By:  Gerdes H.B. No. 54

A BILL TO BE ENTITLED

AN ACT

relating to the display of and allowance for non-human behaviors in Texas schools.

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

SECTION 1.  This bill may be referred to as the Forbidding Unlawful Representation of Roleplaying in Educational Spaces or F.U.R.R.I.E.S. Act.

SECTION 2.  Section 31.007, Education Code, is amended by amending Subsections (a) and (b) to read as follows:

(a)  The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1)  specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, disciplinary alternative education program, or vehicle owned or operated by the district;

(2)  specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3)  outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4)  specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A)  self-defense;

(B)  intent or lack of intent at the time the student engaged in the conduct;

(C)  a student's disciplinary history;

(D)  a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(E)  a student's status in the conservatorship of the Department of Family and Protective Services; or

(F)  a student's status as a student who is homeless;

(5)  provide guidelines for setting the length of a term of:

(A)  a removal under Section 37.006; and

(B)  an expulsion under Section 37.007;

(6)  address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7)  prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions;

(8)  provide, as appropriate for students at each grade level, methods, including options, for:

(A)  managing students in the classroom, on school grounds, and on a vehicle owned or operated by the district;

(B)  disciplining students; and

(C)  preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists; [~~and~~]

(9)  include an explanation of the provisions regarding refusal of entry to or ejection from district property under Section 37.105, including the appeal process established under Section 37.105(h); and

(10)  prohibit any non-human behavior by a student, including presenting himself or herself, on days other than exempt days, as anything other than a human being.

(b)  In this section:

(1)  "Bullying" has the meaning assigned by Section 37.0832.

(2)  "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

(3)  "Hit list" means a list of people targeted to be harmed, using:

(A)  a firearm, as defined by Section 46.01(3), Penal Code;

(B)  a knife, as defined by Section 46.01(7), Penal Code; or

(C)  any other object to be used with intent to cause bodily harm.

(4)  "Student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

(5)  "Exempt day" means:

(A)  Halloween, or any singular school day within one calendar week of Halloween, as designated by the school district or school campus as a "Halloween Day";

(B)  school dress-up or activity days on which students are encouraged to wear costumes and garments that are otherwise different from the district or school's normally accepted dress code, provided that:

(i)  there are not more than five such days in a school year;

(ii)  the theme is based on an era in human history, a specific holiday, or a specific school event; and

(iii)  the theme of the day is not solely or primarily related to the history or celebration of a biological or artificial species other than homo sapiens; and

(C)  a day that the student must rehearse, perform, or attend an event that would otherwise require the student to dress in costume if the student is a school mascot or is involved in district funded or sponsored theatre organization.

(6)  "Non-Human Behavior" means any type of behavior or accessory displayed by a student in a school district other than behaviors or accessories typically displayed by a member of the homo sapiens species including:

(A)  using a litter box for the passing of stool, urine, or other human byproducts;

(B)  a personal or outward display, except during a school play or by a school mascot, through surgical or superficial means of features that are non-human such as:

(i)  tails;

(ii)  leashes, collars, other accessories designed for pets;

(iii)  fur, other than naturally occurring human hair or a wig made to look like human hair;

(iv)  artificial, animal-like ears; or

(v)  other physiological features that have not historically been assigned to the homo sapiens species through a means of natural biological development;

(C)  barking, meowing, hissing, or other animal noises that are not human speech; and

(D)  licking oneself or others for the purpose of grooming or maintenance.

(7)  "Human being" means a biological entity that belongs to the species homo sapien.

SECTION 3.  Section 37.002, Education Code, is amended by adding Subsection (f) to read as follows:

(f)  Limiting a student to engaging only in human behaviors is not a violation of this section.

SECTION 4.  Subchapter Z, Chapter 25, Education Code, is amended by adding Section 29.905 to read as follows:

Sec. 25.905.  PROHIBITION ON CERTAIN NON-HUMAN ACTIVITIES AND BEHAVIORS. (a) "Exempt day" and "Human being" have the definitions provided in Section 37.001.

(b)  A student has an obligation to learn, grow, and advance as a human child. A student may not, during school hours, a planned district activity, or on school property:

(1)  engage in any non-human behaviors as defined by Chapter 37.001 (6) Education Code; or

(2)  present himself or herself, on days other than exempt days, as anything other than a human being.

(c)  A student or group of students may not create an organization under Subchapter E, Chapter 25, Education Code, for the purposes of circumventing the regulations in this chapter unless the organization is federally recognized.

SECTION 5.  Subdivision 261.001(1), Family Code, is amended to read as follows:

(1)  "Abuse" includes the following acts or omissions by a person:

(A)  mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning, including, in an education setting, allowing or encouraging the child to develop a dependance on or a belief that non-human behaviors are societally acceptable;

(B)  causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C)  physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D)  failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E)  sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F)  failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G)  compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H)  causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I)  the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J)  causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K)  causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(L)  knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M)  forcing or coercing a child to enter into a marriage.

SECTION 6.  Section 26.011, Education Code, is amended by adding Subsections (c), (d), (e), and (f) to read as follows:

(c)  A complainant who has a reasonable belief that a school or school district or an employee of the school or school district is committing a violation of Section 29.9051 or Section 21.0031(g), Education Code, or Section 21.006(1), Education Code if the violation is covered by Section 261.001(A), Family Code, may also choose to file a complaint with the attorney general.

(d)  If the attorney general determines that a school district, or an employee of the district named in a complaint received under Subsection (c) is violating this chapter, the attorney general may file a petition for a writ of mandamus to compel the governmental entity to comply with this chapter.

(e)  A mandamus action under Subsection (d) must be filed in:

(1)  the county in which the school or school district is primarily located in; or

(2)  Travis County if the school or school district is an entity primarily operated by a statewide organization.

(f)  If the attorney general finds an educator, education administrator, school support staff, or a contractor who operates for the school district in a role similar to a an educator, education administrator, or school support staff in violation of 21.0031(g) Education Code, or 21.006(1) Education Code if the violation is covered by Section 261.001(A) Family Code, the attorney general may levy a fine against the district not to exceed $10,000 for a first violation or $25,000 for any subsequent violations.

SECTION 7.  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 September 1, 2025.