

By: White

H.B. No. 3455

A BILL TO BE ENTITLED

AN ACT

relating to separation of students based on gender for athletics teams sponsored or authorized by a public school.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Sections 33.0815 and 33.0821 to read as follows:

Sec. 33.0815. SEPARATION OF ATHLETICS TEAMS BASED ON GENDER. (a) In this section, "athletic team" means an interscholastic, intramural, or other extracurricular athletic team.

(b) A school district or open-enrollment charter school may not sponsor or authorize an athletic team for cross-country, golf, swimming, tennis, track-and-field, or wrestling that is designated for participation by both male and female students.

(c) Except as provided by Subsection (d), an athletic team sponsored or authorized by a school district or open-enrollment charter school may not allow a student to participate in an athletic activity sponsored or authorized by the district or school that is designated for the gender opposite to the student's gender.

(d) An athletic team may allow a female student to participate in:

(1) a basketball or soccer athletic activity designated for male students, if a corresponding basketball or soccer athletic activity designated for female students is not

1 offered;

2 (2) a football athletic activity designated for
3 middle, junior high, or high school students; or

4 (3) a baseball athletic activity, if the student is
5 not participating in any softball athletic activities designated
6 for female students during the same time period.

7 (e) An athletic team for team tennis designated for
8 participation by both male and female students that is sponsored or
9 authorized by a school district or open-enrollment charter school
10 may not permit male students to qualify for positions on the team
11 designated for female students or female students to qualify for
12 positions on the team designated for male students.

13 (f) An athletic team for wrestling that is sponsored by a
14 school district or open-enrollment charter school may not permit
15 male students to compete against female students in an athletic
16 activity held in this state or in any other state in which both
17 athletic teams designated for male students and athletic teams
18 designated for female students are sponsored or authorized.

19 (g) For purposes of this section, a student's gender is
20 determined based on the gender identified on the student's birth
21 certificate or, if the student's birth certificate is unavailable,
22 a similar government document, as determined by commissioner rule.

23 Sec. 33.0821. NONDISCRIMINATION POLICY FOR ATHLETICS.
24 Except as provided by Section 33.0815, an interscholastic,
25 intramural, or other extracurricular athletic team sponsored or
26 authorized by a school district or open-enrollment charter school
27 may not discriminate on the basis of disability, race, color,

1 national origin, gender, or religion in holding tryouts for or
2 selecting students to participate on the team.

3 SECTION 2. This Act applies beginning with the 2021-2022
4 school year.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2021.