

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

^{NV}
MAY 20 2021

Lacey Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Louis Lewis, Jr.

1 Amend H.B. No. 2721 (senate committee report) as follows:

2 (1) In the recital to SECTION 1 of the bill (page 1, line
3 26), strike "Subsection (e-1)" and substitute "Subsections (e-1),
4 (e-2), (e-3), (e-4), and (h)".

5 (2) In SECTION 1 of the bill, in added Section 33.081(e-1),
6 Education Code (page 1), strike lines 32 through 39 and substitute
7 the following:

8 district or the University Interscholastic League if the state
9 executive committee of the league determines that the student
10 intentionally, knowingly, or recklessly causes bodily injury to a
11 person serving as referee, judge, or other official of an
12 extracurricular activity in retaliation for or as a result of the
13 person's actions taken in performing the duties of a referee,
14 judge, or other official of the extracurricular activity.

15 (3) In SECTION 1 of the bill, immediately following added
16 Section 33.081(e-1), Education Code (page 1, between lines 39 and
17 40), insert the following:

18 (e-2) A student prohibited from participation in an
19 extracurricular activity under Subsection (e-1) may submit to the
20 University Interscholastic League a request that the student be
21 permitted to participate in future extracurricular activities
22 sponsored or sanctioned by the University Interscholastic League
23 if:

24 (1) the request is submitted at least:

25 (A) one year after the date the student engaged
26 in the conduct that resulted in the prohibition under Subsection
27 (e-1) if the student was enrolled in eighth grade or below at the
28 time of the conduct; or

29 (B) two years after the date the student engaged

1 in the conduct that resulted in the prohibition under Subsection
2 (e-1) if the student was enrolled in ninth grade or above at the
3 time of the conduct;

4 (2) the student:

5 (A) completed a course in anger management since
6 engaging in the conduct that resulted in the prohibition under
7 Subsection (e-1);

8 (B) completed any other course, activity, or
9 action required by the school district in which the student is
10 enrolled as a result of the conduct that resulted in the prohibition
11 under Subsection (e-1); and

12 (C) demonstrates, to the satisfaction of the
13 school district and the University Interscholastic League, that the
14 student has been rehabilitated and is unlikely to again engage in
15 the conduct described by Subsection (e-1); and

16 (3) a previous request submitted by the student under
17 this section has not been denied during the school year in which the
18 request is submitted.

19 (e-3) When determining whether to grant a request under
20 Subsection (e-2), the University Interscholastic League:

21 (1) shall take into account the severity of the
22 conduct that resulted in the prohibition under Subsection (e-1);
23 and

24 (2) may set conditions for the student's future
25 participation in extracurricular activities.

26 (e-4) The University Interscholastic League may prohibit a
27 student from participating in any future extracurricular activity
28 sponsored or sanctioned by the University Interscholastic League if
29 the student violates a condition set by the University
30 Interscholastic League under Subsection (e-3)(2).

31 (4) In SECTION 1 of the bill, immediately following amended

1 Section 33.081(g), Education Code (page 1, between lines 57 and
2 58), insert the following:

3 (h) A request made under Subsection (e-2) is not a contested
4 case subject to Chapter 2001, Government Code.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2721 by Lucio III (Relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to prohibiting a student from participating in extracurricular activities could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency, 720 UT Sys Admin

LBB Staff: JMc, LBO, SL, THO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 11, 2021

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2721 by Lucio III (Relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to prohibiting a student from participating in extracurricular activities could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency, 720 UT Sys Admin

LBB Staff: JMc, SL, THO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 16, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2721 by Lucio III (Relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to prohibiting a student from participating in extracurricular activities could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency, 720 UT Sys Admin

LBB Staff: JMc, SL, THO