



## **FAQ on the SHAC and the Adoption of Instructional Materials**

*Published online in [TASB School Law eSource](#)*

### **1. What is the SHAC?**

In Texas, the School Health Advisory Council (SHAC) is the committee that the board of trustees of each school district must appoint to assist the district in ensuring that local community values are reflected in the district's health education instruction.

The board of trustees must appoint at least five members to the SHAC. The majority of the SHAC must consist of parents of students enrolled in the district who are not also district employees. One of the parent members must serve as chair or co-chair of the council. The board of trustees may also appoint one or more persons from various community groups, including: classroom teachers; certified school counselors; administrators; students; health care professionals licensed or certified to practice in Texas, including medical or mental health professionals; the business community; law enforcement; senior citizens; the clergy; nonprofit health organizations; and local domestic violence programs. Tex. Educ. Code § 28.004(d). The SHAC is required to meet at least four times each year. Tex. Educ. Code § 28.004(d-1).

### **2. What does the SHAC do?**

The SHAC is responsible for making policy recommendations to the board on a wide variety of issues regarding student health in district programming and curriculum, including: the number of hours of instruction to be provided in health education; appropriate policies, procedures, strategies, and curriculum to prevent physical and mental health concerns, including obesity, Type 2 diabetes, and suicide; strategies for integrating health curriculum components in a coordinated school health program for the district; if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies; and strategies to increase parental awareness regarding risky student behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders. Tex. Educ. Code § 28.004(c).

Notably, the SHAC is also responsible for making recommendations to the board regarding appropriate grade levels and methods of instruction for human sexuality instruction and for instruction on child abuse, family violence, dating violence, and sex trafficking. Tex. Educ. Code § 28.004(c)(3), (c)(8).

**3. Do school districts in Texas have to offer sex ed?**

Not exactly. A school district board of trustees may decide to provide instruction on human sexuality, in consultation with the SHAC, but the specific course is not required as part of the state curriculum. However, in 2020, the State Board of Education (SBOE) updated the state health curriculum, amending standards to the Texas Essential Knowledge and Skills (TEKS) that include age-appropriate instruction on sexual and reproductive health in certain grades.

Although districts do not have to offer a course on human sexuality, the state health curriculum is required enrichment curriculum. Therefore, districts must offer health instruction that aligns with the TEKS. However, not every school district requires high school students to complete health credits for graduation. Tex. Educ. Code § 28.002(a)(2)(B).

Districts must receive written parental permission before providing human sexuality instruction to a student and may provide sex education to male and female students separately. In addition, Texas Education Code section 28.004 requires such instruction to emphasize abstinence and prohibits distributing condoms.

**4. Do school districts have to offer instruction on child abuse, family violence, dating violence, and sex trafficking?**

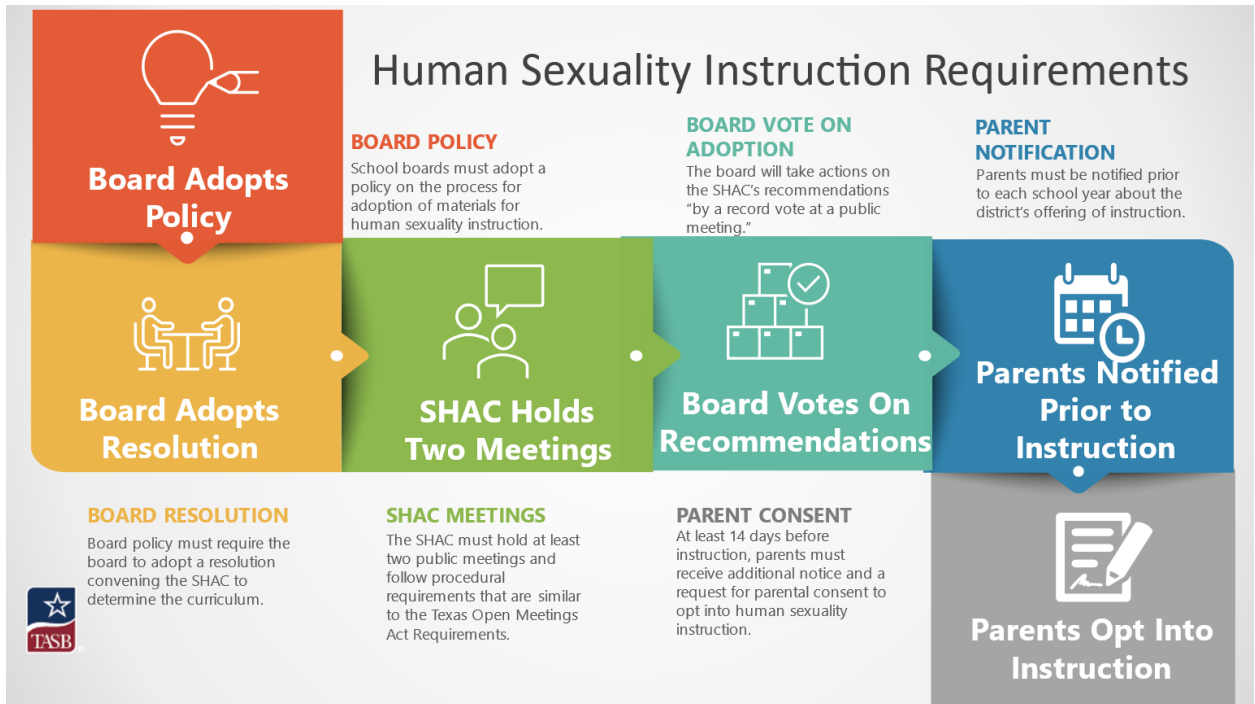
While districts do not have to offer a special course or program on abuse, districts must offer the required health instruction, which includes TEKS on abuse and neglect. For example, the fifth grade health TEKS require students to explain the impact of abuse and neglect and the importance of reporting. 19 Tex. Admin. Code § 115.7.

