

BILL ANALYSIS

Senate Research Center

S.B. 82
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas school children participate in school-sponsored athletic competitions without uniform standards, leading to inconsistent health and safety conditions. Texas law does not provide for the training of students and coaches in basic safety procedures, such as cardiopulmonary resuscitation (CPR), or for the maintenance of plans for dealing with life and death medical emergencies resulting from athletic competition.

S.B. 82 requires the development and adoption of an extracurricular activity safety training course by the commissioner of education. This bill also requires certain school personnel and students participating in extracurricular athletics to take the safety course which includes training in the recognition of potentially catastrophic injuries, emergency training, and CPR, and also requires that schools found not in compliance with this training discontinue all practices and competitions until compliance is met. This bill addresses the completion of University Interscholastic League (UIL) forms which will help increase awareness of possible health conditions to all necessary parties and to aid coaches in making safety modifications at practices and competitions.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 33.202, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 33, Education Code, by adding Subchapter F, as follows:

SUBCHAPTER F. SAFETY REGULATIONS FOR CERTAIN EXTRACURRICULAR ACTIVITIES

Sec. 33.201. **APPLICABILITY.** Specifies that this subchapter applies to each public schools in the state and any other schools subject to University Interscholastic League (UIL) rules.

Sec. 33.202. **SAFETY TRAINING REQUIRED.** (a) Requires the commissioner of education (commissioner) by rule to develop and adopt an extracurricular activity safety training program (program). Authorizes the commissioner to use materials available from the American Red Cross, Emergency Medical Systems, or other appropriate entities in developing the program.

(b) Sets forth the persons involved in certain extracurricular activities (activities) who must satisfactorily complete the program.

(c) Requires the program to include participant certification by certain qualified organizations and current training in emergency action planning, cardiopulmonary resuscitation (CPR), effective communication with emergency personnel, and recognizing the symptoms of potentially catastrophic injuries. Requires a safety drill incorporating the above training and simulating potentially catastrophic injuries at least once a school year.

(d) Requires a school district to provide training to students participating in extracurricular athletic activities in recognizing potentially catastrophic injuries and in the risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.

(e) Authorizes schools, school districts, or certain qualified organizations to conduct the program and the potentially catastrophic injury training.

(f) Exempts a physician who is employed by a school or school district or who volunteers in activities from having to complete the program if the physician attends a continuing medical education course that specifically addresses emergency medicine.

Sec. 33.203. COMPLETION OF UNIVERSITY INTERSCHOLASTIC LEAGUE FORMS. (a) Requires each student participating in an activity to complete certain UIL forms regarding medical history and an acknowledgement of rules. Requires each form to be signed by both the student and the student's parent or guardian.

(b) Requires each form to clearly state that failure to accurately and truthfully answer all questions on the form will subject the signer to penalties determined by UIL.

Sec. 33.204. CERTAIN UNSAFE ATHLETIC ACTIVITIES PROHIBITED. Prohibits coaches, trainers, or sponsors for activities from encouraging actions that unnecessarily endanger the health of a student, including using any sports equipment as a weapon.

Sec. 33.205. CERTAIN SAFETY PRECAUTIONS REQUIRED. (a) Requires a coach, trainer, or sponsor to ensure that each student is properly hydrated, that prescribed asthma medication is readily available, that emergency lanes to the area are open and clear, and that heatstroke prevention materials are readily available.

(b) Prohibits students who become unconscious during an activity from returning to the activity during which the student became unconscious or to participate in any further activities until written authorization is given by a physician.

Sec. 33.206. COMPLIANCE; ENFORCEMENT. (a) Requires a school to make available to the public, in accordance with Chapter 552, Government Code, proof of compliance for each person required to receive program training.

(b) Requires the superintendent of a school district or the director of a school subject to this subchapter to maintain records of the aforementioned compliance.

(c) Requires schools that are found to be out of compliance with regard to UIL activities by the school's superintendent or director to be subject to the range of penalties determined by UIL.

Sec. 33.207. CONTACT INFORMATION. Requires the commissioner to maintain an existing telephone number and an electronic mail address to allow for reports of violations of this subchapter. Requires each school that offers activities to prominently display this contact information in the administrative offices of each school.

Sec. 33.208. NOTICE REQUIRED. Requires a school that offers activities to provide to each student participating in an activity and the student's parents or guardians a copy of the text in Sections 33.201-33.207, and a copy of UIL parent information manual. Authorizes for the aforementioned information to be distributed in an electronic format unless requested otherwise.

Sec. 33.209. INCORPORATION OF SAFETY REGULATIONS. Requires UIL to incorporate Sections 33.203-33.207 into its constitution and contest rules.

Sec. 33.210. IMMUNITY FROM LIABILITY. Provides that this subchapter does not waive any liability or immunity of a school district or its officers or employees. Provides that this subchapter does not create any liability for or a cause of action against a school district or its officers or employees.

Sec. 33.211. LIMITATION ON LIABILITY. Provides that a person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Section 33.205 unless the act or omission is willfully or wantonly negligent.

SECTION 2. Makes application of Subchapter F, Chapter 33, Education Code, as added by this Act, prospective to the 2008-2009 school year.

SECTION 3. Effective date: upon passage or September 1, 2007.