

By: Lucio III, Guillen

H.B. No. 2721

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.

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

SECTION 1. Section 33.081, Education Code, is amended by adding Subsection (e-1) and amending Subsections (f) and (g) to read as follows:

(e-1) A student who is enrolled in a school district in this state or who participates in a University Interscholastic League competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the school district or the University Interscholastic League if the student engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code:

(1) against a person serving as referee, judge, or other official of an extracurricular activity; and

(2) in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

(f) Except for a student prohibited from participation under Subsection (e-1), a [A] student suspended under this section may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public

1 performance.

2 (g) An appeal to the commissioner is not a contested case
3 under Chapter 2001, Government Code, if the issues presented relate
4 to a student's eligibility to participate in extracurricular
5 activities, including issues related to the student's grades, ~~[or]~~
6 the school district's grading policy as applied to the student's
7 eligibility, or the student's eligibility based on conduct
8 described by Subsection (e-1). The commissioner may delegate the
9 matter for decision to a person the commissioner designates. The
10 decision of the commissioner or the commissioner's designee in a
11 matter governed by this subsection may not be appealed except on the
12 grounds that the decision is arbitrary or capricious. Evidence may
13 not be introduced on appeal other than the record of the evidence
14 before the commissioner.

15 SECTION 2. This Act applies beginning with the 2021-2022
16 school year.

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