



House Bill 1057 Would Effectively End Sex Education in Many Texas Public Schools

In a state with one of the highest teen birth rates in the nation, House Bill 1057 – the companion bill to Senate Bill 521 – would **impose unnecessary, bureaucratic and burdensome state mandates** on local school districts that **could effectively end sex education across much of Texas**.

Supporters of HB 1057 claim the bill is only about keeping Planned Parenthood out of sex education. BUT THAT'S NOT TRUE.

- The potential number of school districts subject to HB 1057's mandates regarding outside providers of sex education instruction and materials is huge. About **50 percent of the 677 school districts** responding to a Texas Education Agency survey in 2011 officially **used outside vendors and/or instructional materials for sex education classes**.ⁱ But many teachers in other school districts also do their own research – on the Internet and elsewhere – to obtain outside instructional materials for their sex education classes.

HB 1057 is unnecessary. Current Texas law already explicitly protects parental rights on sex education. Under Senate Bill 283, passed in 2009, school districts are required to inform parents in writing aboutⁱⁱ:

- District policies and instruction on sex education
- The right to keep their children out of any part of sex education classes
- The right to review sex education content, including curriculum materials
- Opportunities for parental involvement in the development of the district's sex education curriculum, including information about participating on the local School Health Advisory Council that advises the district on sex education policies

HB 1057's "opt-in" state mandate imposes substantial bureaucratic burdens that could disrupt or even end sex education altogether in many school districts.

Many districts will simply choose not to offer sex education rather than deal with these new and burdensome state mandates.

- Although current law already gives parents the right to keep their children out of sex education classes, HB 1057 imposes a **new mandate forcing school districts to obtain prior written permission** from parents before a student may participate in classes that use outside providers or instructional materials. Processing thousands of those permission forms each year could require weeks of staff time.
- HB 1057 **bars the request for written parental permission** for sex education classes from being included with any other notification or request for written consent. It also establishes a specific time frame for requesting permission from parents – no later than 14 days prior to the beginning of sex education instruction.

- Just three states have an “opt-in” requirement for sex education. In contrast, the District of Columbia plus 35 states, including Texas, currently have an “opt-out” requirement that gives parents the right to keep their children out of sex education classes if they choose.ⁱⁱⁱ

HB 1057 imposes mandates that would undermine local control.

- By arbitrarily barring school districts from using certain providers of sex education instruction or materials, HB 1057 would take away the authority of local officials, working with parents and other community members, to decide what and how to teach about sex education.
- School districts would be required to investigate, at their own cost, whether potential sex education providers or instructional materials are affiliated in any way with an abortion provider.

Requiring parents to provide written prior consent would almost certainly lower the number of students who participate in sex education classes in Texas – a state that already has one of the highest teen birth rates in the nation.

- “Opt-in” policies make it more likely that students will not participate in sex education classes not because their parents don’t want them to, but because the necessary consent form never reached the parent or was never returned to schools.^{iv}

ⁱ Data on file at the Texas Freedom Network Education Fund.

ⁱⁱ SB 283, passed by the Legislature in 2009:

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=81R&Bill=SB283>

ⁱⁱⁱ “State Policies in Brief,” Guttmacher Institute, March 1, 2013:

http://www.guttmacher.org/statecenter/spibs/spib_SE.pdf

^{iv} “School-Based Sexuality Education: The Issues and the Challenges,” Family Planning Perspectives, Guttmacher Institute, July/August 1998: <http://www.guttmacher.org/pubs/journals/3018898.html>