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H.B. No. 547

A BILL TO BE ENTITLED

AN ACT

relating to authorizing equal opportunity for access by certain students to University Interscholastic League sponsored activities; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Sections 33.0832 and 33.08321 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR CERTAIN STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a)

In this section, "non-enrolled student" means a student who receives instruction as described by Section 29.916(a)(1) from a nonpublic school.

(b) Nothing in this section may be construed to affect the holding in *Texas Educ. Agency v. Leeper*, 893 S.W.2d 432 (Tex. 1994), classifying home schools as private schools. The legislature finds that a home school is a private school for purposes of this section.

(c) Except as provided by Subsection (i), a public school that participates in an activity sponsored by the University Interscholastic League may provide a non-enrolled student, who otherwise meets league eligibility standards to represent that school in a league activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

1       (d) A non-enrolled student who seeks to participate or  
2 participates in a league activity on behalf of a school is subject  
3 to the following relevant policies that apply to students enrolled  
4 in the school: policies regarding registration, age eligibility,  
5 fees, insurance, transportation, physical condition,  
6 qualifications, responsibilities, event schedules, standards of  
7 behavior, and performance.

8       (e) A non-enrolled student may only participate in a league  
9 activity for the school in the school district that the student  
10 would be eligible to attend based on the student's residential  
11 address. A non-enrolled student who seeks to participate in a  
12 league activity on behalf of a school shall be required to establish  
13 minimum proof of residency acceptable to the district in the same  
14 manner as an applicant to attend a school in the district under  
15 Section 25.001.

16       (f) The parent or person standing in parental relation to a  
17 non-enrolled student is responsible for oversight of academic  
18 standards relating to the student's participation in a league  
19 activity. As a condition of eligibility to participate in a league  
20 activity during the first six weeks of a school year, a non-enrolled  
21 student must demonstrate grade-level academic proficiency on any  
22 nationally recognized, norm-referenced assessment instrument, such  
23 as the Iowa Test of Basic Skills, Stanford Achievement Test,  
24 California Achievement Test, or Comprehensive Test of Basic Skills.  
25 A non-enrolled student demonstrates the required academic  
26 proficiency by achieving a composite, core, or survey score that is  
27 within the average or higher than average range of scores, as

1 established by the applicable testing service. For purposes of  
2 this subsection, a school district shall accept assessment results  
3 administered or reported by a third party.

4 (g) A non-enrolled student's demonstration of academic  
5 proficiency under Subsection (f) is sufficient for purposes of that  
6 subsection for the school year in which the student achieves the  
7 required score and the subsequent school year.

8 (h) After the first six weeks of a school year or beginning  
9 at an earlier time on request by the coach of the activity, the  
10 parent or person standing in parental relation to a non-enrolled  
11 student participating in a league activity on behalf of a public  
12 school must periodically, in accordance with the school's grading  
13 calendar, provide written verification to the school indicating  
14 that the student is receiving a passing grade in each course or  
15 subject being taught.

16 (i) A non-enrolled student is not authorized by this section  
17 to participate in a league activity during the remainder of any  
18 school year during which the student was previously enrolled in a  
19 public school.

20 (j) The University Interscholastic League may not prohibit  
21 a non-enrolled student from participating in league activities in  
22 the manner authorized by this section.

23 (k) With respect to a non-enrolled student's education  
24 program, nothing in this section shall be construed to permit an  
25 agency of this state, a public school district, or any other  
26 governmental body to exercise control, regulatory authority, or  
27 supervision over a non-enrolled student or a parent or person

1 standing in parental relation to a non-enrolled student beyond the  
2 control, regulatory authority, or supervision required to  
3 participate in a league activity.

4 (1) Subject only to eligibility requirements under this  
5 section for a non-enrolled student to participate in a league  
6 activity:

7 (1) the curriculum or assessment requirements,  
8 performance standards, practices, or creed of the education program  
9 provided to a non-enrolled student may not be required to be changed  
10 in order for the non-enrolled student to participate in a league  
11 activity; and

12 (2) for a non-enrolled student participating in an  
13 education program on January 1, 2021, the education program  
14 provided to that student may not be required to comply with any  
15 state law or agency rule relating to that education program unless  
16 the law or rule was in effect on January 1, 2021.

17 (m) Notwithstanding any other law, a non-enrolled student  
18 who participates in a league activity under this section is subject  
19 to the immunization requirements and exceptions of Section 38.001  
20 in the same manner as a public school student.

21 Sec. 33.08321. ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE  
22 SPONSORED ACTIVITIES FOR STUDENTS UNDER SUPERVISION OF TEXAS  
23 JUVENILE JUSTICE DEPARTMENT. (a) The University Interscholastic  
24 League shall provide students receiving educational services under  
25 the supervision of the Texas Juvenile Justice Department with the  
26 opportunity to participate in activities sponsored by the league in  
27 the same manner that the league provides the opportunity to

1 participate to students enrolled in public schools.

2 (b) The University Interscholastic League shall enter into  
3 a memorandum of understanding with the Texas Juvenile Justice  
4 Department regarding the policies governing:

5 (1) the conditions of eligibility for students under  
6 the supervision of the department in activities sponsored by the  
7 league, including:

8 (A) age of students eligible to participate;

9 (B) academic performance requirements for  
10 students; and

11 (C) standards of behavior for students;

12 (2) the appropriate league in which students under the  
13 supervision of the department will participate; and

14 (3) the duties of the department regarding other  
15 policies of the league, including fees, insurance, and  
16 transportation.

17 SECTION 2. This Act applies beginning with the 2021-2022  
18 school year.

19 SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2021.