

By: Garza

H.B. No. 54

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to equal opportunity for access by private and parochial  
3 school students to University Interscholastic League sponsored  
4 activities.

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

6 SECTION 1. Subchapter D, Chapter 33, Education Code, is  
7 amended by adding Section 33.0832 to read as follows:

8 Sec. 33.0832. EQUAL OPPORTUNITY FOR ACCESS TO UNIVERSITY  
9 INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In this section, "private  
10 school" has the meaning assigned by Section 39.033(d).

11 (b) The University Interscholastic League shall provide  
12 private and parochial schools with equal opportunity to become  
13 members of the league for the purpose of providing their students  
14 with access to league activities.

15 (c) This section does not exempt a private or parochial  
16 school or its students from satisfying each rule or eligibility  
17 requirement imposed by this subchapter or the league for  
18 participating in an activity or league district sponsored by the  
19 league.

20 (d) A private or parochial school seeking to participate in  
21 a league activity or to become a member of a league district shall  
22 apply to the league on a signed form prescribed by the league. The  
23 school must certify its eligibility under this subchapter and  
24 league rules in the application and must attach proof of

1 accreditation. The league may not impose eligibility requirements  
2 for private or parochial schools that exceed the requirements of  
3 this subchapter or league rules for public schools or require proof  
4 of eligibility that exceeds the proof required of public schools.  
5 On approval of an application, the league shall issue a certificate  
6 of approval to the applicant school. The application and  
7 certificate of approval are governmental records for purposes of  
8 Section 37.10, Penal Code.

9 (e) The league shall determine the appropriate league  
10 district in which an eligible private or parochial school will  
11 participate using the same standard the league applies to public  
12 schools, provided that the private or parochial school may not be  
13 placed in a league district lower than the 1A level.

14 (f) The league may adopt rules designed to discourage an  
15 eligible private or parochial school from recruiting any student to  
16 attend the school for the purpose of participating in a league  
17 activity. A rule adopted under this subsection may not be designed  
18 to discriminate against an eligible private or parochial school.

19 (g) To be eligible under this section, a private or  
20 parochial school must:

21 (1) be accredited by an accrediting organization  
22 recognized by the agency;

23 (2) not have had its ability or eligibility to  
24 participate in an association similar to the league compromised,  
25 revoked, or suspended for violating the rules or codes of that  
26 association within the five-year period preceding the date of  
27 application to participate in the league;

- (3) offer a four-year high school curriculum;
- (4) offer interscholastic competition; and
- (5) require daily student attendance at a specific location.

(h) Notwithstanding any other provision of this section, the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities at the 5A league district level beginning with the 2014-2015 school year.

(i) Subsection (h) and this subsection expire September 1, 2015.

(j) Notwithstanding any other law, a child who resides within the attendance area of a public school and who is instructed at home shall be allowed to try out for interscholastic activities on behalf of the public school in the same manner as a pupil who is enrolled in that public school. Registration, age eligibility requirements, fees, insurance, transportation, physical condition, qualifications, responsibilities, event schedules, standards of

1 behavior and performance policies for home schooled students shall  
2 be consistent with those policies established for students enrolled  
3 in that public school. The individual providing the primary  
4 instruction of a child who is instructed at home shall submit  
5 written verification that provides:

6 (1) Whether the student is receiving a passing grade  
7 in each course or subject being taught.

8 (2) Whether the student is maintaining satisfactory  
9 progress towards advancement or promotion.

10 (k) A child who is instructed at home and who was previously  
11 enrolled in a school shall be ineligible to participate in  
12 interscholastic activities for the remainder of the school year  
13 during which the child was enrolled in a school.

14 SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2011.