**5. What is the process for adopting materials regarding the SHAC and human sexuality instruction?**

School boards must adopt a policy on the process for adoption of materials for human sexuality instruction. The policy must require at least two public meetings of the SHAC. The policy must also require the board to adopt a resolution convening the SHAC to determine curriculum for human sexuality instruction.

The SHAC public meetings have procedural requirements that are similar to the requirements for board meetings under the Texas Open Meetings Act (OMA). Similar to meeting requirements under the OMA, the SHAC must now post notice of each meeting 72 hours in advance on a bulletin board in the district's central administrative office and on the district's website. The SHAC must also keep minutes of its meetings along with an audio or video recording, all of which is to be posted on the district's website. Tex. Educ. Code § 28.004(d-1).

After the public meetings, the SHAC will make recommendations to the board. The board will take actions on the recommendations “by a record vote at a public meeting.” Tex. Educ. Code § 28.004(e-1). The board must ensure that the curriculum materials are: 1) based on advice from the SHAC; 2) suitable for the subject and grade level; and 3) reviewed by academic experts in the subject and grade level. Tex. Educ. Code § 28.004(e-3).



**6. What is the process for parent notification and parent consent before a student receives instruction on human sexuality?**

Under Texas Education Code section 28.004, school districts must provide written notice to parents before each school year of the board of trustees’ decision regarding whether the district will provide human sexuality instruction to students. If instruction will be provided, the notice must include a statement informing the parent of the instructional requirements under state law and a “detailed description” of the content of the instruction to be provided and a general schedule for its provision. The notice must also include a statement of the parent’s rights to review and/or purchase curriculum materials, to remove the student from any part of the district’s human sexuality instruction without penalty, and to use the local grievance process or TEA complaint procedures to complain about a violation of this law. The notice must also include a statement that any portion of the district’s human sexuality curriculum that is in the public domain (i.e., non-copyrighted) must be posted on the district’s website. Schools must also notify parents about how they can get involved in the development of the curriculum. Tex. Educ. Code § 28.004(i).

Under prior law, a parent had the right to opt a student out of human sexuality instruction. After House Bill 1525 (2021), schools must obtain written parental consent before providing human sexuality instruction to a student. A district's request for parental consent may not be included with any other notification or request, other than the notice about human sexuality instruction. The notice must be provided to the parents at least 14 days before instruction is to begin. Tex. Educ. Code § 28.004(i-2). The law defines "human sexuality instruction" to include instruction in reproductive health. Tex. Educ. Code § 28.004(p)(2).

**7. What is the process for adopting curriculum and instruction materials for child abuse, family violence, dating violence, and sex trafficking?**

The process for adopting instruction on child abuse, family violence, dating violence, and sex trafficking is very similar to the process for adopting curriculum and instruction on human sexuality. The school board must adopt a policy on the adoption of curriculum materials. The board must adopt a resolution convening the SHAC for the purpose of making recommendations to the board. The SHAC must hold two public meetings and provide recommendations to the board. Tex. Educ. Code § 28.004(q-1). The board must ensure that the curriculum materials are: 1) based on advice from the SHAC; 2) suitable for the subject and grade level; and 3) reviewed by academic experts in the subject and grade level. Tex. Educ. Code § 28.004(q-3).

**8. What is the process for parent notification and parent consent before a student receives instruction on child abuse, family violence, dating violence, and sex trafficking?**

The process for parent notification and consent is also similar to the process required for human sexuality instruction. The district must provide written notice of the instruction, which includes items specified by law, including the parent's right to review or purchase the materials and to remove their student from instruction. Tex. Educ. Code § 28.004 (q-5). The district must also obtain written parental consent before providing a student with instruction on child abuse, family violence, dating violence, and sex trafficking. Tex. Educ. Code § 28.004 (q-6).

**9. How must a district make the curriculum materials available?**

Curriculum materials that are not copyrighted must be made available to the parents by mail or email upon request. The materials must also be posted to the district's website. If the curriculum materials are copyrighted, the district must allow parent to review the materials at the student's campus at any time during regular business hours. The parent may also purchase a copy of the curriculum materials from the publisher or review the materials online in a secure format. Tex. Educ. Code § 28.004(j)-(j-2), (q-2).

**10. Where can I get more information or resources?**

The Texas Department of State Health Services (DSHS) has created a [School Health Advisory Council website](#) with information about how to start, run, and maintain a SHAC. The Texas Education Agency (TEA) also maintains [School Health Advisory Council \(SHAC\) Frequently Asked Questions](#). In addition, TASB Policy Service provides a sample board resolution to convene a SHAC and a sample parent consent form for human sexuality instruction in the TASB Regulations Resource Manual. For more information on the legal requirements for instructional materials, see TASB Policy EHAA(LEGAL).

This document is continually updated at [tasb.org/services/legal-services/tasb-school-law-source/students/documents/faq-on-shac-and-adoption-inst-materials.pdf](https://tasb.org/services/legal-services/tasb-school-law-source/students/documents/faq-on-shac-and-adoption-inst-materials.pdf). For more information on school law topics, visit TASB School Law eSource at [schoollawesource.tasb.org](https://schoollawesource.tasb.org).

*This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.*

*Published May 2022*