

By: Paxton

S.B. No. 401

A BILL TO BE ENTITLED

AN ACT

relating to the participation by non-enrolled students in University Interscholastic League-sponsored activities.

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

SECTION 1. Section [33.0832](#), Education Code, is amended to read as follows:

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

(1) "League" means the University Interscholastic League.

(2) "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 Subsections (c-2) and (i), a public school that participates in an activity sponsored by the league shall~~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

1 provides the opportunity to participate to students enrolled in the  
2 school.

3 (c-1) When assigning league classification to a public  
4 school based on student enrollment, the league must use the same  
5 student enrollment calculation formula for a school that allows a  
6 non-enrolled student to participate in a league activity as  
7 provided by Subsection (c) as the formula used to determine the  
8 student enrollment of a school that does not allow a non-enrolled  
9 student to participate in the league activity.

10 (c-2) A board of trustees of a school district may decline  
11 to grant non-enrolled students access to league activities at a  
12 campus of the district or school by taking a record vote that  
13 receives the support of a majority of the trustees.

14 (d) A non-enrolled student who seeks to participate or  
15 participates in a league activity on behalf of a school is subject  
16 to the following relevant policies that apply to students enrolled  
17 in the school:

- 18 (1) registration for league activities;
- 19 (2) age eligibility;
- 20 (3) fees;
- 21 (4) insurance;
- 22 (5) transportation;
- 23 (6) physical condition;
- 24 (7) qualifications;
- 25 (8) responsibilities;
- 26 (9) event schedules;
- 27 (10) standards of behavior; and

1 (11) performance.

2 (e) Except as provided by (e-1), a~~A~~ non-enrolled student  
3 may only participate in a league activity for the school in the  
4 school district that the student would be eligible to attend based  
5 on the student's residential address. A non-enrolled student who  
6 seeks to participate in a league activity on behalf of a school  
7 shall be required to establish minimum proof of residency  
8 acceptable to the district in the same manner as an applicant to  
9 attend a school in the district under Section 25.001.

10 (e-1) If a school has declined to grant non-enrolled  
11 students access to league activities as described in Subsection  
12 (c-2), a non-enrolled student eligible to attend that school based  
13 on their residential address may participate in a league activity  
14 for the public school closest to their residential address that has  
15 not declined to grant non-enrolled students access to league  
16 activities as described by Subsection (c-2).

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

1 within the average or higher than average range of scores, as  
2 established by the applicable testing service. For purposes of 25  
3 this subsection, a school district shall accept assessment results  
4 administered or reported by a third party.

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

9 (h) After the first six weeks of a school year, the parent or  
10 person standing in parental relation to a non-enrolled student  
11 participating in a league activity on behalf of a public school must  
12 periodically, in accordance with the school's grading calendar,  
13 provide written verification to the school indicating that the  
14 student is receiving a passing grade in each course or subject being  
15 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 league may not prohibit a non-enrolled student from  
21 participating in league activities in the manner authorized by this  
22 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 26  
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 SECTION 2. This Act applies beginning with the 2025-2026  
22 school year.

23 SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section [39](#), Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2025.