

By: Dutton

H.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to equal opportunity for access by private and parochial  
3 school students to certain University Interscholastic League  
4 sponsored 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 OTHER THAN FOOTBALL OR  
10 BASKETBALL. (a) In this section, "private school" has the meaning  
11 assigned by Section 39.033(d).

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

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

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

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

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

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

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

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

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

1 application to participate in the league;

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

3 (4) offer interscholastic competition; and

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

6 (h) Nothing in this section affects the right of a private  
7 school participating in league activities during the 2012-2013  
8 school year to continue participating in league activities in  
9 subsequent school years in a manner comparable to the school's  
10 participation during the 2012-2013 school year.

11 (i) Notwithstanding any other provision of this section,  
12 but subject to Subsection (h), the league shall implement this  
13 section by providing private and parochial schools with equal  
14 opportunity to participate in:

15 (1) league academic activities beginning with the  
16 2013-2014 school year;

17 (2) league athletic activities, other than football or  
18 basketball, at the 1A and 2A league district levels beginning with  
19 the spring semester of the 2013-2014 school year;

20 (3) league athletic activities, other than football or  
21 basketball, at the 3A league district level beginning with the  
22 2014-2015 school year;

23 (4) league athletic activities, other than football or  
24 basketball, at the 4A league district level beginning with the  
25 2015-2016 school year; and

26 (5) league athletic activities, other than football or  
27 basketball, at the 5A league district level beginning with the

1 2016-2017 school year.

2 (j) Subsection (i) and this subsection expire September 1,  
3 2017.

4 SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2013.