

SUBJECT: Prohibiting competition in UIL athletic events designated for opposite sex

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Dutton, Lozano, Allison, K. Bell, Buckley, Huberty, K. King, VanDeaver

5 nays — Allen, Bernal, M. González, Meza, Talarico

SENATE VOTE: On final passage, April 15 — 18-12 (Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini)

WITNESSES: None.

BACKGROUND: The University Interscholastic League Constitution and Contest Rules sec. 360 separate certain athletic programs by gender and specify that gender is determined based on a student's birth certificate, or other government document if a birth certificate is unavailable.

DIGEST: CSSB 29 would prohibit an interscholastic athletic team sponsored or authorized by a school district or open-enrollment charter school from allowing a student to compete in an interscholastic athletic competition sponsored or authorized by the district or school that was designated for the sex opposite to the student's sex as correctly stated on:

- the student's official birth certificate; or
- another government record, if the student's official birth certificate was unobtainable.

An interscholastic team could allow a female student to compete in an interscholastic athletic competition that was designated for male students if a corresponding competition designated for female students was not offered or available.

The University Interscholastic League (UIL) would have to conduct a

study to determine if allowing a student to participate in an interscholastic athletic competition sponsored or authorized by a school district or charter school designated for the sex opposite to the student's sex:

- caused disruptions among the student's interscholastic athletic team; or
- restricted opportunities for students of the sex for which the competition was designated.

By December 1, 2026, UIL would have to submit to the Legislature a report on the results of the study and any recommendations for legislative or other action.

UIL would have to adopt rules to implement the bill and the rules would have to be approved by the commissioner of education in accordance with existing law.

CSSB 29 would apply beginning with the 2021-2022 school year and would expire September 1, 2027.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSSB 29 would promote safety and fairness in school sports by specifying that a student only could compete in an interscholastic athletic event designated for the student's sex as assigned at birth. This would protect the ability of girls to excel in their chosen sport by ensuring they had ample opportunities for fair athletic competition.

Concerns have been raised that allowing students to participate in sports events contrary to their sex at birth puts other athletes at a competitive disadvantage due to physiological differences between males and females. The bill would remedy this problem by ensuring that students could only compete in interscholastic sports events sponsored or authorized by a

school if that event was designated for the sex matching what was listed on a student's birth certificate.

The bill would not prevent anyone from participating in school sports, as long as they competed with others of the same sex.

CRITICS
SAY:

CSSB 29 would negatively impact transgender children in Texas schools wishing to compete in interscholastic athletics by specifically prohibiting them from competing in events designated for the gender with which they identified. Sports can be critical to the physical, mental, and emotional well-being of children, and all children should have the right to participate in these activities. Rather than protecting Texas children, the bill could place them at risk of bullying by requiring transgender children who wanted to compete in sports to compete with other students who did not match their gender identity.

The bill also would open the state up to potential adverse economic and legal consequences. If passed, CSSB 29 likely would face significant legal challenges that would require state funds to litigate and could prompt the withdrawal of businesses and large planned events from Texas.

NOTES:

The House companion bill, HB 4042 by Hefner, was considered by the House Public Education Committee in a public hearing on April 20 and left pending.