

BILL ANALYSIS

Senate Research Center

H.B. 547
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current University Interscholastic League (UIL) policies, home-schooled students are prohibited from participating in extracurricular activities such as sports, theater, and musical competition through UIL. In recent years, some homeschool parents have chosen to organize and enroll their children in private athletic leagues or other creative outlets. However, homeschool families of limited economic means or in rural areas do not have access to these activities. H.B. 547 seeks to give home-schooled students who are eligible to participate in UIL activities the option to participate in UIL activities in their local school district.

H.B. 547 amends current law relating to authorizing equal opportunity for access by certain students to University Interscholastic League sponsored activities and authorizes a fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 33, Education Code, by adding Sections 33.0832 and 33.08321, as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR CERTAIN STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) Defines "non-enrolled student."

(b) Prohibits anything in this section from being construed to affect the holding in *Texas Educ. Agency v. Leeper*, 893 S.W.2d 432 (Tex. 1994), classifying home schools as private schools. Provides that the legislature finds that a home school is a private school for purposes of this section.

(c) Authorizes a public school that participates in an activity sponsored by the University Interscholastic League (UIL), except as provided by Subsection (i), to provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL 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) Provides that a non-enrolled student who seeks to participate or participates in a UIL 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.

(e) Authorizes a non-enrolled student to only participate in a UIL activity for the school in the school district that the student would be eligible to attend based on the student's residential address. Requires a non-enrolled student who seeks to participate in a UIL activity on behalf of a school to 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 (Admission).

(f) Provides that 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 UIL activity. Requires a non-enrolled student, as a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, to 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. Provides that 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. Requires a school district, for purposes of this subsection, to accept assessment results administered or reported by a third party.

(g) Provides that 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) Requires the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school, after the first six weeks of a school year or beginning at an earlier time on request by the coach of the activity, to 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) Provides that a non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

(j) Prohibits UIL from prohibiting a non-enrolled student from participating in UIL activities in the manner authorized by this section.

(k) Prohibits anything in this section, with respect to a non-enrolled student's education program, from being 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 UIL activity.

(l) Provides that, subject only to eligibility requirements under this section for a non-enrolled student to participate in a UIL activity:

(1) the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student are prohibited from being required to be changed in order for the non-enrolled student to participate in a UIL activity; and

(2) for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student is prohibited from being 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) Provides that, notwithstanding any other law, a non-enrolled student who participates in a UIL activity under this section is subject to the immunization

requirements and exceptions of Section 38.001 (Immunization; Requirements; Exceptions) 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) Requires UIL to provide students receiving educational services under the supervision of the Texas Juvenile Justice Department (TJJD) with the opportunity to participate in activities sponsored by UIL in the same manner that UIL provides the opportunity to participate to students enrolled in public schools.

(b) Requires UIL to enter into a memorandum of understanding with TJJD regarding the policies governing:

(1) the conditions of eligibility for students under the supervision of TJJD in activities sponsored by UIL, including age of students eligible to participate, academic performance requirements for students, and standards of behavior for students;

(2) the appropriate league in which students under the supervision of TJJD will participate; and

(3) the duties of TJJD regarding other policies of UIL, including fees, insurance, and transportation.

SECTION 2. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 3. Effective date: upon passage or September 1, 2021.