

Texas statute lays out requirements that school districts must comply with when teaching sex education. Additionally, significant changes were made in the 87th Legislative Session.



Most Texas laws regarding sex education in public schools are found in Section 28.004 of the Texas Education Code. These laws cover the following topics:

- **Sex Education Content:** Any sex education course materials must present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age; devote more attention to abstinence from sexual activity than to any other behavior; emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, HIV, and the emotional trauma associated with adolescent sexual activity; and direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and HIV.
- **Condoms and contraception:** Districts may include content on contraception and condoms but must teach “human use reality rates instead of theoretical laboratory rates.” Condoms may not be distributed as part of sex ed. However, there is no prohibition in statute against condom demonstrations.
- **School Health Advisory Councils (SHACs):** Districts must establish SHACs, which are parent and community volunteer groups charged with ensuring that local community values are reflected in health education instruction. Following adoption of HB 1525, SHACs now must post notice of meetings at least 72 hours in advance. After meetings, audio or video recording and meeting minutes must be submitted to the district and posted online. Meetings are not required to be open to the public, though many SHACS encourage public input.
- **Curriculum adoption:** State law requires sex education curriculum to be adopted by school boards on the recommendation of SHACs. School boards must adopt a policy establishing a process for the adoption of sex ed curriculum materials, including a resolution directing the school health advisory council (SHAC) to make recommendations; and holding two public SHAC meetings. Curriculum materials must be made available for review during this adoption process. The school board must ensure that materials are suitable for the subject and grade level for which the curriculum materials are intended, and have been reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.
- **Curriculum availability:** Following adoption of HB 1525, public domain curriculum materials must be posted online, if the districts maintains a website. Copyrighted curriculum materials must be made available for viewing at a parent’s home campus. Purchase agreements with vendors or publishers must include provisions allowing parents of enrolled students to purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials (applies to purchase agreement entered into, amended, or renewed on or after September 1, 2021.)
- **Parent rights:** Previously, state law provided parents with the right to opt their children out of any sex education lessons without penalty. Following adoption of HB 1525, parents must provide written provision to actively opt their children into sex education classes. This provision is effective for a three-year period from May 31, 2021 to Aug. 1, 2024. Parents must receive extensive notifications of sex education content and schedules.

Statutory Resources:

Texas Education Code, §28.004

House Bill 1525, 87th Legislative Session, 2021

SEX EDUCATION IN TEXAS

CHANGES TO STATE LAW

House Bill 1525 resulted in significant change to sex education statute.



Topic	What's new?
Districts	<ul style="list-style-type: none">• Districts must adopt a policy establishing a process for the adoption of curriculum materials for the school district's human sexuality instruction.• SHACS must hold two public meetings prior to adopting sex education curriculum.• Districts must post public domain curriculum materials online.
SHACs	<ul style="list-style-type: none">• SHACs must post meeting notice 72 hours in advance.• SHACS must post audio or video recording and meeting minutes online following meetings.
Parents	<ul style="list-style-type: none">• Parents must provide written permission to actively opt their children into sex education. This provision is only in place through 2024.• Parents have the right to review sex education curriculum at their student's home campus.• Parents have the right to purchase sex education curriculum from the publisher.