By:  Paxton S.B. No. 401

A BILL TO BE ENTITLED

AN ACT

relating to the participation by non-enrolled students in University Interscholastic League-sponsored activities.

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

SECTION 1.  Section 33.0832, Education Code, is amended 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 Subsections (c-2) and (i), a public school that participates in an activity sponsored by the league shall[~~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.

(c-1)  When assigning league classification to a public school based on student enrollment, the league must use the same student enrollment calculation formula for a school that allows a non-enrolled student to participate in a league activity as provided by Subsection (c) as the formula used to determine the student enrollment of a school that does not allow a non-enrolled student to participate in the league activity.

(c-2)  A board of trustees of a school district may decline to grant non-enrolled students access to league activities at a campus of the district or school by taking a record vote that receives the support of a majority of the trustees.

(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;

(5)  transportation;

(6)  physical condition;

(7)  qualifications;

(8)  responsibilities;

(9)  event schedules;

(10)  standards of behavior; and

(11)  performance.

(e)  Except as provided by (e-1), a[~~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.

(e-1)  If a school has declined to grant non-enrolled students access to league activities as described in Subsection (c-2), a non-enrolled student eligible to attend that school based on their residential address may participate in a league activity for the public school closest to their residential address that has not declined to grant non-enrolled students access to league activities as described by Subsection (c-2).

(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 25 this subsection, a school district shall accept assessment results administered or reported by a third party.

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

(2)  for a non-enrolled student participating in an 26 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.

SECTION 2.  This Act applies beginning with the 2025-2026 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, 2025.