**BILL ANALYSIS**

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| Senate Research Center | S.B. 326 |
|  | By: King |
|  | Education K-16 |
|  | 6/2/2025 |
|  | Enrolled |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In response to an increase in antisemitic incidents across our nation and in our state, the legislature passed H.B. 3257 during the 87th Regular Session to adopt the International Holocaust Remembrance Alliance's (IHRA's) definition of antisemitism, which is widely used by the international community.

The purpose of H.B. 3257 was to define antisemitism, so that we may better identify and combat acts of antisemitism in our communities.

More recently, since the Hamas terrorist attack of October 2023, incidents of antisemitism have increased in our schools and on campuses of higher education across our state. Legislation is needed to ensure that all Texas schools are utilizing available tools to identify and combat antisemitism.

S.B. 326 would require schools to consider the definition of antisemitism—already adopted by the legislature in H.B. 3257 and codified in the Texas Government Code—when determining whether a student's code of conduct violation was motivated by antisemitism.

The Texas Education Code currently requires all Texas public schools (K4-College and open enrollment charter schools) to have student codes of conduct. However, schools are not required to consider the definition of antisemitism when determining whether a student's code of conduct violation was motivated by antisemitism.

Consequently, acts of antisemitism that occur in Texas schools may go unidentified.

S.B. 326 solves this problem by requiring a school district, open-enrollment charter school, or institution of higher education to consider the definition of antisemitism, already codified in Texas Government Code Section 448.001, when determining whether a student's code of conduct violation was motivated by antisemitism.

Texas Government Code Section 448.001 defines "antisemitism" as a certain perception of Jews that may be expressed as hatred toward Jews. This includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities.

This definition also includes examples of antisemitic acts to help identify antisemitism in schools.

Committee Substitute:

The committee substitute amends the phrase "shall consider" to "shall use" on page 2, line 1 to clarify that a school must use the definition of antisemitism in determining whether a student's code of conduct violation was motivated by antisemitism.

C.S.S.B. 326 amends current law relating to the procedure for determining whether a student's violation of a public school's or public institution of higher education's student code of conduct was motivated by antisemitism

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**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0095, as follows:

Sec. 37.0095. ANTISEMITISM: DISCIPLINARY ACTION. Requires a school district or open-enrollment charter school, in taking disciplinary action against a student for behavior that violates the student code of conduct adopted under Section 37.001 (Student Code of Conduct) and that may reasonably be determined to have been motivated by antisemitism, to use the definition of antisemitism provided by Section 448.001 (Definitions), Government Code, including the examples referenced in that term, in determining whether the student's behavior was motivated by antisemitism.

SECTION 2. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9791, as follows:

Sec. 51.9791. ANTISEMITISM: DISCIPLINARY ACTION. (a) Defines "institution of higher education."

(b) Requires an institution of higher education, in taking disciplinary action against a student for behavior that violates the student code of conduct and that may reasonably be determined to have been motivated by antisemitism, to use the definition of antisemitism provided by Section 448.001, Government Code, including the examples referenced in that term, in determining whether the student's behavior was motivated by antisemitism.

SECTION 3. Provides that it is the intent of the legislature that this legislation not be used to punish speech protected by the First Amendment to the United States Constitution or Section 8 (Freedom of Speech and Press; Libel), Article I (Bill of Rights), Texas Constitution, that is engaged in by a student enrolled at a school district, open-enrollment charter school, or public institution of higher education unless the speech is accompanied by actions that violate the district's, school's, or institution's student code of conduct.

SECTION 4. (a) Provides that Section 37.0095, Education Code, as added by this Act, applies beginning with the 2025–2026 school year.

(b) Provides that Section 51.9791, Education Code, as added by this Act, applies beginning with the 2025–2026 academic year.

SECTION 5. Effective date: upon passage or September 1, 2025.