

House Bill 547
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Sections 33.0832 and 33.08321 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR CERTAIN STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES.

(a) In this section, "non-enrolled student" means a student who receives instruction as described by Section 29.916(a)(1) from a nonpublic school.

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

(c) Except as provided by Subsection (i), a public school that participates in an activity sponsored by the University Interscholastic League may provide a non-enrolled 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.

(d) A non-enrolled 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, qualifications, responsibilities, event schedules, standards of behavior, and performance.

SENATE VERSION (CS)

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 CERTAIN STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In this section:

(1) "League" means the University Interscholastic League.

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

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

(c) Except as provided by Subsection (i), a public school that participates in an activity sponsored by the league may provide a non-enrolled 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.

(d) A non-enrolled 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:

(1) registration for league activities;

(2) age eligibility;

(3) fees;

(4) insurance;

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

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

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- (5) transportation;
- (6) physical condition;
- (7) qualifications;
- (8) responsibilities;
- (9) event schedules;
- (10) standards of behavior; and
- (11) performance.

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

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

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

(h) After the first six weeks of a school year or beginning at an earlier time on request by the coach of the activity, the parent or person standing in parental relation to a non-enrolled student participating in a league activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

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

(j) The University Interscholastic League may not prohibit a non-enrolled student from participating in league activities in the manner authorized by this section.

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

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

(1) the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be

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

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

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

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

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

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

(1) the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be

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changed in order for the non-enrolled student to participate in a league activity; and

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

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

Sec. 33.08321. ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE SPONSORED ACTIVITIES FOR STUDENTS UNDER SUPERVISION OF TEXAS JUVENILE JUSTICE DEPARTMENT. (a) The University Interscholastic League shall provide students receiving educational services under the supervision of the Texas Juvenile Justice Department with the opportunity to participate in activities sponsored by the league in the same manner that the league provides the opportunity to participate to students enrolled in public schools.
(b) The University Interscholastic League shall enter into a memorandum of understanding with the Texas Juvenile Justice Department regarding the policies governing:
(1) the conditions of eligibility for students under the supervision of the department in activities sponsored by the league, including:
(A) age of students eligible to participate;
(B) academic performance requirements for students; and
(C) standards of behavior for students;

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changed in order for the non-enrolled student to participate in a league activity; and

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

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

No equivalent provision.

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(2) the appropriate league in which students under the supervision of the department will participate; and
(3) the duties of the department regarding other policies of the league, including fees, insurance, and transportation.

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

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

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SECTION 2. Same as House version.

SECTION 3. Same as House version.

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