

**House Bill 370**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

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

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

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

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

(d) A private or parochial school seeking to participate in a league activity or to become a member of a league district shall apply to the league on a signed form prescribed by the league. The school must certify its eligibility under this subchapter and league rules in the application and must attach proof of accreditation. The league may not impose eligibility requirements for private or parochial schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(e) The league shall determine the appropriate league district in which an eligible private or parochial school will

**House Bill 370**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

participate using the same standard the league applies to public schools, provided that the private or parochial school may not be placed in a league district lower than the 1A level.

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

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

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

(2) not have had its ability or eligibility to participate in an association similar to the league compromised, revoked, or suspended for violating the rules or codes of that association within the five-year period preceding the date of 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) Nothing in this section affects the right of a private school participating in league activities during the 2010-2011 school year to continue participating in league activities in subsequent school years in a manner comparable to the school's participation during the 2010-2011 school year.

(i) Notwithstanding any other provision of this section, but subject to Subsection (h), 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, other than football or basketball, at the 1A and 2A league district levels beginning with the

**House Bill 370**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

spring semester of the 2011-2012 school year;  
(3) league athletic activities, other than football or basketball,  
at the 3A league district level beginning with the 2012-2013  
school year;  
(4) league athletic activities, other than football or basketball,  
at the 4A league district level beginning with the 2013-2014  
school year; and  
(5) league athletic activities, other than football or basketball,  
at the 5A league district level beginning with the 2014-2015  
school year.  
(j) Subsection (i) and this subsection expire September 1,  
2015. [FA1]

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 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 a **specific** extracurricular activity or a **specific** 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 **specific** league competition offered at that school is ineligible to participate in the competition.

**House Bill 370**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

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

SECTION 2. Same as House version.

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

SECTION 3. Same as House version.