect students and promotes guidance and policies that shift control away from parents into the hands of unelected administrators.

The Legislature's intent was to protect students and restore parental rights, with effective education always at the forefront of the agenda. We urge school districts to implement this legislation as intended while focusing on core competencies and transparency with parents and taxpayers.

Please do not hesitate to contact our office if we can help in any way.

Sincerely,



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