



Physicians Caring for Texans

April 28, 2021

The Honorable Stephanie Klick
Texas House of Representatives
Committee on Public Health

RE: HB 3872, Relating to local school health advisory councils and health education provided by school districts, including requirements regarding human sexuality instruction.

Dear Chair Klick and committee members:

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 interest in the health of schoolchildren across Texas. TMA especially supports the volunteer efforts that fulfill the important role of school health advisory councils (SHACs). We wish to express concern with the filed version of House Bill 3872 by Rep. Harold Dutton.

We appreciate the effort to increase transparency in the work of these groups of community volunteers; however, we are concerned there may be unintended consequences of defining them 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 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 professionals, members of the clergy, and law enforcement professionals), participation on the SHACs could open their personal communication devices, email, messages, and correspondence to public view. We are concerned this might become a barrier to recruiting knowledgeable *volunteers* to ensure the full community participation needed to complete the 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.

We ask that you consider the **alternate strategy of language already adopted by the Senate in HB 3872's companion bill, Senate Bill 442 by Sen. Bryan Hughes**. That bill provides school and community members with information related to the transparency of the operations of their SHAC.

Chair Klick and committee members, thank you for your consideration of this letter. If you have any questions, please do not hesitate to contact Troy Alexander, director, TMA Legislative Affairs, at troy.alexander@texmed.org or (512) 871-9997.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra Patt", written over a light gray rectangular background.

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