

SENATE BILL 12 (2025): WHAT SCHOOL EMPLOYEES NEED TO KNOW

Current Status: Blocked in three school districts as our lawsuit challenging it continues.

Senate Bill 12 (passed in 2025) is a sprawling, discriminatory, and partially unconstitutional law that includes a ban on all activities and programs that mention race, ethnicity, gender identity, or sexual orientation in Texas public schools, including charter schools. It is one of the most extreme education bans in the country and seeks to bar any instruction on gender identity or sexual orientation — mirroring Florida’s “Don’t Say Gay” law.

S.B. 12 bans Gender and Sexuality Alliances (GSAs) and other clubs supportive of LGBTQIA+ students across the state. Moreover, the law discriminates against transgender students by prohibiting school employees from “assisting” a student’s social transition, including by providing “any information” about social transitioning. Additionally, S.B. 12 imposes other requirements on school districts and makes Texas schools less welcoming and more hostile for many students, parents, and teachers.

The American Civil Liberties Union of Texas, Transgender Law Center, and Baker McKenzie have filed a lawsuit challenging the constitutionality and lawfulness of four key provisions of S.B. 12. The case was brought on behalf of the Genders and Sexualities Alliance (GSA) Network, Students Engaged in Advancing Texas (SEAT), the Texas American Federation of Teachers (Texas AFT), a teacher, and two students and their parents against Mike Morath, in an official capacity as the Commissioner of the Texas Education Agency (TEA), Houston ISD, Katy ISD, and Plano ISD.

On February 20, 2026, the court issued a preliminary injunction blocking Houston ISD, Katy ISD, and Plano ISD from implementing S.B. 12’s challenged provisions during the pendency of this case. The court issued an opinion explaining its reasoning. While the plaintiffs asked the court to block enforcement of S.B. 12’s challenged provisions statewide, the district court found that the TEA Commissioner had not yet taken action to enforce this law and dismissed him for now as a defendant. The current preliminary injunction therefore only applies to Houston ISD, Katy ISD, and Plano ISD, although the court advised that all school districts in Texas “remain obligated to comply first and foremost with federal law, even when doing so requires disregarding contrary state directives.”

In this fact sheet, you will learn about the four challenged provisions that are currently blocked in Houston, Katy, and Plano ISDs.

S.B. 12'S BAN ON DIVERSITY, EQUITY, AND INCLUSION PROGRAMS IN K-12 SCHOOLS

This law prohibits school employees, contractors, and volunteers from “engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district.”

- S.B. 12 defines these duties to include “developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation.”
- Although this section is not supposed to apply to the curriculum, commemorative months and holidays, and student clubs, it has been used to silence critical discussions of race, color, ethnicity, gender identity, and sexual orientation in schools.

S.B. 12'S PROHIBITION ON INSTRUCTION OR GUIDANCE ON GENDER IDENTITY OR SEXUAL ORIENTATION

- S.B. 12 prohibits school districts and charter schools from providing or allowing third parties to provide “instruction, guidance, activities, or programming regarding sexual orientation or gender identity to students enrolled in prekindergarten through 12th grade.”
- Because the terms “instruction, guidance, activities, [and] programming” are undefined, this law essentially censors any mention of gender identity or sexual orientation in schools, including during extracurricular activities and field trips.

S.B. 12'S RESTRICTION ON SCHOOL EMPLOYEES' ABILITY TO SUPPORT TRANSGENDER STUDENTS

- S.B. 12 prohibits any school employee from “assisting a student enrolled in the district with social transitioning, including by providing any information about social transitioning.”
- The law defines “social transitioning” as “a person’s transition from the person’s biological sex at birth to the opposite biological sex through the adoption of a different name, different pronouns, or other expressions of gender.”
- Importantly, the law does not prohibit teachers and other school employees from simply using transgender students’ gender-affirming names and pronouns — especially if the student’s parents request it. But because the prohibition on “assisting” a student’s transition is so broad and undefined, many school districts have interpreted it to create a much more hostile environment for transgender students in Texas schools.

S.B. 12'S PROHIBITION ON LGBTQIA+ STUDENT GROUPS

- The law bars school districts from authorizing any student club “based on sexual orientation or gender identity.” This violates the First Amendment and Equal Access Act, which prohibit government entities from discriminating against student organizations based on viewpoint.

S.B. 12 ALSO IMPOSES OTHER REQUIREMENTS NOT AT ISSUE IN THE CURRENT LAWSUIT

For example, the law tells school districts to “notify the parent of a student enrolled in the district regarding any change in services provided to or monitoring of the student related to the student’s mental, emotional, or physical health or well-being.”

Importantly, the law does “not require the disclosure of information to a parent if a reasonably prudent person would believe the disclosure is likely to result in the student suffering abuse or neglect.”

- Thus, school employees who learn that a student is LGBTQIA+ but do not know if that student’s parents are supportive should not disclose that information, since it could result in the student suffering abuse or neglect.

DOES S.B. 12 VIOLATE MY CONSTITUTIONAL RIGHTS AS A SCHOOL EMPLOYEE?

Each of these four challenged aspects of S.B. 12 likely interfere with your rights as a school employee. Each of the provisions outlined above is impermissibly vague and fails to give adequate guidance as to what is prohibited under the law.

These aspects of S.B. 12 also likely infringe on educators’ free speech rights. The Supreme Court recently reiterated in *Kennedy v. Bremerton School District* that the First Amendment may protect government employees’ speech when they speak “as a citizen addressing a matter of public concern” and not “pursuant to official duties.” 597 U.S. 507, 528 (2022).

Thus, while your school district or charter school can control the speech of government employees while exercising their official duties (such as how a teacher engages in classroom instruction), S.B. 12’s restrictions may violate the First Amendment when applied to speech on matters of public concern outside of these duties.

- For example, the Social Transition Ban and Don’t Say LGBTQ+ Ban on their face are not limited to a government employee’s official duties or even the school itself. And if a teacher attends an LGBTQ+ Pride event in their own personal capacity on the weekend and wants to “assist” a transgender student, the enforcement of S.B. 12 against them would likely violate the teacher’s First Amendment rights.
- School districts cannot restrict speech outside of your official duties on a matter of public concern unless their legitimate interest in prohibiting that speech (such as the need to ensure student confidentiality) outweighs your interest in engaging in it.

WHAT SHOULD I DO IF S.B. 12 IS ENFORCED AGAINST ME OR OTHERS AT MY SCHOOL?

- While the four challenged provisions of S.B. 12 are currently blocked in Houston, Katy, and Plano ISDs, those districts should not be prohibiting any programs, instruction, clubs, or guidance relating to race, gender identity, and sexual orientation. If you learn of any potential issues in these districts or enforcement related to S.B. 12, please contact us right away.
- Although the law is now in effect in every school district beyond Houston, Katy, and Plano ISDs, our lawsuit against this law is continuing and please contact us if S.B. 12 is harming you anywhere in the state.

Seek legal help:

If you are impacted by S.B. 12 or if your school is implementing any aspects of this law, please reach out to us at intake.aclutx.org. You may also contact Texas AFT at info@texasaft.org.

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