

Resolution – Local Control for Sex Education

WHEREAS, The 74th Texas Legislature created School Health Advisory Councils, also known as SHACs in Texas Education Code §28.004 (a) “to assist the district in **ensuring** that local community values are reflected in the district’s health education instruction,” by requiring SHACs to recommend (c)(3) “appropriate **grade levels and methods of instruction** for human sexuality instruction” and school districts to (b) “**consider** the recommendations of the local school health advisory council before changing the district’s health education curriculum or instruction,” and by requiring that (d) five of the members of the School Health Advisory Council be appointed by the Board of Trustees.

WHEREAS, According to Texas law, Texas school districts are **not required** to provide Human Sexuality Instruction. Texas Education Code §28.004 states that each Texas school district **Board of Trustees** (h) “shall determine the **specific** content of the district’s instruction in human sexuality” for the district and that the district shall, before each school year (i) “provide written notice to 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” and then (i) provides further clarification on what the notice must include “**if** instruction will be provided.”

WHEREAS, By adopting 118 Student Expectations in the Reproductive and Sexual Health Strand in the 2020 Health TEKS adoption of 617 Student Expectations, the State Board of Education created a **conflict** between Texas Education Code §28.004 and Texas Administrative Code §74.1 requiring school districts to teach **all** elements with specific **grade levels and content** for Human Sexuality Instruction. Texas Administrative Code §74.1 states that “A school district **must provide** instruction in the essential knowledge and skills of the appropriate grade levels in the foundation and enrichment curriculum as specified in paragraphs (1)-(13) of this subsection. A school district **may add elements** at its discretion **but must not delete or omit** instruction in the foundation and enrichment curriculum specified in subsection (a) of this section... (6) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education).”

WHEREAS, Common circumstances in Texas school district SHACs include:

- District administrators are choosing members of the SHAC; district employees and district service contractors are voting members, leaders, and often **outnumber parents**;
- SHAC bylaws lack definition of **quorum**; sometimes bylaws do not exist;
- SHAC meeting **recordings** are being **altered** by district employees; and
- Districts are using Chapter 12A Districts of Innovation to **exempt** themselves from Texas Education Code 28.004.

THEREFORE, BE IT RESOLVED, that the state of Texas _____ party should amend 2022 RPT Platform Plank #126 as a Local Control for Sex Education plank:

Plank #126. Local Control for Sex Education (Education): The State of Texas should remove the conflict between law and administrative code to provide clarity that a local school district may choose to NOT teach Human Sexuality Instruction. The State of Texas should adopt changes to Texas Education Code 28.004 to require every member of the School Health Advisory Council (SHAC) to be appointed by the Board of Trustees, the majority of the SHAC to be parents of students within the district who are not related to district employees, and the majority of the parent members to be present for business to be conducted. SHAC meetings, committees, and subcommittees must be open to the public, documented, recorded, and posted on the district website in complete, unaltered, and audibly clear form. Districts must not use Chapter 12A Districts of Innovation to exempt themselves from Texas Education Code 28.004.

A copy of this resolution should be sent to the _____ County/Senate District # _____ Convention Resolutions Committee from Precinct # _____ with the recommendation that it be passed and sent to the State Convention Platform Committee of the _____ Party of Texas.