

FACT SHEET



SB 12: STUDENT IDENTITY CENSORSHIP LAW

How this law impacts Black, Brown, LGBTQIA+ students, educators, and others

Senate Bill 12 is a sprawling, discriminatory, and 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.

The law also bars any instruction on gender identity or sexual orientation, mirroring Florida's "Don't Say Gay" law, and it bans all Gender and Sexuality Alliances (GSAs) across the state. Moreover, SB 12 discriminates against transgender students by prohibiting school employees from "assisting" a student's social transition, including by providing "any information" about social transitioning. This law also requires parental permission for any student in pre-kindergarten through twelfth grade to participate in any school club or sexual education. SB 12 also imposes other requirements on school districts and makes Texas schools less welcoming and more hostile for many students, parents, and teachers.

The ACLU of Texas [has announced](#) that we are planning to sue alongside Students Engaged in Advancing Texas (SEAT) and others to block unconstitutional aspects of this law before it goes into effect on September 1. Anyone impacted by this should reach out to us at intake.aclutx.org.

SB 12 BANS DIVERSITY, EQUITY, AND INCLUSION PROGRAMS IN K-12 SCHOOLS

- This law prohibits school district employees, contractors, and volunteers from "engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district."
 - SB 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 most curriculum and student clubs, it largely silences any mention of race, color, ethnicity, gender identity, and sexual orientation in schools.
- SB 12 also prohibits K-12 schools from allowing race, sex, color, or ethnicity to influence employment practices and using diversity statements in the hiring process.

SB 12 PROHIBITS INSTRUCTION OR GUIDANCE ON GENDER IDENTITY OR SEXUAL ORIENTATION

- Echoing Florida's widely condemned "Don't Say Gay" law, SB 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 silences any mention of gender identity or sexual orientation in schools, including during extracurricular activities and field trips.

SB 12 IMPEDES SCHOOL EMPLOYEES’ ABILITY TO SUPPORT TRANSGENDER STUDENTS

- This law 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 may create a much more hostile environment for transgender students in Texas schools.

SB 12 PROHIBITS GENDER AND SEXUALITY ALLIANCES AND REQUIRES PARENTAL CONSENT FOR ALL STUDENT ACTIVITIES

- 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.
- SB 12 also requires parental permission for students who participate in any student club, which could be incredibly burdensome for students, parents, and schools.

SB 12 REQUIRES PARENTAL NOTIFICATION FOR ANY CHANGE IN STUDENT MONITORING, BUT DOES NOT AUTHORIZE THE “OUTING” OF LGBTQIA+ STUDENTS

- This law instructs 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 does 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.

If you or your family are impacted by these bills, please reach out to us at intake.aclutx.org.