



**ATPE**<sup>®</sup>

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## Opposition to HB 1507

regarding programs dedicated to celebrating or providing special instruction regarding a sexual preference

**March 28, 2023**

The **Association of Texas Professional Educators (ATPE)** offers the following input in opposition to **HB 1507** by Rep. King, which prohibits public school programs dedicated to celebrating or providing special instruction regarding a sexual preference and creates a fine.

ATPE's legislative priorities this session include prioritizing the mental health of students and educators, respecting educators' professionalism and autonomy, and promoting collaboration among school employees, parents, school boards, and other elected officials.

HB 1507 would prevent a school district or open-enrollment charter school from organizing or hosting a program dedicated to celebrating or providing special instruction regarding a sexual preference and create a fine for individual educators deemed to have violated the bill.

Unfortunately, the bill is overly broad and vague. It does not define terms sufficiently to help school employees understand precisely which activities would be prohibited. For example, it is unclear what "special instruction" means or includes. Additionally, the bill is likely unconstitutional in that it seeks to limit the right to association in a way that differentiates on the basis of a protected or semi-protected class. Government prohibition of certain types of speech and association and the chilling effect of such viewpoint discrimination may have the unintentional effect of pushing school districts and open-enrollment charter schools to disband many after-school clubs and activities in which students and staff voluntarily participate. There are also jurisdictional issues insofar as the bill calls on the State Board for Educator Certification (SBEC) to sanction employees, including non-certified employees, over whom SBEC may have no authority. The bill purports to prevent a district or charter from hosting or organizing such programs, but then it calls for sanctions of an *employee* who hosts or organizes such programs. It is unclear whether the intent is to prohibit singular events or recurring events, such meetings of a school club. Equally unclear is how it would be proper to punish an employee acting in the scope of employment when they are performing employer-assigned tasks that cause them to violate this provision.

Finally, what about events in which a private third party rents a district facility for such an event? Does the "host" provision pull such a third-party event into the auspices of the bill, and, if so, who would be fined and or sanctioned?

For these reasons, **we respectfully ask you to oppose HB 1507**. For additional information, contact ATPE Governmental Relations at (800) 777-2873 or [government@atpe.org](mailto:government@atpe.org).

*The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with approximately 90,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public schoolchildren. ATPE is the ally and the voice of Texas public school educators.*