

AN ACT

relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.

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

SECTION 1. Section 33.081, Education Code, is amended by adding Subsections (e-1), (e-2), (e-3), (e-4), and (h) and amending Subsections (f) and (g) to read as follows:

(e-1) A student who is enrolled in a school district in this state or who participates in a University Interscholastic League competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the school district or the University Interscholastic League if the state executive committee of the league determines that the student 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.

(e-2) A student prohibited from participation in an extracurricular activity under Subsection (e-1) may submit to the University Interscholastic League a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the University Interscholastic League

1 if:

2 (1) the request is submitted at least:

3 (A) one year after the date the student engaged
4 in the conduct that resulted in the prohibition under Subsection
5 (e-1) if the student was enrolled in eighth grade or below at the
6 time of the conduct; or

7 (B) two years after the date the student engaged
8 in the conduct that resulted in the prohibition under Subsection
9 (e-1) if the student was enrolled in ninth grade or above at the
10 time of the conduct;

11 (2) the student:

12 (A) completed a course in anger management since
13 engaging in the conduct that resulted in the prohibition under
14 Subsection (e-1);

15 (B) completed any other course, activity, or
16 action required by the school district in which the student is
17 enrolled as a result of the conduct that resulted in the prohibition
18 under Subsection (e-1); and

19 (C) demonstrates, to the satisfaction of the
20 school district and the University Interscholastic League, that the
21 student has been rehabilitated and is unlikely to again engage in
22 the conduct described by Subsection (e-1); and

23 (3) a previous request submitted by the student under
24 this section has not been denied during the school year in which the
25 request is submitted.

26 (e-3) When determining whether to grant a request under
27 Subsection (e-2), the University Interscholastic League:

1 (1) shall take into account the severity of the
2 conduct that resulted in the prohibition under Subsection (e-1);
3 and

4 (2) may set conditions for the student's future
5 participation in extracurricular activities.

6 (e-4) The University Interscholastic League may prohibit a
7 student from participating in any future extracurricular activity
8 sponsored or sanctioned by the University Interscholastic League if
9 the student violates a condition set by the University
10 Interscholastic League under Subsection (e-3)(2).

11 (f) Except for a student prohibited from participation
12 under Subsection (e-1), a [A] student suspended under this section
13 may practice or rehearse with other students for an extracurricular
14 activity but may not participate in a competition or other public
15 performance.

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

1 before the commissioner.

2 (h) A request made under Subsection (e-2) is not a contested
3 case subject to Chapter 2001, Government Code.

4 SECTION 2. This Act applies beginning with the 2021-2022
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, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 2721 was passed by the House on May 8, 2021, by the following vote: Yeas 135, Nays 4, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2721 on May 28, 2021, by the following vote: Yeas 142, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2721 was passed by the Senate, with amendments, on May 20, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor