

September 2025

Parental Rights Under Texas Education Code (TEC), Sections 26.001(d)(4), 26.0083, and 26.009

1. Where can we find the agency-developed information that school districts must share with parents of enrolled students at the time of enrollment and at the beginning of each school year on parental rights and options, including their right to withhold consent for or exempt their child from certain activities and instruction, as required by TEC, §26.001(d)(4)?

The [form](#) is located on the Texas Education Agency's (TEAs) 89th session [webpage](#). Each district must post this form in a prominent location on the district's website.

2. Where do I find the new requirements established by TEC, 26.0083, in relation to reinforcing parental rights around a student's health?

For the specific actions required of school systems by this new section added by SB 12, see [EDUCATION CODE CHAPTER 26. PARENTAL RIGHTS AND RESPONSIBILITIES](#).

3. Where do I find the changes to TEC, §26.009, regarding parental consent that would be required prior to a child's participation in certain activities?

TEC, 26.009, was amended by SB 12, which can be found here: [EDUCATION CODE CHAPTER 26. PARENTAL RIGHTS AND RESPONSIBILITIES](#).

4. May a school system establish an all opt-out (assumed or passive consent) or all opt-in (active informed consent) process for health-related and health-care services?

No. TEC, §26.0083, relies on parental notification of certain services with a specific notice of their right to withhold consent for or decline a service – with the exception of a well-being questionnaire or health screening form, which requires prior parental consent before administering – whereas TEC §26.009 requires active informed consent. In either case, the statutes are not written to allow a school system to require an all-opt-out or all-opt-in approach to services. See subsection (n) in the agency's [draft rule text](#).

5. Does prior parental consent have to be provided for first aid??

TEC, §26.0083(g), requires notification to a parent of each health-related service available at the campus the child attends. The notice requires a statement that the parent has a right to withhold consent for or decline a health-related service, but it does not require prior active consent of a parent. Therefore, first aid as a health-related service should be provided unless a parent has specifically notified the district of their choice to decline this service. Once a parent has been initially notified that first aid is a health-related service offered as necessary by the district and the district does not receive specific notice of the desire to opt their child out of the service, additional notifications to a parent prior to administering first aid are not necessary.

6. Where do we find TEA's adopted procedure for school systems to notify parents regarding any change in services provided to or monitoring of a student related to the student's mental, emotional, or physical health or well-being, as required by TEC, §26.0083(a)?

TEA will engage in the state rulemaking process to adopt this procedure. In the meantime, the agency has posted a [draft of its proposed rules](#) describing this procedure. This draft has been updated as of September 8, 2025, and is subject to change until it is adopted through that process.

7. Can our staff provide general caretaking (e.g., offering a change of clothing if necessary because of illness, assisting with cleaning up spills or other accidents, feeling a child's forehead, checking for swollen throat, applying or handing out band aids, helping wipe a bloody nose, etc.) without an active parental consent on file?

Yes. General caretaking is not considered a health-related service or a health-care service subject to SB 12. See subsections (b)(11) and (m) in the agency's [draft rule text](#).

8. Do we have to contact the parent during or after every visit to the nurse their child makes?

Nursing staff should follow district, state health, and licensing protocols to contact parents when there is a health issue that would require a child to go home from school or when the nurse feels the parent should make a decision about whether they wish to pick up the child from school. If a student visits the nurse for the administration of first aid and the parent has not previously notified the district that they opt their child out of this service, parental notification is not required prior to administering it. If the nurse provides general caretaking, as illustrated with examples above, notification is not necessary. A nurse should use their best professional judgement as to whether notification is necessary after the visit.

9. Can I allow a student to pet a school therapy dog without advanced consent forms signed by a parent?

In many but not all cases, use of a therapy dog would be considered a health-related service rather than a health-care service. School districts will need to evaluate when a service or activity meets the definition of those described in TEC, §26.009, that would require parental consent prior to providing it to a student. Health-related services do not require prior consent. If the specific use of a therapy dog is consistent with a medical health-care usage or psychological services, then prior consent is required.