

1-1 By: Madla S.B. No. 658
1-2 (In the Senate - Filed February 22, 2005; March 2, 2005,
1-3 read first time and referred to Committee on Education;
1-4 March 21, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 21, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 658 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the scheduling of certain University Interscholastic
1-11 League competitions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 33, Education Code, is
1-14 amended by adding Section 33.0812 to read as follows:

1-15 Sec. 33.0812. SCHEDULING EXTRACURRICULAR ACTIVITIES
1-16 PROHIBITED IN CERTAIN CIRCUMSTANCES. (a) The State Board of
1-17 Education by rule shall prohibit participation in a University
1-18 Interscholastic League area, regional, or state competition on
1-19 Monday through Thursday of the school week in which the primary
1-20 administration of assessment instruments under Section 39.023(a),
1-21 (c), or (l) occurs. The commissioner shall determine the school
1-22 week during the school year in which the primary administration of
1-23 assessment instruments occurs for purposes of this subsection.

1-24 (b) The commissioner shall adopt rules to provide the
1-25 University Interscholastic League with a periodic calendar of dates
1-26 reserved for testing for planning purposes under this section. The
1-27 periodic calendar must be provided at least every three years on or
1-28 before May 1 of the year preceding the three-year cycle of reserved
1-29 testing dates.

1-30 (c) In adopting rules under this section, the commissioner
1-31 shall:

1-32 (1) include a procedure for changing, in exceptional
1-33 circumstances, testing dates reserved under the periodic calendar;

1-34 (2) define circumstances that constitute exceptional
1-35 circumstances under Subdivision (1) as unforeseen events,
1-36 including a natural disaster, severe weather, fire, explosion, or
1-37 similar circumstances beyond the control of school districts or the
1-38 agency; and

1-39 (3) establish criteria for determining whether a
1-40 University Interscholastic League area, regional, or state
1-41 competition must be canceled if that event conflicts with a changed
1-42 testing date.

1-43 (d) This section does not apply to testing dates on which
1-44 assessment instruments are administered only to students retaking
1-45 assessment instruments.

1-46 SECTION 2. Subsection (e), Section 7.056, Education Code,
1-47 is amended to read as follows:

1-48 (e) Except as provided by Subsection (f), a school campus or
1-49 district may not receive an exemption or waiver under this section
1-50 from:

1-51 (1) a prohibition on conduct that constitutes a
1-52 criminal offense;

1-53 (2) a requirement imposed by federal law or rule,
1-54 including a requirement for special education or bilingual
1-55 education programs; or

1-56 (3) a requirement, restriction, or prohibition
1-57 relating to:

1-58 (A) essential knowledge or skills under Section
1-59 28.002 or minimum graduation requirements under Section 28.025;

1-60 (B) public school accountability as provided by
1-61 Subchapters B, C, D, and G, Chapter 39;

1-62 (C) extracurricular activities under Section
1-63 33.081 or participation in a University Interscholastic League

2-1 area, regional, or state competition under Section 33.0812;
 2-2 (D) health and safety under Chapter 38;
 2-3 (E) purchasing under Subchapter B, Chapter 44;
 2-4 (F) elementary school class size limits, except
 2-5 as provided by Section 25.112;
 2-6 (G) removal of a disruptive student from the
 2-7 classroom under Subchapter A, Chapter 37;
 2-8 (H) at-risk programs under Subchapter C, Chapter
 2-9 29;
 2-10 (I) prekindergarten programs under Subchapter E,
 2-11 Chapter 29;
 2-12 (J) educator rights and benefits under
 2-13 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
 2-14 A, Chapter 22;
 2-15 (K) special education programs under Subchapter
 2-16 A, Chapter 29; or
 2-17 (L) bilingual education programs under
 2-18 Subchapter B, Chapter 29.

2-19 SECTION 3. A rule adopted under Subsection (a), Section
 2-20 33.0812, Education Code, as added by this Act, does not apply to
 2-21 student participation in a University Interscholastic League area,
 2-22 regional, or state competition for which a contract for the
 2-23 provision of facilities in which the competition will be conducted
 2-24 was entered into before the effective date of this Act.

2-25 SECTION 4. This Act applies beginning with the 2006-2007
 2-26 school year.

2-27 SECTION 5. This Act takes effect immediately if it receives
 2-28 a vote of two-thirds of all the members elected to each house, as
 2-29 provided by Section 39, Article III, Texas Constitution. If this
 2-30 Act does not receive the vote necessary for immediate effect, this
 2-31 Act takes effect September 1, 2005.

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