



Physicians Caring for Texans

March 18, 2021

RE: SB 442, relating to local school health advisory councils and health education provided by school districts, including requirements regarding human sexuality instruction.

Dear Chairmen Taylor and Hughes,

My name is Debra Patt, MD, and I am an oncologist in Austin. I am also chair of the Texas Medical Association's (TMA's) Council on Legislation. I write to you today representing TMA, an organization of more than 55,000 physician and medical student members.

Thank you for your attention to the important role of school health advisory councils (SHACs). We appreciate the effort to increase transparency in their work in Senate Bill 442, however we are concerned that there may be unintended consequences of defining these groups of community volunteers as a "governmental body" under Section 551.001(3), Government Code. Volunteers who agree to take on the important work related to many parts of health curricula, not just sexuality, in the Texas Education Code, would become subject to open records statutes.

For the current and future SHAC members suggested in statute (e.g., physicians and health care professions, members of the clergy, and law enforcement professionals), participation on the SHACs could open their personal communication devices, messages, email and correspondence to public view. We are concerned that might become a barrier to recruiting knowledgeable volunteers to ensure the full community participation needed to complete the important work of the SHAC. We ask that you consider alternate strategies for providing school and community members with information related to the transparency of the operations of their SHAC.

Senators Taylor and Hughes, thank you for your consideration of this letter. If you have any questions, please do not hesitate to contact Troy Alexander, Director, Legislative Affairs at troy.alexander@texmed.org or (512) 871-9997.

Sincerely,

Debra Patt, MD
Chair, Council on Legislation
Texas Medical Association