

By: Schatzline

H.B. No. 4534

A BILL TO BE ENTITLED

AN ACT

relating to a policy prohibiting public school employees from assisting a student with social transitioning and to the loss of state funding for a violation by a public school.

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

SECTION 1. Chapter 11, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED

Sec. 11.401. SCHOOL DISTRICT POLICY: ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED. (a) In this subchapter, "social transitioning" means a person's transition from the gender identity associated with the person's biological sex assigned at birth to an alternative gender identity through the adoption of a different name, different pronouns, or other expressions of gender, including clothing and hairstyles, that are:

(1) typically associated with the biological sex opposite of the person's biological sex assigned at birth; and

(2) intended to communicate the person's alternative gender identity.

(b) The board of trustees of a school district shall adopt a policy prohibiting an employee of the district from assisting a student enrolled in the district with social transitioning, including by providing any information about social transitioning or providing guidelines intended to assist a person with social

1 transitioning.

2 (c) A parent of a student enrolled in the district or a
3 district employee may report to the board of trustees of the
4 district a suspected violation of the policy adopted under
5 Subsection (b). The board shall investigate any suspected
6 violation and determine whether the violation occurred. If the
7 board determines that a district employee has assisted a student
8 enrolled at the district with social transitioning, the board shall
9 immediately report the violation to the commissioner.

10 (d) If the commissioner finds on an appeal under Section
11 7.057 that a school district has violated this section, or if the
12 board of trustees of a district notifies the commissioner about a
13 violation of the district's policy adopted under Subsection (b),
14 notwithstanding any other law, the commissioner shall withhold the
15 funding to which the district is entitled under Chapters 46, 48, and
16 49 for the school year during which the violation occurred. The
17 commissioner may adjust the district's entitlement to funding under
18 those chapters for subsequent school years as necessary to recover
19 any state funding already paid to the district for the school year
20 in which the violation occurred.

21 SECTION 2. Section 12.104, Education Code, is amended by
22 adding Subsection (b-5) to read as follows:

23 (b-5) Section 11.401 applies to an open-enrollment charter
24 school as though the governing body of the school were the board of
25 trustees of a school district.

26 SECTION 3. This Act applies beginning with the 2023-2024
27 school year.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.