

By: Lopez of Cameron

H.B. No. 4302

A BILL TO BE ENTITLED

AN ACT

relating to the appeal of certain decisions concerning student participation in extracurricular activities.

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

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

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

(g-1) An appeal relating to a student's grades or the school district's grading policy as applied to the student's eligibility to participate in extracurricular activities shall be heard exclusively by the University Interscholastic League. An appeal

1 under this subsection shall be conducted in the same manner and is
2 subject to the same limitations as an appeal to the commissioner
3 under Subsection (g).

4 SECTION 2. This Act applies beginning with the 2023-2024
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, 2023.