

SENATE AMENDMENTS

2nd Printing

By: Howard of Travis, Hochberg, et al.

H.B. No. 1286

A BILL TO BE ENTITLED

AN ACT

relating to adoption of rules by the University Interscholastic League.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0831 to read as follows:

Sec. 33.0831. UNIVERSITY INTERSCHOLASTIC LEAGUE RULES: FISCAL IMPACT STATEMENT. (a) The legislative council of the University Interscholastic League may not take final action on a new or amended rule that would result in additional costs for a member school unless a fiscal impact statement regarding the rule has been completed in accordance with this section.

(b) For purposes of Subsection (a), final action by the legislative council means:

(1) submitting a rule to school superintendents, if the submission is required under the legislative council's procedures; or

(2) submitting a rule approved by the council to the commissioner for the commissioner's approval under Section 33.083(b), if the rule does not require submission to school superintendents under the legislative council's procedures.

(c) A fiscal impact statement regarding a rule must include:

(1) a projection of the costs to member schools of complying with the rule during the five-year period following the

1 effective date of the rule; and

2 (2) an explanation of the methodology used to analyze
3 the fiscal impact of the rule and determine the costs projection
4 required by Subdivision (1).

5 (d) If a fiscal impact statement is prepared for a rule, a
6 copy of the statement must be attached to the rule when it is
7 submitted for approval to school superintendents, if applicable,
8 and when it is submitted to the commissioner for approval.

9 SECTION 2. Section 33.0831, Education Code, as added by
10 this Act, applies only to a rule on which the legislative council of
11 the University Interscholastic League takes final action on or
12 after the effective date of this Act.

13 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

MAY 13 2011

Atty Gen
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Wendy N Davis

Amend H.B. No. 1286 (senate committee report) as follows:

1 Amend Sec. 33.0831 of the Texas Education Code by adding
2 new subsections (e) and (f) to read as follows:

3 (e) The University Interscholastic League may not impose a
4 fee or charge to any person, organization, or school district
5 for services being provided by a statewide association.

6 (f) Notwithstanding any other law, a school district shall
7 not be subject to any rule or decision by an interscholastic
8 league regarding the hiring or employment of a person, other
9 than coaches or assistant coaches, by the school district.

ADOPTED

MAY 13 2011

Antony Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Daveell*

1 Amend H.B. No. 1286 by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of
3 the bill accordingly:

4 SECTION _____. Section 33.091(d), Education Code, is amended
5 to read as follows:

6 (d) The league shall adopt rules for the annual
7 administration of a steroid testing program under which high school
8 students participating in an athletic competition sponsored or
9 sanctioned by the league are tested at multiple times throughout
10 the year for the presence of steroids in the students' bodies. The
11 testing program may be administered only if funds are available as
12 provided by Subsection (f) and must:

13 (1) require the random testing of [~~a statistically~~
14 ~~significant number of~~] high school students in this state who
15 participate in athletic competitions sponsored or sanctioned by the
16 league;

17 (2) provide for the selection of specific students
18 described by Subdivision (1) for testing through a process that
19 randomly selects students [~~from a single pool consisting of all~~
20 ~~students~~] who participate in any activity for which the league
21 sponsors or sanctions athletic competitions;

22 (3) be administered at a statistically significant
23 number [~~approximately 30 percent~~] of the high schools in this state
24 that participate in athletic competitions sponsored or sanctioned
25 by the league;

26 (4) provide for a process for confirming any initial
27 positive test result through a subsequent test conducted as soon as
28 practicable after the initial test, using a sample that was
29 obtained at the same time as the sample used for the initial test;

1 (5) require the testing to be performed only by an
2 anabolic steroid testing laboratory with a current certification
3 from the Substance Abuse and Mental Health Services Administration
4 of the United States Department of Health and Human Services, the
5 World Anti-Doping Agency, or another appropriate national or
6 international certifying organization; and

7 (6) provide for a period of ineligibility from
8 participation in an athletic competition sponsored or sanctioned by
9 the league for any student with a confirmed positive test result or
10 any student who refuses to submit to random testing.

