

1-1 By: Frank, et al. (Senate Sponsor - Paxton) H.B. No. 547  
 1-2 (In the Senate - Received from the House May 13, 2021;  
 1-3 May 14, 2021, read first time and referred to Committee on  
 1-4 Education; May 19, 2021, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 3;  
 1-6 May 19, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Hall	X			
1-12 Hughes	X			
1-13 Menéndez		X		
1-14 Paxton	X			
1-15 Perry	X			
1-16 Powell		X		
1-17 Schwertner	X			
1-18 West		X		

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 547 By: Paxton

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to authorizing equal opportunity for access by  
 1-24 non-enrolled students to University Interscholastic League  
 1-25 sponsored activities; authorizing a fee.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subchapter D, Chapter 33, Education Code, is  
 1-28 amended by adding Section 33.0832 to read as follows:

1-29 Sec. 33.0832. EQUAL OPPORTUNITY FOR CERTAIN STUDENTS TO  
 1-30 PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a)  
 1-31 In this section:

1-32 (1) "League" means the University Interscholastic  
 1-33 League.

1-34 (2) "Non-enrolled student" means a student who  
 1-35 receives instruction as described by Section 29.916(a)(1) from a  
 1-36 nonpublic school.

1-37 (b) Nothing in this section may be construed to affect the  
 1-38 holding in *Texas Educ. Agency v. Leeper*, 893 S.W.2d 432 (Tex. 1994),  
 1-39 classifying home schools as private schools. The legislature finds  
 1-40 that a home school is a private school for purposes of this section.

1-41 (c) Except as provided by Subsection (i), a public school  
 1-42 that participates in an activity sponsored by the league may  
 1-43 provide a non-enrolled student, who otherwise meets league  
 1-44 eligibility standards to represent that school in a league  
 1-45 activity, with the opportunity to participate in the activity on  
 1-46 behalf of the school in the same manner that the school provides the  
 1-47 opportunity to participate to students enrolled in the school.

1-48 (d) A non-enrolled student who seeks to participate or  
 1-49 participates in a league activity on behalf of a school is subject  
 1-50 to the following relevant policies that apply to students enrolled  
 1-51 in the school:

- 1-52 (1) registration for league activities;
- 1-53 (2) age eligibility;
- 1-54 (3) fees;
- 1-55 (4) insurance;
- 1-56 (5) transportation;
- 1-57 (6) physical condition;
- 1-58 (7) qualifications;
- 1-59 (8) responsibilities;
- 1-60 (9) event schedules;

2-1                   (10) standards of behavior; and  
 2-2                   (11) performance.

2-3           (e) A non-enrolled student may only participate in a league  
 2-4 activity for the school in the school district that the student  
 2-5 would be eligible to attend based on the student's residential  
 2-6 address. A non-enrolled student who seeks to participate in a  
 2-7 league activity on behalf of a school shall be required to establish  
 2-8 minimum proof of residency acceptable to the district in the same  
 2-9 manner as an applicant to attend a school in the district under  
 2-10 Section 25.001.

2-11           (f) The parent or person standing in parental relation to a  
 2-12 non-enrolled student is responsible for oversight of academic  
 2-13 standards relating to the student's participation in a league  
 2-14 activity. As a condition of eligibility to participate in a league  
 2-15 activity during the first six weeks of a school year, a non-enrolled  
 2-16 student must demonstrate grade-level academic proficiency on any  
 2-17 nationally recognized, norm-referenced assessment instrument, such  
 2-18 as the Iowa Test of Basic Skills, Stanford Achievement Test,  
 2-19 California Achievement Test, or Comprehensive Test of Basic Skills.  
 2-20 A non-enrolled student demonstrates the required academic  
 2-21 proficiency by achieving a composite, core, or survey score that is  
 2-22 within the average or higher than average range of scores, as  
 2-23 established by the applicable testing service. For purposes of  
 2-24 this subsection, a school district shall accept assessment results  
 2-25 administered or reported by a third party.

2-26           (g) A non-enrolled student's demonstration of academic  
 2-27 proficiency under Subsection (f) is sufficient for purposes of that  
 2-28 subsection for the school year in which the student achieves the  
 2-29 required score and the subsequent school year.

2-30           (h) After the first six weeks of a school year, the parent or  
 2-31 person standing in parental relation to a non-enrolled student  
 2-32 participating in a league activity on behalf of a public school must  
 2-33 periodically, in accordance with the school's grading calendar,  
 2-34 provide written verification to the school indicating that the  
 2-35 student is receiving a passing grade in each course or subject being  
 2-36 taught.

2-37           (i) A non-enrolled student is not authorized by this section  
 2-38 to participate in a league activity during the remainder of any  
 2-39 school year during which the student was previously enrolled in a  
 2-40 public school.

2-41           (j) The league may not prohibit a non-enrolled student from  
 2-42 participating in league activities in the manner authorized by this  
 2-43 section.

2-44           (k) With respect to a non-enrolled student's education  
 2-45 program, nothing in this section shall be construed to permit an  
 2-46 agency of this state, a public school district, or any other  
 2-47 governmental body to exercise control, regulatory authority, or  
 2-48 supervision over a non-enrolled student or a parent or person  
 2-49 standing in parental relation to a non-enrolled student beyond the  
 2-50 control, regulatory authority, or supervision required to  
 2-51 participate in a league activity.

2-52           (l) Subject only to eligibility requirements under this  
 2-53 section for a non-enrolled student to participate in a league  
 2-54 activity:

2-55                   (1) the curriculum or assessment requirements,  
 2-56 performance standards, practices, or creed of the education program  
 2-57 provided to a non-enrolled student may not be required to be changed  
 2-58 in order for the non-enrolled student to participate in a league  
 2-59 activity; and

2-60                   (2) for a non-enrolled student participating in an  
 2-61 education program on January 1, 2021, the education program  
 2-62 provided to that student may not be required to comply with any  
 2-63 state law or agency rule relating to that education program unless  
 2-64 the law or rule was in effect on January 1, 2021.

2-65           (m) Notwithstanding any other law, a non-enrolled student  
 2-66 who participates in a league activity under this section is subject  
 2-67 to the immunization requirements and exceptions of Section 38.001  
 2-68 in the same manner as a public school student.

2-69           SECTION 2. This Act applies beginning with the 2021-2022

3-1 school year.

3-2 SECTION 3. This Act takes effect immediately if it receives  
3-3 a vote of two-thirds of all the members elected to each house, as  
3-4 provided by Section 39, Article III, Texas Constitution. If this  
3-5 Act does not receive the vote necessary for immediate effect, this  
3-6 Act takes effect September 1, 2021.

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