

By: LaMantia

S.B. No. 2438

A BILL TO BE ENTITLED

AN ACT

relating to the safety of a referee, judge, or other official at a public school extracurricular activity and prohibiting certain conduct by a spectator related to those officials' safety.

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

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

(f-1) A spectator of a University Interscholastic League competition, including a parent or guardian of a student participant, shall be prohibited from attending any future extracurricular activity sponsored or sanctioned by the school district or the University Interscholastic League if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity 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.

(g) An appeal to the commissioner is not a contested case under Chapter 2001, Government Code, if the issues presented relate to a person's [~~student's~~] eligibility to participate in or attend an extracurricular activity [~~activities~~], including issues related to a [~~the~~] student's grades, the school district's grading policy as applied to a [~~the~~] student's eligibility, a [~~or the~~] student's

1 eligibility based on conduct described by Subsection (e-1), or a
2 spectator's eligibility to attend an extracurricular activity
3 under Subsection (f-1). The commissioner may delegate the matter
4 for decision to a person the commissioner designates. The decision
5 of the commissioner or the commissioner's designee in a matter
6 governed by this subsection may not be appealed except on the
7 grounds that the decision is arbitrary or capricious. Evidence may
8 not be introduced on appeal other than the record of the evidence
9 before the commissioner.

10 SECTION 2. Subchapter D, Chapter 33, Education Code, is
11 amended by adding Section 33.099 to read as follows:

12 Sec. 33.099. SAFETY OF OFFICIAL. A school district or
13 open-enrollment charter school that holds an extracurricular
14 activity or a University Interscholastic League competition on
15 district or school property shall provide a peace officer, school
16 resource officer, or security personnel to ensure the safety of a
17 referee, judge, or other official of the activity or competition
18 until the official departs district or school property if:

19 (1) a participant or spectator of the activity or
20 competition engages in, attempts to engage in, or threatens violent
21 conduct against the official or otherwise disrupts the duties or
22 free movement of the official; or

23 (2) the district or school reasonably suspects that an
24 incident described by Subdivision (1) may occur at the activity or
25 competition.

26 SECTION 3. This Act applies beginning with the 2023-2024
27 school year.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.