

**House Bill 1286**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 effective date of the rule; and

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

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

SENATE VERSION (IE)

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

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

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

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

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(f) Notwithstanding any other law, a school district shall not be subject to any rule or decision by an interscholastic league regarding the hiring or employment of a person, other than coaches or assistant coaches, by the school district. [FA1]

No equivalent provision.

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

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

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

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

(d) A private or parochial school seeking to participate in a league activity or to become a member of a league district shall apply to the league on a signed form prescribed by the league. The school must certify its eligibility under this subchapter and league rules in the application and must attach proof of accreditation. The league may not impose eligibility requirements for private or parochial schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof

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required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

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

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

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

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

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

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

(4) offer interscholastic competition; and

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

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

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

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

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

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

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

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

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

(j) Subsection (i) and this subsection expire September 1, 2015. [FA3]

No equivalent provision.

SECTION \_\_. Section 33.091(d), Education Code, is amended to read as follows:

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

(1) require the random testing of ~~[a statistically significant number of]~~ high school students in this state who participate

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in athletic competitions sponsored or sanctioned by the league;

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

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

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

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

(6) provide for a period of ineligibility from participation in an athletic competition sponsored or sanctioned by the league for any student with a confirmed positive test result or any student who refuses to submit to random testing. [FA2]

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

SECTION 2. Same as House version.

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

SECTION 3. Same as House version.