

By: Van de Putte, et al.

S.B. No. 82

Substitute the following for S.B. No. 82:

By: Eissler

C.S.S.B. No. 82

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 provider."

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) In accordance  
7 with Chapter 552, Government Code, a school shall make available to  
8 the public proof of compliance for each person enrolled in,  
9 employed by, or volunteering for the school who is required to  
10 receive safety training described by 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 with regard to University Interscholastic  
18 League activities shall be subject to the range of penalties  
19 determined by the University Interscholastic League.

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

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

27           Sec. 33.208. NOTICE REQUIRED. (a) A school that offers an

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

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

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

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

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

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

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2007.