

By: Guillen

H.B. No. 4526

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting participation in or attendance at future
3 extracurricular activities for certain conduct involving the
4 assault of an extracurricular activity official and the safety of
5 an extracurricular activity official.

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

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

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

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

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

22 (f) Except for a student prohibited from participation
23 under Subsection (e-1), a [A] student suspended under this section
24 may practice or rehearse with other students for an extracurricular

1 activity but may not participate in a competition or other public
2 performance.

3 (f-1) A parent or guardian of a student who is enrolled in a
4 school district in this state or who participates in a University
5 Interscholastic League competition shall be prohibited from
6 attending any future extracurricular activity sponsored or
7 sanctioned by the school district or the University Interscholastic
8 League if the parent or guardian engages in conduct that contains
9 the elements of the offense of assault under Section 22.01(a)(1),
10 Penal Code:

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

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

16 (g) An appeal to the commissioner is not a contested case
17 under Chapter 2001, Government Code, if the issues presented relate
18 to a person's [~~student's~~] eligibility to participate in or attend an
19 extracurricular activity [~~activities~~], including issues related to
20 a [~~the~~] student's grades, [~~or~~] the school district's grading policy
21 as applied to a [~~the~~] student's eligibility, a student's
22 eligibility based on conduct described by Subsection (e-1), or a
23 parent's or guardian's eligibility to attend an extracurricular
24 activity under Subsection (f-1). The commissioner may delegate the
25 matter for decision to a person the commissioner designates. The
26 decision of the commissioner or the commissioner's designee in a
27 matter governed by this subsection may not be appealed except on the

1 grounds that the decision is arbitrary or capricious. Evidence may
2 not be introduced on appeal other than the record of the evidence
3 before the commissioner.

4 Section 2 Subchapter D, Chapter 33, Education Code, is
5 amended by adding Section 33.098 to read as follows:

6 Sec. 33.098. SAFETY OF OFFICIAL. A school district or
7 open-enrollment charter school that holds an extracurricular
8 activity or a University Interscholastic League competition on
9 district or school property shall provide a peace officer, school
10 resource officer, or security personnel to ensure the safety of a
11 referee, judge, or other official of the activity or competition
12 until the official departs district or school property if:

13 (1) a participant or spectator of the activity or
14 competition engages in, attempts to engage in, or threatens violent
15 conduct against the official or otherwise disrupts the duties or
16 free movement of the official; or

17 (2) the district or school reasonably suspects that an
18 incident described by Subdivision (1) may occur at the activity or
19 competition.

20 SECTION 3. This Act applies beginning with the 2021-2022
21 school year.

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