

**Draft Rule Text to Provide Guidance for Senate Bill (SB) 12 and the Texas Education Agency's (TEAs) adopted procedure for Texas Education Code (TEC), §26.0083:**

*Note: This guidance is effective as of 8/28/2025 and is subject to change.*

*TEA plans to begin the rulemaking process to comply with the requirement in TEC, §26.0083, for the agency to adopt a procedure that school districts and open-enrollment charter schools (school systems) must follow to notify parents of enrolled students of any changes in services to or monitoring of a student related to the student's mental, emotional, or physical health or well-being. Due to the requirement in TEC, §26.0083(g), for parents to be notified of health-related services at the beginning of the school year along with their right to withhold consent for or decline a service, TEA is moving forward with publishing a draft of the potential rule text to assist school systems to comply with the statute. This rule text is only considered to be draft text and may be changed between now and the time it is posted as a proposed rule; public comment will be accepted at the time that it is posted as a proposed rule per the standard rulemaking process.*

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY

SUBCHAPTER BB. COMMISSIONER'S RULES CONCERNING GENERAL PROVISIONS FOR HEALTH AND SAFETY

§103.1105. Procedure Related to Notification to a Student's Parent Regarding the Student's Mental, Emotional, or Physical Health or Well-Being.

(a) This rule reflects the agency's procedure required under Texas Education Code (TEC), Section 26.0083, that school districts and open-enrollment charter schools must follow to notify parents of enrolled students of any changes in services to or monitoring of the student related to the student's mental, emotional, or physical health or well-being.

(b) Definitions. For purposes of this rule, the following definitions shall apply:

(1) "District personnel" includes all employees, as well as volunteers and contractors, utilized by a school district or open-enrollment charter school who interact with students on a regular basis.

(2) "District" includes both a school district and an open-enrollment charter school.

(3) "Services" means psychological or psychiatric treatment as described by TEC Section, 26.009(a-1)(3), which means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group. For purposes of this policy, it also would include planned, systematic use of a method or technique that is designed to affect physical health or well-being beyond what is taught in a course of instruction. Services do not include incidental or in-the-moment methods or techniques used to de-escalate isolated behavioral incidents.

(4) "Monitoring" means planned and recurring observations of a student in one or more areas of mental, emotional, or physical health or well-being. Monitoring does not include incidental or in-the-moment observations or unplanned interactions used to de-escalate isolated behavioral incidents.

(5) "Health-related services", as used in TEC, Section 26.0083(g), physical or mental health-related services as used in TEC, Section 26.009(a-3), and health care services as used in TEC, 26.009(a)(4), are considered to have the same meaning. These would include, but not be limited to, school counseling services; nutrition health and education beyond what is taught through grade-level or course instruction; physical health screenings such as scoliosis and vision; first aid; management of chronic illnesses; mental health screenings; social skills training; stress management; wellness promotion and education; medication administration; opportunities for physical activity; emotional regulation activities; substance abuse prevention; suicide prevention; crisis prevention training; and other services offered in alignment with decisions made by the local school health advisory council.

(6) "Parent" has the same meaning as Texas Family Code (TFC), Section 101.024. The term also includes those standing in parental relation to the student if the person who enrolls the student represents themselves as such. It does not include a parent whose rights have been terminated or whose rights have been modified by court order in relation to parental rights and duties in TFC, Section 151.001, related to decisions regarding education and the right to consent to the student's medical, psychological, and psychiatric treatment.

(c) The parent of an enrolled student has the rights described by TFC, Section 151.001, and TEC, Section 26.001(a), including the right to consent to medical, psychological, and psychiatric treatment and to make decisions regarding the student's education.

(d) Unless otherwise provided by or in accordance with other law, parental rights, as described by TEC, Sections 1.009 and 26.001(c), must not be infringed upon by a district, nor may a district withhold information from a parent regarding their student.

- (e) Before the first instructional day of each school year, a district must provide to the parent of each enrolled student written notice of each health-related service offered in the campus the student attends. The notice must include a statement of the parent's right to withhold consent for or decline a health-related service.
- (f) Unless otherwise provided by a parent, a parent's consent to the provision of health care services, medication, or a medical procedure considered by the district to be routine care and that will be provided by a person authorized by the district to provide physical or mental health-related services will be considered effective until the end of the school year in which the consent was obtained.
- (g) A district must retain written informed consent of a student's parent in the student's education records for any consent sought under TEC, Section 26.009.
- (h) In addition to the written notice provided to a parent at the beginning of the school year as described by subsection (e), any proposed change in services provided to a student related to the student's mental, emotional, or physical health or well-being that a parent has not withheld or declined consent for must be shared with the parent before the change takes place, except in emergencies. The notification must provide that the parent has the right to withhold or decline consent for the proposed service.
- (i) When a district intends to make a change in monitoring of a student related to the student's mental, emotional, or physical health or well-being, the district should notify the student's parent prior to initiating the change. If prior notification is not possible or is not required under other law, the parent must be notified of the monitoring change within three school days unless a different timeline is provided by other law.
- (j) Before administering a student well-being questionnaire or a health screening form to a student enrolled in prekindergarten through grade 12, a copy must be provided to the student's parent. The parent must consent to the administration of the questionnaire or form prior to the student being administered the questionnaire or form.
- (k) Any activity related to the provision of services or monitoring of a student's mental, emotional, or physical health or well-being by a district must reinforce the right of a parent to make decisions regarding the upbringing and control of the parent's child. District personnel must:
  - (1) encourage a student to discuss issues related to the student's well-being with the student's parent; or

(2) facilitate a discussion regarding a student's well-being with the student and the student's parent.

(l) District personnel must not be prohibited by the district from notifying the parent of a student regarding:

(1) information about the student's mental, emotional, or physical health or well-being;  
or

(2) a change in services provided to or monitoring of a student related to the student's mental, emotional, and physical health and well-being.

(m) Any procedure adopted by a district must not:

(1) encourage or have the effect of encouraging a student from withholding information from their parent about the student's mental, emotional, or physical health or well-being;

(2) prevent a parent from accessing education or health records of the student; or

(3) discourage or prohibit parental knowledge of or involvement in critical decisions affecting their child's mental, emotional, or physical health or well-being.

(n) Notification of information under this rule to a student's parent is not required when a reasonably prudent person would believe that disclosure is likely to result in the student suffering abuse or neglect, as defined by TFC, Section 261.001.

(o) Nothing in this rule alters the requirement to report child abuse or neglect under TFC, Chapter 261, or an investigation of a report of abuse or neglect under that chapter.

(p) Prior parental consent is not required for district personnel to inquire about a student's daily or general well-being.