

By: Schatzline

H.B. No. 4040

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting diversity, equity, and inclusion practices at school districts; authorizing an administrative penalty.

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

SECTION 1. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.005 to read as follows:

Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION PRACTICES. (a) In this section, "diversity, equity, and inclusion practices" means:

(1) influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;

(2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

(3) developing or implementing policies, procedures, or training programs that reference race, color, ethnicity, gender identity, or sexual orientation except as necessary to comply with state or federal law; and

(4) compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

(b) A school district shall promote a colorblind

1 meritocracy to ensure equal service and support for all students,
2 regardless of race, ethnicity, religion, or nationality.

3 (c) A school district may not:

4 (1) use state or local money to pay for, or contract
5 with a third party for, a department or program that uses diversity,
6 equity, and inclusion practices;

7 (2) contract with a vendor to provide training in or
8 services or programs for diversity, equity, and inclusion
9 practices;

10 (3) promote an event, meeting, or club that favors
11 persons of one race over persons of another race;

12 (4) provide professional development training for
13 teachers, parents, students, or public stakeholders on diversity,
14 equity, and inclusion practices;

15 (5) host a field trip to an event or meeting that
16 promotes racially exclusive rhetoric;

17 (6) provide financial support to a student-led
18 organization, club, or association that excludes participants
19 based on race or ethnicity;

20 (7) give preferential treatment in disciplinary
21 practices or procedures to a student based on the student's race or
22 ethnicity;

23 (8) create or use a curriculum based on diversity,
24 equity, and inclusion practices;

25 (9) discriminate against a person of a certain race
26 for actions committed by the person's ancestor;

27 (10) create or promote a scholarship that favors

1 students of one race over students of another race; or

2 (11) use restorative justice practices.

3 (d) The board of trustees of a school district may not adopt
4 a policy or resolution that supports diversity, equity, and
5 inclusion practices.

6 (e) A member of the board of trustees of a school district or
7 an employee of the district may not attend, in the person's capacity
8 as a member or employee, a conference that promotes or teaches
9 diversity, equity, and inclusion practices.

10 (f) If the commissioner determines that a school district
11 violated this section:

12 (1) the district may not receive state money for the
13 state fiscal year following the state fiscal year in which the
14 district violated this section; and

15 (2) the agency shall assess an administrative penalty
16 against the district in an amount not to exceed \$1,000,000.

17 (g) The attorney general may bring an action for injunctive
18 relief against a school district or a member of the board of
19 trustees or employee of the district to compel the district,
20 member, or employee to comply with this section.

21 (h) The commissioner may adopt rules as necessary to enforce
22 this section.

23 SECTION 2. Section 37.0013(a), Education Code, is amended
24 to read as follows:

25 (a) Each school district and open-enrollment charter school
26 may develop and implement a program, in consultation with campus
27 behavior coordinators employed by the district or school and

1 representatives of a regional education service center, that
2 provides a disciplinary alternative for a student enrolled in a
3 grade level below grade three who engages in conduct described by
4 Section 37.005(a) and is not subject to Section 37.005(c). The
5 program must:

- 6 (1) be age-appropriate and research-based;
- 7 (2) provide models for positive behavior;
- 8 (3) promote a positive school environment;
- 9 (4) provide alternative disciplinary courses of
10 action that do not rely on the use of in-school suspension,
11 out-of-school suspension, or placement in a disciplinary
12 alternative education program to manage student behavior; and
- 13 (5) provide behavior management strategies,
14 including:
 - 15 (A) positive behavioral intervention and
16 support;
 - 17 (B) trauma-informed practices;
 - 18 (C) social and emotional learning; and
 - 19 (D) a referral for services, as necessary[~~, and~~
 - 20 [~~(E) restorative practices~~].

21 SECTION 3. Section 48.115(b), Education Code, is amended to
22 read as follows:

23 (b) Funds allocated under this section must be used to
24 improve school safety and security, including costs associated
25 with:

- 26 (1) securing school facilities in accordance with the
27 requirements of Section 37.351, including:

1 (A) improvements to school infrastructure;

2 (B) the use or installation of perimeter security
3 fencing conducive to a public school learning environment or
4 physical barriers, which may not include razor wire;

5 (C) exterior door and window safety and security
6 upgrades, including exterior door numbering and locking systems and
7 security film that provides resistance to a forced entry; and

8 (D) the purchase and maintenance of:

9 (i) security cameras and, if the district
10 has already installed security cameras, other security equipment,
11 including video surveillance as provided by Section [29.022](#); and

12 (ii) technology, including communications
13 systems or devices, such as silent panic alert devices, two-way
14 radios, or wireless Internet booster equipment, that facilitates
15 communication and information sharing between students, school
16 personnel, and first responders in an emergency;

17 (2) providing security for the district, including:

18 (A) employing school district peace officers,
19 private security officers, and school marshals; and

20 (B) collaborating with local law enforcement
21 agencies, such as entering into a memorandum of understanding for
22 the assignment of school resource officers to schools in the
23 district;

24 (3) school safety and security measures, including:

25 (A) active shooter and emergency response
26 training;

27 (B) prevention and treatment programs relating

1 to addressing adverse childhood experiences; and

2 (C) the prevention, identification, and
3 management of emergencies and threats, using evidence-based,
4 effective prevention practices and including:

5 (i) providing licensed counselors, social
6 workers, and chaplains [~~and individuals trained in restorative~~
7 ~~discipline and restorative justice practices~~];

8 (ii) providing mental health personnel and
9 support, including chaplains;

10 (iii) providing behavioral health
11 services, including services provided by chaplains;

12 (iv) establishing threat reporting
13 systems; and

14 (v) developing and implementing programs
15 focused on [~~restorative justice practices,~~] culturally relevant
16 instruction [~~7~~] and providing mental health support, including
17 support provided by chaplains;

18 (4) providing programs related to suicide prevention,
19 intervention, and postvention, including programs provided by
20 chaplains; and

21 (5) employing a school safety director and other
22 personnel to manage and monitor school safety initiatives and the
23 implementation of school safety requirements for the district.

24 SECTION 4. Section [1701.262\(c\)](#), Occupations Code, is
25 amended to read as follows:

26 (c) The curriculum developed under this section must
27 incorporate learning objectives regarding:

- 1 (1) child and adolescent development and psychology;
- 2 (2) positive behavioral interventions and supports
- 3 and~~[7]~~ conflict resolution techniques~~[7, and restorative justice~~
- 4 ~~techniques]~~;
- 5 (3) de-escalation techniques and techniques for
- 6 limiting the use of force, including the use of physical,
- 7 mechanical, and chemical restraints;
- 8 (4) the mental and behavioral health needs of children
- 9 with disabilities or special needs; and
- 10 (5) mental health crisis intervention.

11 SECTION 5. This Act applies beginning with the 2025-2026
12 school year.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2025.