

By: Gervin-Hawkins

H.B. No. 4461

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for hearings conducted by the University Interscholastic League.

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

SECTION 1. Chapter 33, Education Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. UNIVERSITY INTERSCHOLASTIC LEAGUE HEARINGS

Sec. 33.125. DEFINITIONS. In this subchapter:

(1) "League" means the University Interscholastic League.

(2) "Legislative council" means the governing body of the league that proposes, implements, and administers rules and procedures for the league as provided by this chapter.

Sec. 33.126. CONSTITUTION AND CONTEST RULES. (a) The legislative council shall amend the league's constitution and contest rules as necessary to comply with this subchapter and submit the proposed amended constitution and rules to the commissioner for approval. The commissioner may not approve a provision of the proposed constitution or a rule submitted by the league that conflicts with the requirements of this subchapter.

(b) The league's constitution and contest rules must:

(1) clearly describe the procedure, process, and timing for a hearing held by, the reconsideration of a decision made by, or an appeal taken from a decision made by the league's state

1 executive committee; and

2 (2) provide a person or school district guidance for
3 actions available following the exhaustion of administrative
4 remedies.

5 Sec. 33.127. STATE EXECUTIVE COMMITTEE DUTIES. The state
6 executive committee:

7 (1) must accept any appeal taken from a decision of the
8 district executive committee; and

9 (2) may not impose a penalty until the penalty is
10 reviewed and approved by the commissioner.

11 Sec. 33.128. LEAGUE CONTEST RULES. The rules of the league
12 shall, for any meeting or hearing by the district executive
13 committee or state executive committee regarding a violation of
14 league contest rules by a person or school district campus:

15 (1) require the burden of proof to be borne by the
16 person alleging a violation or the district executive committee or
17 state executive committee if the committee alleges the violation;

18 (2) require the meeting or hearing to be audio and
19 video recorded and made accessible through the league's Internet
20 website not later than 24 hours after the end of the meeting or
21 hearing;

22 (3) require the district executive committee or state
23 executive committee to provide written notice, including a list of
24 any evidence or witnesses the committee intends to present at the
25 hearing or meeting relating to the relevant violation, at least
26 five business days before the date of any hearing or meeting to each
27 person or campus involved in an alleged violation of league contest

1 rules that will be discussed at the hearing or meeting;

2 (4) prohibit investigation or use of an anonymous
3 complaint by the district executive committee or state executive
4 committee;

5 (5) require testimony presented by a person or campus,
6 the district executive committee, or the state executive committee,
7 against a person or school district campus to be provided in person,
8 under oath, and subject to cross-examination;

9 (6) to the extent practicable, require the application
10 of the Texas Rules of Evidence to the meeting or hearing in the same
11 manner those rules apply in a court of law;

12 (7) require the district executive committee or state
13 executive committee to ensure the presence of an attorney licensed
14 in this state at each meeting and hearing to ensure compliance with
15 applicable law and the league's constitution and contest rules;

16 (8) permit a person or campus to:

17 (A) be represented by legal counsel; and

18 (B) participate, on the person's or campus's own
19 behalf or through legal counsel, including by allowing:

20 (i) opening statements;

21 (ii) closing statements;

22 (iii) cross-examination of witnesses; and

23 (iv) submission of and objections to
24 evidence consistent with the Texas Rules of Evidence;

25 (9) prohibit the district executive committee or state
26 executive committee from setting a predetermined time limit on the
27 duration of the meeting or hearing; and

1 (10) require the district executive committee or state
2 executive committee to include in any decision of the committee
3 issued after a meeting or hearing written findings of fact
4 addressing the witness testimony and any evidence presented.

5 Sec. 33.129. SUBPOENA. On the motion of any party to a
6 hearing or meeting relating to an alleged violation of league
7 contest rules, a district executive committee or the state
8 executive committee may issue an administrative subpoena to compel
9 the production of records relating to the hearing or meeting or the
10 attendance of any person at the hearing or meeting.

11 SECTION 2. Subchapter D-1, Chapter 33, Education Code, as
12 added by this Act, applies only to a meeting or hearing conducted by
13 a district executive committee, the state executive committee, or
14 any other committee of the University Interscholastic League
15 commenced on or after the effective date of this Act. A meeting or
16 hearing commenced before the effective date of this Act is governed
17 by the law in effect immediately before the effective date of this
18 Act, and that law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2023.