ADOPTED

28-2-1

MAY 13 2011

Letty Spaul
Secretary of the Senate

BY: *[Signature]*

FLOOR AMENDMENT NO. 3

H
S
1286

1 Amend C.S.H.B. No. ~~270~~ (senate committee report) by inserting
2 into the bill the following appropriately numbered new SECTION and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter D, Chapter 33, Education Code, is
5 amended by adding Section 33.0832 to read as follows:

6 Sec. 33.0832. EQUAL OPPORTUNITY FOR ACCESS TO UNIVERSITY
7 INTERSCHOLASTIC LEAGUE ACTIVITIES OTHER THAN FOOTBALL OR
8 BASKETBALL. (a) In this section, "private school" has the meaning
9 assigned by Section 39.033(d).

10 (b) The University Interscholastic League shall provide
11 private and parochial schools with equal opportunity to become
12 members of the league for the purpose of providing their students
13 with access to league activities other than football or basketball.

14 (c) This section does not exempt a private or parochial
15 school or its students from satisfying each rule or eligibility
16 requirement imposed by this subchapter or the league for
17 participating in an activity or league district sponsored by the
18 league.

19 (d) A private or parochial school seeking to participate in
20 a league activity or to become a member of a league district shall
21 apply to the league on a signed form prescribed by the league. The
22 school must certify its eligibility under this subchapter and
23 league rules in the application and must attach proof of
24 accreditation. The league may not impose eligibility requirements
25 for private or parochial schools that exceed the requirements of
26 this subchapter or league rules for public schools or require proof
27 of eligibility that exceeds the proof required of public schools.
28 On approval of an application, the league shall issue a certificate
29 of approval to the applicant school. The application and

1 certificate of approval are governmental records for purposes of
2 Section 37.10, Penal Code.

3 (e) The league shall determine the appropriate league
4 district in which an eligible private or parochial school will
5 participate using the same standard the league applies to public
6 schools, provided that the private or parochial school may not be
7 placed in a league district lower than the 1A level.

8 (f) The league shall adopt rules that prohibit an eligible
9 private or parochial school from recruiting any student to attend
10 the school for the purpose of participating in a league activity. A
11 rule adopted under this subsection may not discriminate against an
12 eligible private or parochial school.

13 (g) To be eligible under this section, a private or
14 parochial school must:

15 (1) be accredited by an accrediting organization
16 recognized by the agency;

17 (2) not have had its ability or eligibility to
18 participate in an association similar to the league compromised,
19 revoked, or suspended for violating the rules or codes of that
20 association within the five-year period preceding the date of
21 application to participate in the league;

22 (3) offer a four-year high school curriculum;

23 (4) offer interscholastic competition; and

24 (5) require daily student attendance at a specific
25 location.

26 (h) Nothing in this section affects the right of a private
27 school participating in league activities during the 2010-2011
28 school year to continue participating in league activities in
29 subsequent school years in a manner comparable to the school's
30 participation during the 2010-2011 school year.

31 (i) Notwithstanding any other provision of this section,

1 but subject to Subsection (h), the league shall implement this
2 section by providing private and parochial schools with equal
3 opportunity to participate in:

4 (1) league academic activities beginning with the
5 2011-2012 school year;

6 (2) league athletic activities, other than football or
7 basketball, at the 1A and 2A league district levels beginning with
8 the spring semester of the 2011-2012 school year;

9 (3) league athletic activities, other than football or
10 basketball, at the 3A league district level beginning with the
11 2012-2013 school year;

12 (4) league athletic activities, other than football or
13 basketball, at the 4A league district level beginning with the
14 2013-2014 school year; and

15 (5) league athletic activities, other than football or
16 basketball, at the 5A league district level beginning with the
17 2014-2015 school year.

18 (j) Subsection (i) and this subsection expire September 1,
19 2015.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 16, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1286 by Howard, Donna (Relating to adoption of rules by the University Interscholastic League.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1286 by Howard, Donna (Relating to adoption of rules by the University Interscholastic League.), **As Engrossed**

No fiscal implication to the State is anticipated.

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 6, 2011

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1286 by Howard, Donna (Relating to adoption of rules by the University Interscholastic League.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, LXH, JGM, JW