

## **BILL ANALYSIS**

C.S.S.B. 29  
By: Perry  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the participation of students in University Interscholastic League competitions designated for the opposite sex. There have been calls to prohibit an interscholastic athletic team sponsored or authorized by a public school district or open-enrollment charter school from allowing a student to compete in a competition that is designated for the sex opposite to the student's sex at birth. C.S.S.B. 29 seeks to address this issue by prohibiting the participation of students in interscholastic athletic competitions designated for the opposite sex. The bill also provides for an applicable study.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the University Interscholastic League in SECTION 1 of this bill.

### **ANALYSIS**

C.S.S.B. 29 amends the Education Code to prohibit an interscholastic athletic team sponsored or authorized by a public school district or open-enrollment charter school from allowing a student to compete in an interscholastic athletic competition sponsored or authorized by the district or school that is designated for the sex opposite to the student's sex as correctly stated on the student's official birth certificate or, if unobtainable, another government record. The bill authorizes a team to allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

C.S.S.B. 29 requires the University Interscholastic League (UIL) to conduct a study to determine if allowing a student to participate in an interscholastic athletic competition that is sponsored or authorized by a district or charter school and is designated for the sex opposite to the student's sex does the following:

- causes disruptions among the student's interscholastic athletic team; or
- restricts opportunities for students of the sex for which the competition is designated.

The bill requires the UIL, not later than December 1, 2026, to submit to the legislature a report on the results of the study and any recommendations for legislative or other action.

C.S.S.B. 29 requires the UIL to adopt rules to implement the bill's provisions, provided that the rules must be approved by the commissioner of education. The bill's provisions apply beginning with the 2021-2022 school year and expire September 1, 2027.

## **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

## **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 29 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute replaces references in the engrossed to "biological sex" with "sex." The substitute does not include provisions present in the engrossed establishing that a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct a clerical error in the student's biological sex.

The substitute includes the following provisions, which were absent in the engrossed:

- a requirement for the UIL to conduct a study to determine if allowing a student to participate in an interscholastic athletic competition that is designated for the opposite sex causes disruptions among the student's interscholastic athletic team or restricts opportunities for students of the sex for which the competition is designated;
- a requirement for the UIL, not later than December 1, 2026, to submit to the legislature a report on the results of the study and any recommendations for legislative or other action; and
- a provision setting the bill's provisions to expire September 1, 2027.