



January, 2022

## A RESOURCE FOR TRANSGENDER STUDENTS, THEIR FAMILIES, AND SUPPORTERS

As of January 18, 2022, HB 25 has gone into effect here in Texas. This discriminatory and harmful law seeks to prohibit transgender students from participating in sports as their true and authentic selves. Last year, thousands of Texans spoke up in support of transgender young people that live, thrive, and belong here in Texas. Despite this testimony from countless supporters of transgender youth, HB 25 was passed into law and signed by Governor Abbott in October 2021.

### If You or Someone You Know Is Impacted by HB 25

- It is important to remember that you have rights. Even though HB 25 is now in effect, federal law is supreme over state law and all transgender students and Texans are protected from discrimination under the U.S. Constitution, Title IX, the Family Educational Rights and Privacy Act (FERPA), and other laws, including state laws.
- Under federal and state privacy laws, you *do not* have to disclose whether you or someone else is transgender. This is considered private information that you do not have to share with any school district, teacher, principal, coach, or with UIL.
- Here in Texas, you *have* a right to legally change your name, correct your gender marker and to amend your birth certificate if you want your birth certificate and other identifying documents to accurately reflect who you are.
  - It can be helpful to start this process as soon as you are ready since it often takes months to update all of your documents.
- If you or someone you know is impacted by HB 25, or you become aware of a school district or person who is actively enforcing it, please reach out to us as soon as possible through our contact information below. We are here to support you and keep fighting for equality and dignity for every person here in Texas.

### Here's What You Need to Know About the Bill

- HB 25 requires students who play interscholastic sports in K-12 schools to participate on teams based on their “biological sex.”

- The term “biological sex” is not defined by HB 25 and is not a term that exists in Texas or federal law. But HB 25 states that someone’s “biological sex” on their birth certificate must be “correctly stated” and “entered at or near the time of the student’s birth.”
  - It is not clear how anyone can know whether a student’s sex is “entered at or near the time of the student’s birth,” since this is not something that is listed on someone’s birth certificate.
- The text of HB 25 states that whatever rules UIL develops must “ensure compliance with state and federal law regarding the confidentiality of student medical information.”
  - Courts across the country have found that whether someone is transgender is private information protected by state and federal privacy laws. There is no requirement that anyone disclose whether a student is transgender.
- Courts have also found that it is unconstitutional and violates Title IX for school districts to discriminate against transgender students.
- HB 25 does not say how it can be implemented or enforced. Instead, it simply says that “[t]he University Interscholastic League shall adopt rules to implement this section.”
  - HB 25 does not mention how, if at all, schools or coaches can enforce this law.
- As of January 18, UIL has not adopted rules on how to implement or enforce HB 25.
  - School districts should not be actively enforcing this law against any student and must still comply with their obligations under federal and state laws not to discriminate against transgender students.
  - The Texas Association of School Boards (TASB), which provides guidance to school districts across the state, recommends that school districts comply with federal law and “assess each request individually” from transgender students seeking to participate in sports in accordance with their gender identity. *See* Legal Issues Related to Transgender Students, October 2021, Texas Association of School Boards, available at [www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/legal\\_issues\\_related\\_to\\_transgender\\_students.pdf](http://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/legal_issues_related_to_transgender_students.pdf)

## **How to Get in Touch with Us**

**ACLU of Texas**

[intake.aclutx.org/](mailto:intake.aclutx.org/)

**Lambda Legal**

[www.lambdalegal.org/helpdesk](http://www.lambdalegal.org/helpdesk)

**Equality Texas**

[info@equalitytexas.org](mailto:info@equalitytexas.org)

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