

By: Swanson, Klick, Hefner, Morrison, Noble

H.B. No. 25

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring public school students to compete in
3 interscholastic athletic competitions based on biological sex.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The legislature finds that:

6 (1) historically, boys participate in interscholastic
7 athletics at a higher rate than girls, and a noticeable disparity
8 continues between the athletic participation rates of students who
9 are girls and students who are boys in University Interscholastic
10 League member schools;

11 (2) courts have recognized a legitimate and important
12 governmental interest in redressing past discrimination against
13 girls in athletics on the basis of sex and promoting equality of
14 athletic opportunity between the sexes under Title IX of the
15 Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.), a
16 federal civil rights statute; and

17 (3) courts have recognized that classification by sex
18 is the only feasible classification to promote the governmental
19 interest of providing for interscholastic athletic opportunities
20 for girls.

21 SECTION 2. The purpose of this Act is to further the
22 governmental interest of ensuring that sufficient interscholastic
23 athletic opportunities remain available for girls to remedy past
24 discrimination on the basis of sex.

1 SECTION 3. Subchapter D, Chapter 33, Education Code, is
2 amended by adding Section 33.0834 to read as follows:

3 Sec. 33.0834. INTERSCHOLASTIC ATHLETIC COMPETITION BASED
4 ON BIOLOGICAL SEX. (a) Except as provided by Subsection (b), an
5 interscholastic athletic team sponsored or authorized by a school
6 district or open-enrollment charter school may not allow a student
7 to compete in an interscholastic athletic competition sponsored or
8 authorized by the district or school that is designated for the
9 biological sex opposite to the student's biological sex as
10 correctly stated on:

11 (1) the student's official birth certificate, as
12 described by Subsection (c); or

13 (2) if the student's official birth certificate
14 described by Subdivision (1) is unobtainable, another government
15 record.

16 (b) An interscholastic athletic team described by
17 Subsection (a) may allow a female student to compete in an
18 interscholastic athletic competition that is designated for male
19 students if a corresponding interscholastic athletic competition
20 designated for female students is not offered or available.

21 (c) For purposes of this section, a statement of a student's
22 biological sex on the student's official birth certificate is
23 considered to have correctly stated the student's biological sex
24 only if the statement was:

25 (1) entered at or near the time of the student's birth;

26 or

27 (2) modified to correct a clerical error in the

1 student's biological sex.

2 (d) The University Interscholastic League shall adopt rules
3 to implement this section, provided that the rules must be approved
4 by the commissioner in accordance with Section 33.083(b).

5 SECTION 4. This Act applies to any interscholastic athletic
6 competition sponsored or authorized by a school district or
7 open-enrollment charter school that occurs on or after the
8 effective date of this Act.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect on the 91st day after the last day of the
14 legislative session.