

By: Leo Wilson

H.B. No. 2102

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting discrimination and conduct motivated by antisemitism by public schools and institutions of higher education and providing antisemitism awareness training and instruction at those schools and institutions.

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

SECTION 1. Chapter 1, Education Code, is amended by adding Sections 1.009 and 1.012 to read as follows:

Sec. 1.009. PROHIBITED DISCRIMINATION. (a) In this section:

(1) "Antisemitism" has the meaning assigned by Section 448.001, Government Code, including the examples referenced in that term. The term does not include criticism of Israel that is similar to criticism of any other country.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(3) "Public elementary or secondary school" means a school district and a district, campus, program, or school operating under a charter under Chapter 12.

(b) This section may not be construed to:

(1) diminish or infringe on any right protected under the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution; or

(2) conflict with federal, state, or local

1 discrimination laws.

2 (c) Notwithstanding any other law and subject to Subsection
3 (d), a public elementary or secondary school or institution of
4 higher education may not discriminate against a person on the basis
5 of race, ethnicity, national origin, gender, disability, religion,
6 or marital status. Discrimination prohibited under this subsection
7 includes discrimination affecting a person's:

- 8 (1) admission to a program or course;
9 (2) participation in a program or activity;
10 (3) access to guidance or counseling services;
11 (4) access to financial assistance or any other
12 opportunity or benefit; or
13 (5) employment, including employment conditions and
14 practices.

15 (d) This section does not affect the provision of programs
16 designed to meet the needs of emergent bilingual students, as
17 defined by Section 29.052, gifted and talented students, students
18 with disabilities, or other students who require specialized
19 education services.

20 (e) For purposes of this section, discrimination motivated
21 by antisemitism is considered discrimination motivated by race.

22 (f) The Texas Education Agency shall monitor each public
23 elementary or secondary school to ensure that the school complies
24 with this section and Sections 22.906 and 37.0095. The Texas Higher
25 Education Coordinating Board shall monitor each institution of
26 higher education to ensure that the institution complies with this
27 section and Section 51.9791.

1 Sec. 1.012. ANTISEMITISM AWARENESS TRAINING AND
2 INSTRUCTION. (a) In this section:

3 (1) "Antisemitism" and "public elementary or
4 secondary school" have the meanings assigned by Section 1.009.

5 (2) "Institution of higher education" has the meaning
6 assigned by Section 61.003.

7 (b) A public elementary or secondary school or institution
8 of higher education may provide:

9 (1) antisemitism awareness training to students,
10 faculty, administrators, and law enforcement officers of the school
11 or institution; and

12 (2) instruction to enrolled students for Jewish
13 American Heritage Month to improve understanding of historical and
14 modern Jewish experiences in the United States.

15 SECTION 2. Subchapter 2, Chapter 22, Education Code, is
16 amended by adding Section 22.906 to read as follows:

17 Sec. 22.906. ANTISEMITISM: DISCIPLINARY ACTION. (a) In
18 taking disciplinary action against an employee for behavior that
19 violates the district's or school's employee code of conduct and
20 that may reasonably be determined to have been motivated by
21 antisemitism, a school district or open-enrollment charter school
22 shall consider the definition of antisemitism provided by Section
23 448.001, Government Code, including the examples referenced in that
24 term, as instructive in determining whether the employee's behavior
25 was motivated by antisemitism.

26 (b) A school district or open-enrollment charter school
27 that determines an employee's violation of the district's or

1 school's employee code of conduct was motivated by antisemitism
2 shall take the same disciplinary action against the employee as the
3 district or school would take against the employee for a violation
4 motivated by racism.

5 SECTION 3. Subchapter A, Chapter 37, Education Code, is
6 amended by adding Section 37.0095 to read as follows:

7 Sec. 37.0095. ANTISEMITISM: DISCIPLINARY ACTION. (a) In
8 taking disciplinary action against a student for behavior that
9 violates the student code of conduct adopted under Section 37.001
10 and that may reasonably be determined to have been motivated by
11 antisemitism, a school district or open-enrollment charter school
12 shall consider the definition of antisemitism provided by Section
13 448.001, Government Code, including the examples referenced in that
14 term, as instructive in determining whether the student's behavior
15 was motivated by antisemitism.

16 (b) A school district or open-enrollment charter school
17 that determines a student's violation of the student code of
18 conduct adopted under Section 37.001 was motivated by antisemitism
19 shall take the same disciplinary action against the student as the
20 district or school would take against the student for a violation
21 motivated by racism.

22 SECTION 4. Subchapter 2, Chapter 51, Education Code, is
23 amended by adding Section 51.9791 to read as follows:

24 Sec. 51.9791. ANTISEMITISM: DISCIPLINARY ACTION. (a) In
25 this section, "institution of higher education" has the meaning
26 assigned by Section 61.003.

27 (b) In taking disciplinary action against a student for

behavior that violates the institution's student code of conduct or an employee for behavior that violates the institution's employee code of conduct and that may reasonably be determined to have been motivated by antisemitism, an institution of higher education shall consider the definition of antisemitism provided by Section 448.001, Government Code, including the examples referenced in that term, as instructive in determining whether the student's or employee's behavior was motivated by antisemitism.

(c) An institution of higher education that determines a student's or employee's violation of the institution's student or employee code of conduct, as applicable, was motivated by antisemitism shall take the same disciplinary action against the student or employee as the institution would take against the student or employee for a violation motivated by racism.

SECTION 5. (a) Sections 22.906 and 37.0095, Education Code, as added by this Act, apply beginning with the 2025-2026 school year.

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

SECTION 6. 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.