

By: Lucio III

H.B. No. 3723

A BILL TO BE ENTITLED

AN ACT

1
2 relating to participation by certain students with disabilities in
3 extracurricular athletic activities sponsored or sanctioned by a
4 school district.

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 33.0813 to read as follows:

8 Sec. 33.0813. PARTICIPATION BY STUDENTS WITH DISABILITIES
9 IN SCHOOL DISTRICT EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) In
10 this section, an individual is a qualified individual with a
11 disability if the individual meets the criteria as a qualified
12 individual with a disability under Section 504, Rehabilitation Act
13 of 1973 (29 U.S.C. Section 794), and regulations adopted under that
14 law.

15 (b) In accordance with Section 504, Rehabilitation Act of
16 1973 (29 U.S.C. Section 794), and regulations adopted under that
17 law, each school district shall provide to a district student who is
18 a qualified individual with a disability the opportunity to benefit
19 from an extracurricular athletic activity sponsored or sanctioned
20 by the district equal to the opportunity provided by the district to
21 a student without a disability.

22 (c) In carrying out Subsection (b), a school district shall
23 make reasonable modifications and provide those aids and services
24 that are necessary to ensure that a district student who is a

1 qualified individual with a disability participates with students
2 without disabilities in an extracurricular athletic activity
3 sponsored or sanctioned by the district to the maximum extent
4 appropriate to the needs of the qualified individual with a
5 disability, except that the district may:

6 (1) require a level of skill or ability as a
7 qualification for participation in a competitive extracurricular
8 activity;

9 (2) refrain from taking measures that would
10 fundamentally alter the nature of the extracurricular activity; and

11 (3) adopt bona fide safety standards.

12 (d) If a district student who is a qualified individual
13 with a disability is unable, even with reasonable modifications or
14 aids and services, to participate with students without
15 disabilities in an extracurricular athletic activity sponsored or
16 sanctioned by the district, a district shall, to the greatest
17 extent practicable:

18 (1) provide opportunities for the student to
19 participate in separate or different extracurricular athletic
20 activities with other students with disabilities; and

21 (2) support those activities to the same extent that
22 the district supports other extracurricular athletic activities.

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