**Senate Education Committee**

**Testimony re. HB 163**

**March 29, 2023**

Chair Creighton and Honorable Committee Members,

My name is Jen Biundo, I am the Senior Director of Policy and Research for Healthy Futures of Texas, testifying on Senate Bill 163.

Healthy Futures of Texas is a statewide non-profit, non-partisan organization with a focus on improving adolescent health outcomes, especially as it relates to reducing high rates of unintended teen pregnancies in the state of Texas. The need for this work is significant. Texas maintains the 9th highest teen birth rate in the nation, with a child born to a teen mother once every 25 minutes.

As you’ve heard here today, SB 163 would make permanent the parent consent requirements for sexual health instruction that were implemented in the 87th Legislative Session.

To be very clear, Healthy Futures of Texas supports the rights of parents to make any and all decisions on behalf of their child, including removing them from sensitive instruction or environments in which they do not wish their child to participate.

While we are testifying neutrally on the opt-in vs. opt-out provision today, we do want to share some preliminary data from a forthcoming research study from the University of Texas Health Science Center at Houston – School of Public Health, which found widely varying rates of return for permission slips once this change in law was enacted following last session. A very large percentage of parents who returned forms did indeed grant permission for their child to participate in this instruction, but many forms simply were not returned altogether. Among school district stakeholders, 81% of respondents surveyed viewed the opt-in policy as a barrier to the receipt of sexual health and abuse prevention education, and also report that the administrative burden to comply with statute is significant.

We think a critical part of parental choice is making sure we’re making it as easy as possible for parents to participate in their child’s education. As such, Healthy Futures of Texas respectfully urges this committee to consider small, technical changes to the existing statute that this bill touches, that would maintain the integrity of the opt-in provision of the bill, while removing red tape and administrative barriers. We think these changes would ensure that parents are receiving forms in a timely manner and able to make the most informed decisions about their child’s health education instruction.

**Our recommended changes to existing statute touched by this legislation include the following:**

First, existing statute states that a sexual health instruction consent form may not be sent out with any other documents. Texas law also requires written parent consent for any instruction on the prevention of child abuse, family violence, dating violence, or sex trafficking. This means that not only do each of the forms have to go out separately from any other forms, permission slips for sex education and abuse prevention cannot go out together. We recommend amending the statute to allow permission slips to go out with other documents. At minimum, we would urge including language that allowed these two forms to go out together, as Health Education courses typically address sexual health and abuse prevention within the same course. We think these changes would make it more likely that parents see the permission slips and make an informed decision that is right for their family.

Second, allowing for more flexibility in the timing of the required parent notification letter. This letter provides valuable information to parents, and we support its use, but the requirement that it go out prior to the start of the school year means that if a district has not completed the lengthy curriculum adoption process by August, they cannot legally teach sex ed or abuse prevention in that entire school year. We suggest requiring the letter to go out at least one month prior to instruction.

Texas is the only state in the nation requiring consent for abuse prevention instruction. However, child abuse prevention advocates have flagged the concern that parents who are abusing or sexually exploiting their children are not likely to give permission for them to learn about abuse. According to the U.S. Administration for Children & Families, Child Maltreatment 2020 Report, in substantiated child abuse or neglect cases, 77% of children were victimized by a parent. Healthy Futures would support reversing the opt-in requirement for abuse prevention, while maintaining the opt-in provision for sexual health education.

Finally, our stakeholders in the child welfare space have shared concerns that youth in the foster system are missing out on this important instruction because of the opt in requirement. Given the enormous rates of teen pregnancy, dating violence, and commercial sexual exploitation that these youth experience, we urge lawmakers to consider an opt out requirement for systems-involved youth.

Thank you for your time today, and I’m happy to answer any questions.