

AN ACT

relating to the scheduling of certain University Interscholastic League competitions.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0812 to read as follows:

Sec. 33.0812. SCHEDULING EXTRACURRICULAR ACTIVITIES PROHIBITED IN CERTAIN CIRCUMSTANCES. (a) The State Board of Education by rule shall prohibit participation in a University Interscholastic League area, regional, or state competition:

(1) on Monday through Thursday of the school week in which the primary administration of assessment instruments under Section 39.023(a), (c), or (1) occurs; or

(2) if the primary administration of the assessment instruments is completed before Thursday of the school week, beginning on Monday and ending on the last school day on which the assessment instruments are administered.

(b) The commissioner shall determine the school week during the school year in which the primary administration of assessment instruments occurs for purposes of Subsection (a).

(c) The commissioner shall adopt rules to provide the University Interscholastic League with a periodic calendar of dates reserved for testing for planning purposes under this section. The periodic calendar must be provided at least every three years on or

1 before May 1 of the year preceding the three-year cycle of reserved  
2 testing dates.

3 (d) In adopting rules under this section, the commissioner  
4 shall:

5 (1) include a procedure for changing, in exceptional  
6 circumstances, testing dates reserved under the periodic calendar;

7 (2) define circumstances that constitute exceptional  
8 circumstances under Subdivision (1) as unforeseen events,  
9 including a natural disaster, severe weather, fire, explosion, or  
10 similar circumstances beyond the control of school districts or the  
11 agency; and

12 (3) establish criteria for determining whether a  
13 University Interscholastic League area, regional, or state  
14 competition must be canceled if that event conflicts with a changed  
15 testing date.

16 (e) This section does not apply to testing dates on which  
17 assessment instruments are administered only to students retaking  
18 assessment instruments.

19 SECTION 2. Subsection (e), Section 7.056, Education Code,  
20 is amended to read as follows:

21 (e) Except as provided by Subsection (f), a school campus or  
22 district may not receive an exemption or waiver under this section  
23 from:

24 (1) a prohibition on conduct that constitutes a  
25 criminal offense;

26 (2) a requirement imposed by federal law or rule,  
27 including a requirement for special education or bilingual

1 education programs; or

2 (3) a requirement, restriction, or prohibition  
3 relating to:

4 (A) essential knowledge or skills under Section  
5 28.002 or minimum graduation requirements under Section 28.025;

6 (B) public school accountability as provided by  
7 Subchapters B, C, D, and G, Chapter 39;

8 (C) extracurricular activities under Section  
9 33.081 or participation in a University Interscholastic League  
10 area, regional, or state competition under Section 33.0812;

11 (D) health and safety under Chapter 38;

12 (E) purchasing under Subchapter B, Chapter 44;

13 (F) elementary school class size limits, except  
14 as provided by Section 25.112;

15 (G) removal of a disruptive student from the  
16 classroom under Subchapter A, Chapter 37;

17 (H) at-risk programs under Subchapter C, Chapter  
18 29;

19 (I) prekindergarten programs under Subchapter E,  
20 Chapter 29;

21 (J) educator rights and benefits under  
22 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter  
23 A, Chapter 22;

24 (K) special education programs under Subchapter  
25 A, Chapter 29; or

26 (L) bilingual education programs under  
27 Subchapter B, Chapter 29.

1           SECTION 3. A rule adopted under Subsection (a), Section  
2 33.0812, Education Code, as added by this Act, does not apply to  
3 student participation in a University Interscholastic League area,  
4 regional, or state competition for which a contract for the  
5 provision of facilities in which the competition will be conducted  
6 was entered into before the effective date of this Act.

7           SECTION 4. This Act applies beginning with the 2006-2007  
8 school year.

9           SECTION 5. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2005.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 658 passed the Senate on March 30, 2005, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 658 passed the House, with amendment, on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor