

By: Paxton

S.B. No. 491

A BILL TO BE ENTITLED

AN ACT

relating to authorizing equal opportunity for access by home-schooled 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 HOME-SCHOOLED STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES.

(a) In this section, "home-schooled student" has the meaning assigned by Section 29.916.

(b) Except as provided by Subsection (g), a public school that participates in an activity sponsored by the University Interscholastic League shall provide a home-schooled 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.

(c) A home-schooled 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: policies regarding registration, age eligibility, fees, insurance, transportation, physical condition,

1 qualifications, responsibilities, event schedules, standards of
2 behavior, and performance.

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

19 (e) A home-schooled student's demonstration of academic
20 proficiency under Subsection (d) is sufficient for purposes of that
21 subsection for the school year in which the student achieves the
22 required score and the subsequent school year.

23 (f) After the first six weeks of a school year, the parent
24 or person standing in parental relation to a home-schooled student
25 participating in a league activity on behalf of a public school
26 must periodically, in accordance with the school's grading
27 calendar, provide written verification to the school indicating

1 that the student is receiving a passing grade in each course or
2 subject being taught.

3 (g) A home-schooled student is not authorized by this
4 section to participate in a league activity during the remainder of
5 any school year during which the student was previously enrolled in
6 a public school.

7 (h) The University Interscholastic League may not prohibit
8 a home-schooled student from participating in league activities in
9 the manner authorized by this section.

10 (i) With respect to a home-schooled student's education
11 program, nothing in this section shall be construed to permit an
12 agency of this state, a public school district, or any other
13 governmental body to exercise control, regulatory authority, or
14 supervision over a home-schooled student or a parent or person
15 standing in parental relation to a home-schooled student beyond the
16 control, regulatory authority, or supervision required to
17 participate in a league activity.

18 (j) Subject only to eligibility requirements under this
19 section for a home-schooled student to participate in a league
20 activity:

21 (1) the curriculum or assessment requirements,
22 performance standards, practices, or creed of the education program
23 provided to a home-schooled student may not be required to be
24 changed in order for the home-schooled student to participate in a
25 league activity; and

26 (2) for a home-schooled student participating in an
27 education program on January 1, 2021, the education program

1 provided to that student may not be required to comply with any
2 state law or agency rule relating to that education program unless
3 the law or rule was in effect on January 1, 2021.

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

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