

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 Z, 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.

H.B. No.

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

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

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

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

H.B. No.

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

(1) take the following action against the employee:

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

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

(2) report the determination and the action taken by the institution to the coordinating board.

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

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

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

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

SECTION 2. This Act applies beginning with the 2026-2027

academic year.

H.B. No.

SECTION 3. 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.