

Texas Legislative Update

Second Special Session September 2, 2021

Here is what did and did not get accomplished by the end of the Texas Legislature Second Special Session (August 7th - Sept. 2, 2021) and upcoming third special session.

Bills passed:

SB 1 - Election integrity bill.

SB 3 - Follow up on Critical Race Theory requiring public schools to make instructional materials available to parents and prohibits them from compelling teachers to discuss controversial issues and certain current events (see further explanation on page two).

SB 4 - Pro-life bill (see further explanation on page two).

SB 6 - Bail reform providing more information and transparency to reporting structure and prohibiting certain violent offenders from being released.

SB 7 - Provides a one-time "13th check" to retirees in the Teacher Retirement System of Texas.

SB 8 - Homestead exemptions can be available when purchasing property and do not have to wait until Jan. 1 of following year.

SB 9 - Public school districts that provide instruction on the prevention of child abuse, family violence, dating violence, and sex-trafficking must meet certain requirements of transparency and guidelines (see further explanation on page two).

SB 12 / SJR 2 - A bill designed to lower property taxes for those over 65 or disabled.

SB 13 - 2022 election cycle dates contingent on whether there is a delay with redistricting.

SB 15 - Allows schools to offer full-time virtual learning programs and receive equivalent attendance funding from the state.

HB 5 - Funding for the legislature, additional money for schools, foster care, cybersecurity and election administration.

HB 7 - Texas prohibiting the disposal or storage of high-level radioactive waste.

HB 9 - Border security funding.

HB 20 - Certain social media platforms cannot censor a person or their viewpoint.

Parental Rights and Education

Family Violence Prevention - SB 9 (Passed) by Senator Huffman (originally Senator West bill): Relating to requiring public schools to provide instruction and materials and adopt policies relating to the prevention of child abuse, family violence and dating violence.

Problems: We have consistently educated on and been opposed to this bill because it would have mandated dating, family violence and child abuse curricula bringing in dangerous comprehensive sex-ed, gender identity, and open interpretations to what defines “healthy relationships” into our schools all without local input, parental oversight and involvement (see this edition of the Sentinel - sbtexas.com).

Important Changes: Amendments were adopted to ensure parental rights and local control, and this legislation passed to require instruction on child abuse, family violence, dating violence and sex trafficking.

After the hard work by many and short of not wanting this bill at all to pass, we ended up seeing everything we had asked for placed in the bill to add several layers of accountability:

1. It puts the process of curriculum approval back into the hands of the local community and parents and reviewed by the Student Health Advisory Councils (SHAC's).
2. Must be in compliance with the Health TEKS and the school board could choose to opt out of providing this instruction entirely if they were to vote in a public meeting to do so.
3. Requires not only parental involvement and notification, but opt-IN instead of opt-Out.
4. These issues would not be in the required curriculum and a parent can choose to opt their child entirely out of instruction just as they would with sex ed.
5. Mandates that schools make curriculum materials available to the parents for review.
6. The district must obtain written consent from the parents for their student to participate as well as provide a detailed written notice about this instruction and include a statement about the parents' rights to review the curriculum materials, right to remove their student from receiving this instruction, and information on the grievance process for violations of this statute.

The implementation of this bill will still have to be monitored on the local and state level, but we are thankful to have these extremely important changes. Our children are falling behind in the core academic subjects such as math, reading and writing. Parents do not need one more thing to monitor in their school districts. Moral instruction should be left to families, churches, and communities.

Prohibiting Critical Race Theory in K-12 (passed) - We supported HB 28 by Steve Toth - Relating to curriculum, materials and activities in public schools prohibiting the teaching of Critical Race Theory (CRT) and establishing the appropriate curricula with constitutional concepts into all Texas Public School curricula, K-12. CRT is being taught and promoted in many school districts across Texas and this bill seeks to prohibit this. HB 28 did not pass, however SB 3 did pass which prohibits the teaching of critical race theory in K-12 in all the disciplines, not just social studies.

Sanctity of Life

SB 4 by Senator Eddie Lucio (passed) - strengthens existing reporting requirements for abortion-related complications and tightens the regulation of drug-induced abortion procedures, providers and facilities; creating a criminal offense. A large number of abortions are performed through chemical inducing drugs and this bill will help to save many lives.

Bills that did NOT pass

Youth Sports – SB 2 by Sen. Perry (did not pass) - Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex. (see more on this here sbtexas.com)

We have supported this bill through the regular 87th session, the first and second special session, all to no avail. However, this is being placed on the Call for the third special session. This bill must include collegiate sports to truly be effective.

Child Gender Modification Ban - (Please see our statement on this important issue - sbtexas.com)

Even though this was not passed in the regular session, nor placed on the first or second special session Call by the Governor, he decided instead to ask the Department of Family and Protective Services if genital mutilation surgery for the purpose of child gender transition is considered child abuse. The director of DFPS confirmed that it is considered child abuse. There are many problems with this response because we know there are supposedly 17 pediatric gender clinics currently in Texas and that surgeries have been performed on children under 18. To date, we do not know of any interventions by DFPS.

Also, the response does not clarify if the steps to transition a child to the opposite gender leading up to surgery such as the usage of puberty blockers and cross-sex hormones, and social transitioning are considered child abuse or not. Representative Bryan Slaton sent a letter to DFPS asking whether other procedures are considered child abuse and DFPS said it was a question for Attorney General Ken Paxton.

We maintain that the Governor and the Texas Legislature still needs to pass a law to fully protect children from all forms of gender transitioning and gender reassignment medical procedures to end the ambiguity once and for all and ensure Texas children are not left to a lifetime of harm and regret.

ACTION: Call Governor Abbott; let him know it is imperative he place this issue on the Third Special Session Call.

Governor Abbott: 512-463-2000

Governor's Chief of Staff: luis.saenz@gov.texas.gov, or call 512-463-1762

Governor's Senior Policy Director: steve.munisteri@gov.texas.gov, or call 512-463-1830

For the third special session starting September 20, 2021

Here are the issues Governor Abbott has chosen thus far; other subjects could be submitted after the session convenes. View issues on gov.texas.gov

1. Redistricting -drawing state and congressional maps for the next election cycle.
2. Appropriations from the American Rescue Plan Act of 2021,
3. Youth Sports disallowing a student from competing in University Interscholastic League athletic competitions designated for the sex opposite to the student's sex at birth (the TERLC still maintains that this bill must include collegiate sports to be more effective),
4. Whether any state or local governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemptions should apply to such mandate,
5. Legislation similar to Senate Bill 474 as passed by 87th Legislature, Regular Session, but that addresses the concerns expressed in the governor's veto statement.

For more info visit sbtexas.com/ethics-religious-liberty/