

By: Harrison

H.B. No. 120

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting public institutions of higher education from offering programs or courses in LGBTQ or DEI studies.

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

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.988 to read as follows:

Sec. 51.988. PROHIBITION ON LGBTQ or DEI STUDIES PROGRAMS AND COURSES. (a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

(3) "Male" means a person belonging, at conception, to the sex that produces the small reproductive cell.

(4) "Female" means a person belonging, at conception, to the sex that produces the large reproductive cell.

(b) An institution of higher education may not offer a certificate or degree program, including any major or minor, or course in lesbian, gay, bisexual, transgender, or queer studies.

(c) All certificate or degree programs, including any major or minor, or courses, at an institute of higher education must comply with the biological reality that there are only two sexes, male and female, and these sexes are not changeable.

(d) An institution of higher education may not offer a

1 certificate or degree program, including any major or minor, or  
2 course, in diversity, equity, and inclusion, including but not  
3 limited to, promoting differential treatment of individuals on the  
4 basis of race, color, or ethnicity.

5 (e) The state auditor shall conduct a compliance audit of  
6 each institution of higher education every year to determine  
7 whether the institution has spent state money in violation of this  
8 section.

9 (f) If the state auditor determines pursuant to a compliance  
10 audit conducted under Subsection (e) that an institution of higher  
11 education has spent money in violation of this section, the  
12 institution may not receive state funding until the institution  
13 complies with this section.

14 (g) A student of an institution of higher education who is  
15 required to participate in a certificate or degree program,  
16 including any major or minor, or course in violation of this section  
17 may bring an action against the institution for injunctive or  
18 declaratory relief.

19 (h) If an institution of higher education determines that an  
20 employee of the institution has violated this section, the  
21 institution shall:

22 (1) take the following action against the employee:

23 (A) for the first violation, place the employee  
24 on unpaid leave for the next academic year; or

25 (B) for the second or a subsequent violation,  
26 discharge the employee; and

27 (2) report the determination and the action taken by

1 the institution to the coordinating board.

2 (i) The coordinating board shall maintain and provide to  
3 each institution of higher education a list of persons against whom  
4 action has been taken under Subsection (h).

5 (j) An institution of higher education may not hire an  
6 employee who is included on the coordinating board's list  
7 maintained under Subsection (i) before:

8 (1) if the employee was placed on unpaid leave under  
9 Subsection (h)(1)(A), the end of the academic year for which the  
10 employee is placed on unpaid leave; or

11 (2) if the employee was discharged under Subsection  
12 (h)(1)(B), the fifth anniversary of the date on which the employee  
13 was discharged.

14 SECTION 2. This Act applies beginning with the 2026-2027  
15 academic year.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect on the 91st day after the last day of the  
21 legislative session.