

A BILL TO BE ENTITLED

AN ACT

relating to safety regulations for certain public school extracurricular activities.

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

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

SUBCHAPTER F. SAFETY REGULATIONS FOR CERTAIN
EXTRACURRICULAR ACTIVITIES

Sec. 33.201. APPLICABILITY. This subchapter applies to each public school in this state and to any other school in this state subject to University Interscholastic League rules.

Sec. 33.202. SAFETY TRAINING REQUIRED. (a) The commissioner by rule shall develop and adopt an extracurricular activity safety training program as provided by this section. In developing the program, the commissioner may use materials available from the American Red Cross, Emergency Medical Systems (EMS), or another appropriate entity.

(b) The following persons must satisfactorily complete the safety training program:

(1) a coach, trainer, or sponsor for an extracurricular athletic activity;

(2) except as provided by Subsection (f), a physician who is employed by a school or school district or who volunteers to assist with an extracurricular athletic activity; and

1 (3) a director responsible for a school marching band.

2 (c) The safety training program must include:

3 (1) certification of participants by the American Red
4 Cross, the American Heart Association, or a similar organization or
5 the University Interscholastic League, as determined by the
6 commissioner;

7 (2) current training in:

8 (A) emergency action planning;

9 (B) cardiopulmonary resuscitation if the person
10 is not required to obtain certification under Section 33.086;

11 (C) communicating effectively with 9-1-1
12 emergency service operators and other emergency personnel; and

13 (D) recognizing symptoms of potentially
14 catastrophic injuries, including head and neck injuries,
15 concussions, injuries related to second impact syndrome, asthma
16 attacks, heatstroke, cardiac arrest, and injuries requiring use of
17 a defibrillator; and

18 (3) at least once each school year, a safety drill that
19 incorporates the training described by Subdivision (2) and
20 simulates various injuries described by Subdivision (2)(D).

21 (d) A school district shall provide training to students
22 participating in an extracurricular athletic activity related to:

23 (1) recognizing the symptoms of injuries described by
24 Subsection (c)(2)(D); and

25 (2) the risks of using dietary supplements designed to
26 enhance or marketed as enhancing athletic performance.

27 (e) The safety training program and the training under

1 Subsection (d) may each be conducted by a school or school district
2 or by an organization described by Subsection (c)(1).

3 (f) A physician who is employed by a school or school
4 district or who volunteers to assist with an extracurricular
5 athletic activity is not required to complete the safety training
6 program if the physician attends a continuing medical education
7 course that specifically addresses emergency medicine.

8 Sec. 33.203. COMPLETION OF UNIVERSITY INTERSCHOLASTIC
9 LEAGUE FORMS. (a) Each student participating in an
10 extracurricular athletic activity must complete the University
11 Interscholastic League forms entitled "Preparticipation Physical
12 Evaluation--Medical History" and "Acknowledgment of Rules." Each
13 form must be signed by both the student and the student's parent or
14 guardian.

15 (b) Each form specified by Subsection (a) must clearly state
16 that failure to accurately and truthfully answer all questions on a
17 form required by statute or by the University Interscholastic
18 League as a condition for participation in an extracurricular
19 athletic activity subjects a signer of the form to penalties
20 determined by the University Interscholastic League.

21 (c) The "Preparticipation Physical Evaluation--Medical
22 History" form must contain the following statement:

23 "An individual answering in the affirmative to
24 any question relating to a possible cardiovascular
25 health issue, as identified on the form, should be
26 restricted from further participation until the
27 individual is examined and cleared by a physician,

1 physician assistant, chiropractor, or nurse
2 practitioner. Ultimately, the individual may need to
3 be evaluated by a cardiologist and/or undergo cardiac
4 testing (including an echocardiogram and/or other
5 heart-related examination) based on the assessment by
6 the primary care physician."

7 Sec. 33.204. CERTAIN UNSAFE ATHLETIC ACTIVITIES
8 PROHIBITED. A coach, trainer, or sponsor for an extracurricular
9 athletic activity may not encourage or permit a student
10 participating in the activity to engage in any unreasonably
11 dangerous athletic technique that unnecessarily endangers the
12 health of a student, including using a helmet or any other sports
13 equipment as a weapon.

14 Sec. 33.205. CERTAIN SAFETY PRECAUTIONS REQUIRED. (a) A
15 coach, trainer, or sponsor for an extracurricular athletic activity
16 shall at each athletic practice or competition ensure that:

17 (1) each student participating in the activity is
18 adequately hydrated;

19 (2) any prescribed asthma medication for a student
20 participating in the activity is readily available to the student;

21 (3) emergency lanes providing access to the practice
22 or competition area are open and clear; and

23 (4) heatstroke prevention materials are readily
24 available.

25 (b) If a student participating in an extracurricular
26 athletic activity, including a practice or competition, becomes
27 unconscious during the activity, the student may not:

1 (1) return to the practice or competition during which
2 the student became unconscious; or

3 (2) participate in any extracurricular athletic
4 activity until the student receives written authorization for such
5 participation from a physician.

6 Sec. 33.206. COMPLIANCE; ENFORCEMENT. (a) On request, a
7 school shall make available to the public proof of compliance for
8 each person enrolled in, employed by, or volunteering for the
9 school who is required to receive safety training described by
10 Section 33.202.

11 (b) The superintendent of a school district or the director
12 of a school subject to this subchapter shall maintain complete and
13 accurate records of the district's or school's compliance with
14 Section 33.202.

15 (c) A school campus that is determined by the school's
16 superintendent or director to be out of compliance with Section
17 33.202, 33.204, or 33.205 shall be subject to the range of penalties
18 determined by the University Interscholastic League.

19 Sec. 33.207. CONTACT INFORMATION. (a) The commissioner
20 shall maintain an existing telephone number and an electronic mail
21 address to allow a person to report a violation of this subchapter.

22 (b) Each school that offers an extracurricular athletic
23 activity shall prominently display at the administrative offices of
24 the school the telephone number and electronic mail address
25 maintained under Subsection (a).

26 Sec. 33.208. NOTICE REQUIRED. (a) A school that offers an
27 extracurricular athletic activity shall provide to each student

1 participating in an extracurricular athletic activity and to the
2 student's parent or guardian a copy of the text of Sections
3 33.201-33.207 and a copy of the University Interscholastic League's
4 parent information manual.

5 (b) A document required to be provided under this section
6 may be provided in an electronic format unless otherwise requested
7 by a student, parent, or guardian.

8 Sec. 33.209. INCORPORATION OF SAFETY REGULATIONS. The
9 University Interscholastic League shall incorporate the provisions
10 of Sections 33.203-33.207 into the league's constitution and
11 contest rules.

12 Sec. 33.210. IMMUNITY FROM LIABILITY. This subchapter does
13 not waive any liability or immunity of a school district or its
14 officers or employees. This subchapter does not create any
15 liability for or a cause of action against a school district or its
16 officers or employees.

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

22 SECTION 2. Subchapter F, Chapter 33, Education Code, as
23 added by this Act, applies beginning with the 2008-2009 school
24 year.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 82

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.