87S10162 KJE-D

By:  Swanson H.B. No. 179

A BILL TO BE ENTITLED

AN ACT

relating to the separation based on biological sex of athletics teams sponsored by a public school or institution of higher education.

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

SECTION 1.  Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0815 to read as follows:

Sec. 33.0815.  SEPARATION OF ATHLETICS TEAMS BASED ON BIOLOGICAL SEX. (a) Each interscholastic, intramural, or other extracurricular athletic team sponsored by a school district or open-enrollment charter school shall be designated for participation by:

(1)  only students of the same biological sex; or

(2)  students of both biological sexes.

(b)  A biologically male student may not participate in an athletic team described by Subsection (a) that is designated for participation by only biologically female students.

(c)  The University Interscholastic League, a state agency, or a political subdivision of the state may not take adverse action against a school district or open-enrollment charter school for complying with this section.

(d)  A student may bring an action for relief as provided by Subsection (f) if the student is:

(1)  deprived of an athletic opportunity or suffers harm as a result of a violation of this section by a school district or open-enrollment charter school; or

(2)  subject to retaliation or other adverse action by a school district or open-enrollment charter school or the University Interscholastic League as a result of reporting a violation of this section.

(e)  A school district or open-enrollment charter school may bring an action for relief as provided by Subsection (f) if the district or school suffers harm as a result of a violation of this section by the University Interscholastic League, a state agency, or a political subdivision of the state.

(f)  A student, school district, or open-enrollment charter school that brings an action for relief under this section may receive:

(1)  injunctive relief to compel the applicable entity to comply with this section;

(2)  compensatory damages; and

(3)  court costs and reasonable attorney's fees.

(g)  An action under this section must be brought not later than two years after the date on which the conduct giving rise to the action is alleged to have occurred.

SECTION 2.  Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.980 to read as follows:

Sec. 51.980.  SEPARATION OF ATHLETICS TEAMS BASED ON BIOLOGICAL SEX. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b)  Each interscholastic, intramural, or other extracurricular athletic team sponsored by an institution of higher education shall be designated for participation by:

(1)  only students of the same biological sex; or

(2)  students of both biological sexes.

(c)  A biologically male student may not participate in an athletic team described by Subsection (b) that is designated for participation by only biologically female students.

(d)  A state agency or political subdivision of the state may not take adverse action against an institution of higher education for complying with this section.

(e)  A student may bring an action for relief as provided by Subsection (g) if the student is:

(1)  deprived of an athletic opportunity or suffers harm as a result of a violation of this section by an institution of higher education; or

(2)  subject to retaliation or other adverse action by an institution of higher education as a result of reporting a violation of this section.

(f)  An institution of higher education may bring an action for relief as provided by Subsection (g) if the institution suffers harm as a result of a violation of this section by a state agency or political subdivision of the state.

(g)  A student or institution of higher education that brings an action for relief under this section may receive:

(1)  injunctive relief to compel the applicable entity to comply with this section;

(2)  compensatory damages; and

(3)  court costs and reasonable attorney's fees.

(h)  An action under this section must be brought not later than two years after the date on which the conduct giving rise to the action is alleged to have occurred.

SECTION 3.  (a) Section 33.0815, Education Code, as added by this Act, applies beginning with the 2021-2022 school year.

(b)  Section 51.980, Education Code, as added by this Act, applies beginning with the 2021-2022 academic year.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.