

By: Leach

H.B. No. 4580

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting the denial of public benefits for certain
3 students enrolled in a private school operated by a religious
4 organization or providing religious instruction.

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

6 SECTION 1. Chapter 1, Education Code, is amended by adding
7 Section 1.0021 to read as follows:

8 Sec. 1.0021. DENIAL OF PUBLIC BENEFIT PROHIBITED. (a) In
9 this section, "private school" has the meaning assigned by Section
10 5.001.

11 (b) Notwithstanding any provision of state or federal law to
12 the contrary and in accordance with *Carson v. Makin*, 142 S. Ct. 1987
13 (2022), a public benefit provided under Title 2 of this code that is
14 made available to a student enrolled in a private school may not be
15 denied by the state, a political subdivision of the state, a state
16 agency, or any educational institution solely because that private
17 school is operated by a religious institution or otherwise provides
18 a religious curriculum or a religion-based course of instruction.

19 SECTION 2. This Act takes effect September 1, 2023.