

SENATE AMENDMENTS

2nd Printing

By: Hochberg

H.B. No. 370

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.088 to read as follows:

Sec. 33.088. ELIGIBILITY OF CERTAIN TRANSFER STUDENTS. (a) Except as provided by Subsection (b), a student who transfers to a school or moves into the attendance zone of a school for the purpose of participating in an extracurricular activity or a University Interscholastic League competition offered at that school is not ineligible to participate in the activity or competition if:

(1) the activity or competition is not offered at the school from which the student transferred or moved; and

(2) the student is otherwise eligible to participate in the activity or competition.

(b) The University Interscholastic League may adopt rules providing that a student who two or more times during a school year transfers to a school or moves into the attendance zone of a school for the purpose of participating in a league competition offered at that school is ineligible to participate in the competition.

SECTION 2. This Act applies beginning with the 2011-2012 school year.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.

ADOPTED

MAY 10 2011

Atty Gen
Secretary of the Senate

By: Hochberg/Patrick

H.B. No. 370

Substitute the following for H.B. No. 370:

By: [Signature]

C.S. H.B. No. 370

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3 extracurricular activities or competitions after transferring or
4 moving from one public school to another.

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 33.088 to read as follows:

8 Sec. 33.088. ELIGIBILITY OF CERTAIN TRANSFER STUDENTS. (a)
9 Except as provided by Subsection (b), a student who transfers to a
10 school or moves into the attendance zone of a school for the purpose
11 of participating in a specific extracurricular activity or a
12 specific University Interscholastic League competition offered at
13 that school is not ineligible to participate in the activity or
14 competition if:

15 (1) the activity or competition is not offered at the
16 school from which the student transferred or moved; and

17 (2) the student is otherwise eligible to participate
18 in the activity or competition.

19 (b) The University Interscholastic League may adopt rules
20 providing that a student who two or more times during a school year
21 transfers to a school or moves into the attendance zone of a school
22 for the purpose of participating in a specific league competition
23 offered at that school is ineligible to participate in the
24 competition.

1 SECTION 2. This Act applies beginning with the 2011-2012
2 school year.

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4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.

ADOPTED

28-3

MAY 10 2011

Antony Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend C.S.H.B. No. 370 (senate committee report) by inserting
2 into the bill the following appropriately numbered new SECTION and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter D, Chapter 33, Education Code, is
5 amended by adding Section 33.0832 to read as follows:

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

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

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

19 (d) A private or parochial school seeking to participate in
20 a league activity or to become a member of a league district shall
21 apply to the league on a signed form prescribed by the league. The
22 school must certify its eligibility under this subchapter and
23 league rules in the application and must attach proof of
24 accreditation. The league may not impose eligibility requirements
25 for private or parochial schools that exceed the requirements of
26 this subchapter or league rules for public schools or require proof
27 of eligibility that exceeds the proof required of public schools.
28 On approval of an application, the league shall issue a certificate
29 of approval to the applicant school. The application and

1 certificate of approval are governmental records for purposes of
2 Section 37.10, Penal Code.

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

8 (f) The league shall adopt rules that prohibit an eligible
9 private or parochial school from recruiting any student to attend
10 the school for the purpose of participating in a league activity. A
11 rule adopted under this subsection may not discriminate against an
12 eligible private or parochial school.

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

15 (1) be accredited by an accrediting organization
16 recognized by the agency;

17 (2) not have had its ability or eligibility to
18 participate in an association similar to the league compromised,
19 revoked, or suspended for violating the rules or codes of that
20 association within the five-year period preceding the date of
21 application to participate in the league;

22 (3) offer a four-year high school curriculum;

23 (4) offer interscholastic competition; and

24 (5) require daily student attendance at a specific
25 location.

26 (h) Nothing in this section affects the right of a private
27 school participating in league activities during the 2010-2011
28 school year to continue participating in league activities in
29 subsequent school years in a manner comparable to the school's
30 participation during the 2010-2011 school year.

31 (i) Notwithstanding any other provision of this section,

1 but subject to Subsection (h), the league shall implement this
2 section by providing private and parochial schools with equal
3 opportunity to participate in:

4 (1) league academic activities beginning with the
5 2011-2012 school year;

6 (2) league athletic activities, other than football or
7 basketball, at the 1A and 2A league district levels beginning with
8 the spring semester of the 2011-2012 school year;

9 (3) league athletic activities, other than football or
10 basketball, at the 3A league district level beginning with the
11 2012-2013 school year;

12 (4) league athletic activities, other than football or
13 basketball, at the 4A league district level beginning with the
14 2013-2014 school year; and

15 (5) league athletic activities, other than football or
16 basketball, at the 5A league district level beginning with the
17 2014-2015 school year.

18 (j) Subsection (i) and this subsection expire September 1,
19 2015.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB370 by Hochberg (Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency, UIL University Interscholastic League

LBB Staff: JOB, SD, JGM, LXH, JW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB370 by Hochberg (Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB370 by Hochberg (Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 18, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB370 by Hochberg (relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 4, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB370 by Hochberg (Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JW