

By: Swanson, Klick, Hefner, Morrison, Noble,
et al.

H.B. No. 25

A BILL TO BE ENTITLED
AN ACT

relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.

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

SECTION 1. The legislature finds that:

(1) historically, boys participate in interscholastic athletics at a higher rate than girls, and a noticeable disparity continues between the athletic participation rates of students who are girls and students who are boys in University Interscholastic League member schools;

(2) courts have recognized a legitimate and important governmental interest in redressing past discrimination against girls in athletics on the basis of sex and promoting equality of athletic opportunity between the sexes under Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.), a federal civil rights statute; and

(3) courts have recognized that classification by sex is the only feasible classification to promote the governmental interest of providing for interscholastic athletic opportunities for girls.

SECTION 2. The purpose of this Act is to further the governmental interest of ensuring that sufficient interscholastic athletic opportunities remain available for girls to remedy past discrimination on the basis of sex.

SECTION 3. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0834 to read as follows:

Sec. 33.0834. INTERSCHOLASTIC ATHLETIC COMPETITION BASED ON BIOLOGICAL SEX. (a) In this section, "biological sex" means the physical condition of being male or female as determined by the sex organs, chromosomes, and endogenous profile of the individual at birth.

(b) Except as provided by Subsection (c), an interscholastic athletic team sponsored or authorized by a school district or open-enrollment charter school may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district or school that is designated for the biological sex opposite to the student's biological sex as correctly stated on:

(1) the student's official birth certificate, as described by Subsection (d); or

(2) if the student's official birth certificate described by Subdivision (1) is unobtainable, another government record.

(c) An interscholastic athletic team described by Subsection (b) may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

(d) For purposes of this section, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was:

(1) entered at or near the time of the student's birth; or

(2) modified to correct any type of scrivener or clerical error in the student's biological sex.

(e) The University Interscholastic League shall adopt rules to implement this section, provided that the rules must be approved

by the commissioner in accordance with Section 33.083(b). The rules must ensure compliance with state and federal law regarding the confidentiality of student medical information, including Chapter 181, Health and Safety Code, and the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

SECTION 4. This Act applies to any interscholastic athletic competition sponsored or authorized by a school district or open-enrollment charter school that occurs on or after the effective date of this Act.

SECTION 5. 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.