

AN ACT

relating to authorizing equal opportunity for access by non-enrolled students to University Interscholastic League sponsored activities; authorizing a fee.

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

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

Sec. 33.0832. EQUAL OPPORTUNITY FOR CERTAIN STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In this section:

(1) "League" means the University Interscholastic League.

(2) "Non-enrolled student" means a student who receives instruction as described by Section 29.916(a)(1) from a nonpublic school.

(b) Nothing in this section may be construed to affect the holding in *Texas Educ. Agency v. Leeper*, 893 S.W.2d 432 (Tex. 1994), classifying home schools as private schools. The legislature finds that a home school is a private school for purposes of this section.

(c) Except as provided by Subsection (i), a public school that participates in an activity sponsored by the league may provide a non-enrolled student, who otherwise meets league eligibility standards to represent that school in a league activity, with the opportunity to participate in the activity on

behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

(d) A non-enrolled student who seeks to participate or participates in a league activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

(1) registration for league activities;

(2) age eligibility;

(3) fees;

(4) insurance;

(5) transportation;

(6) physical condition;

(7) qualifications;

(8) responsibilities;

(9) event schedules;

(10) standards of behavior; and

(11) performance.

(e) A non-enrolled student may only participate in a league activity for the school in the school district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a league activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Section 25.001.

(f) The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic

1 standards relating to the student's participation in a league
2 activity. As a condition of eligibility to participate in a league
3 activity during the first six weeks of a school year, a non-enrolled
4 student must demonstrate grade-level academic proficiency on any
5 nationally recognized, norm-referenced assessment instrument, such
6 as the Iowa Test of Basic Skills, Stanford Achievement Test,
7 California Achievement Test, or Comprehensive Test of Basic Skills.
8 A non-enrolled student demonstrates the required academic
9 proficiency by achieving a composite, core, or survey score that is
10 within the average or higher than average range of scores, as
11 established by the applicable testing service. For purposes of
12 this subsection, a school district shall accept assessment results
13 administered or reported by a third party.

14 (g) A non-enrolled student's demonstration of academic
15 proficiency under Subsection (f) is sufficient for purposes of that
16 subsection for the school year in which the student achieves the
17 required score and the subsequent school year.

18 (h) After the first six weeks of a school year, the parent or
19 person standing in parental relation to a non-enrolled student
20 participating in a league activity on behalf of a public school must
21 periodically, in accordance with the school's grading calendar,
22 provide written verification to the school indicating that the
23 student is receiving a passing grade in each course or subject being
24 taught.

25 (i) A non-enrolled student is not authorized by this section
26 to participate in a league activity during the remainder of any
27 school year during which the student was previously enrolled in a

1 public school.

2 (j) The league may not prohibit a non-enrolled student from
3 participating in league activities in the manner authorized by this
4 section.

5 (k) With respect to a non-enrolled student's education
6 program, nothing in this section shall be construed to permit an
7 agency of this state, a public school district, or any other
8 governmental body to exercise control, regulatory authority, or
9 supervision over a non-enrolled student or a parent or person
10 standing in parental relation to a non-enrolled student beyond the
11 control, regulatory authority, or supervision required to
12 participate in a league activity.

13 (l) Subject only to eligibility requirements under this
14 section for a non-enrolled student to participate in a league
15 activity:

16 (1) the curriculum or assessment requirements,
17 performance standards, practices, or creed of the education program
18 provided to a non-enrolled student may not be required to be changed
19 in order for the non-enrolled student to participate in a league
20 activity; and

21 (2) for a non-enrolled student participating in an
22 education program on January 1, 2021, the education program
23 provided to that student may not be required to comply with any
24 state law or agency rule relating to that education program unless
25 the law or rule was in effect on January 1, 2021.

26 (m) Notwithstanding any other law, a non-enrolled student
27 who participates in a league activity under this section is subject

1 to the immunization requirements and exceptions of Section 38.001
2 in the same manner as a public school student.

3 SECTION 2. This Act applies beginning with the 2021-2022
4 school year.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 547 was passed by the House on May 13, 2021, by the following vote: Yeas 80, Nays 64, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 547 on May 28, 2021, by the following vote: Yeas 80, Nays 63, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 547 was passed by the Senate, with amendments, on May 22, 2021, by the following vote: Yeas 16, Nays 14.

Secretary of the Senate

APPROVED: _____

Date

Governor