

By: Price

H.B. No. 3189

A BILL TO BE ENTITLED

AN ACT

relating to the functions and duties of the University Interscholastic League.

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

SECTION 1. Section 7.055(b)(41), Education Code, is amended to read as follows:

(41) The commissioner shall adopt rules relating to extracurricular activities under Section 33.081 and approve or disapprove University Interscholastic League rules and procedures under Section 67.72(c) [~~33.083~~].

SECTION 2. Section 33.094(d), Education Code, is amended to read as follows:

(d) The University Interscholastic League may adopt rules necessary to implement this section, provided that the rules must be approved by the commissioner in accordance with Section 67.72(c) [~~33.083(b)~~].

SECTION 3. Section 33.203(a), Education Code, is amended to read as follows:

(a) Each student participating in an extracurricular athletic activity must complete the University Interscholastic League forms entitled "Preparticipation Physical Evaluation--Medical History" and "Acknowledgment of Rules." The "Preparticipation Physical Evaluation--Medical History" [~~Each~~] form must be signed by [~~both~~] the student, and [~~and~~] the student's

1 parent or guardian, and a physician, physician assistant, or
2 advanced practice nurse, as defined by Section 38.151. The
3 "Acknowledgment of Rules" form must be signed by both the student
4 and the student's parent or guardian.

5 SECTION 4. Section 38.153, Education Code, is amended by
6 adding Subsections (c) and (d) to read as follows:

7 (c) Not later than September 1 of each year, the
8 superintendent of a school district and the person who serves the
9 function of a superintendent for an open-enrollment charter school
10 shall submit to the University Interscholastic League a notarized
11 document stating:

12 (1) that the district or school has formed a
13 concussion oversight team as required by Subsection (a);

14 (2) the name and occupation of each person serving on
15 the concussion oversight team and confirming that each person has
16 completed the training required by Section 38.154(c);

17 (3) that the concussion oversight team has established
18 and is using the return-to-play protocol as required by Subsection
19 (b);

20 (4) the number of full-time athletic trainers employed
21 by the district or school; and

22 (5) the number of coaches employed by the district or
23 school who have completed the concussion training required by
24 Section 38.158 and the number of coaches employed by the district or
25 school who have not completed the required concussion training.

26 (d) Not later than October 1 of each year, the notarized
27 statements submitted under Subsection (c) must be available to the

1 public on the University Interscholastic League's Internet
2 website. The University Interscholastic League is responsible for
3 ensuring each year that statements are obtained from each school
4 district and open-enrollment charter school subject to this
5 section.

6 SECTION 5. Section 51.406(b), Education Code, is amended to
7 read as follows:

8 (b) To the extent that any of the following laws require
9 reporting by a university system or an institution of higher
10 education, a university system or institution of higher education
11 is not required to make the report on or after September 1, 2013,
12 unless legislation enacted by the 83rd Legislature that becomes law
13 expressly requires the institution or system to make the report:

- 14 (1) Section 7.109;
- 15 (2) [~~Section 33.083,~~
- 16 [~~3~~] Section 59.07;
- 17 (3) [~~4~~] Section 130.086;
- 18 (4) [~~5~~] Section 325.007, Government Code;
- 19 (5) [~~6~~] Section 669.003, Government Code;
- 20 (6) [~~7~~] Section 2005.007, Government Code;
- 21 (7) [~~8~~] Section 2054.097, Government Code;
- 22 (8) [~~9~~] Chapter 2114, Government Code; and
- 23 (9) [~~10~~] Section 2205.041, Government Code.

24 SECTION 6. Chapter 67, Education Code, is amended by adding
25 Subchapter E to read as follows:

26 SUBCHAPTER E. UNIVERSITY INTERSCHOLASTIC LEAGUE

27 Sec. 67.71. DEFINITION. In this subchapter, "league" means

1 the University Interscholastic League.

2 SECTION 7. Sections 33.083(b) and (d), Education Code, are
3 transferred to Subchapter E, Chapter 67, Education Code, as added
4 by this Act, redesignated as Section 67.72, Education Code, and
5 amended to read as follows:

6 Sec. 67.72. UNIVERSITY INTERSCHOLASTIC LEAGUE. (a) [~~(b)~~]
7 The University Interscholastic League is a state agency that is
8 part of The University of Texas at Austin [~~and must submit its rules~~
9 ~~and procedures to the commissioner for approval or disapproval~~].
10 The funds belonging to the league [~~University Interscholastic~~
11 ~~League~~] shall be deposited with the university [~~The University of~~
12 ~~Texas at Austin~~] for the benefit of the league and shall be subject
13 to audits by the university [~~The University of Texas at Austin~~], The
14 University of Texas System, and the state auditor. Copies of annual
15 audits shall be furnished, on request, to members of the
16 legislature.

17 (b) The league:

18 (1) creates and administers interscholastic academic,
19 music, and athletic contests for member schools;

20 (2) adopts and enforces contest administration rules;

21 (3) creates local committees to assist in the
22 administration of interscholastic contests; and

23 (4) performs any duty necessary to administer
24 interscholastic contests in the state for member schools.

25 (c) The league must submit all rules and procedures to the
26 commissioner of education for approval or disapproval.

27 (d) League contest administration rules are not subject to

1 Chapter 2001, Government Code.

2 (e) [~~(d)~~] The league [~~University Interscholastic League~~]
3 shall file annually with the governor and the presiding officer of
4 each house of the legislature a complete and detailed written
5 report accounting for all funds received and disbursed by the
6 league [~~University Interscholastic League~~] during the preceding
7 fiscal year. The form of the annual report and the reporting time
8 are as provided by the General Appropriations Act.

9 SECTION 8. Section 33.0831, Education Code, is transferred
10 to Subchapter E, Chapter 67, Education Code, as added by this Act,
11 redesignated as Section 67.73, Education Code, and amended to read
12 as follows:

13 Sec. 67.73 [~~33.0831~~]. [~~UNIVERSITY INTERSCHOLASTIC~~] LEAGUE
14 RULES: FISCAL IMPACT STATEMENT. (a) The legislative council of the
15 league [~~University Interscholastic League~~] may not take final
16 action on a new or amended rule that would result in additional
17 costs for a member school unless a fiscal impact statement
18 regarding the rule has been completed in accordance with this
19 section.

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

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

25 (2) submitting a rule approved by the council to the
26 commissioner of education for the commissioner's approval under
27 Section 67.72(c) [~~33.083(b)~~], if the rule does not require

1 submission to school superintendents under the legislative
2 council's procedures.

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

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

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

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

15 SECTION 9. Subchapter E, Chapter 67, Education Code, as
16 added by this Act, is amended by adding Section 67.74 to read as
17 follows:

18 Sec. 67.74. LOCAL COMMITTEES. (a) A local committee
19 created to assist the league in the administration of
20 interscholastic contests is subject to the open meetings
21 requirements under Chapter 551, Government Code, and public
22 information requirements under Chapter 552, Government Code, in the
23 same manner that the board of trustees of a school district is
24 subject to those laws. In addition to any other applicable
25 exceptions, the exceptions found in Sections 552.114 and 552.135,
26 Government Code, apply to a local committee.

27 (b) Any money collected by a local committee for committee

1 use are not funds belonging to the league and may not be deposited
2 in a university account.

3 (c) A local committee shall report revenue and expenditures
4 on an annual basis to the league.

5 SECTION 10. Sections 33.085, 33.091, 33.209, and 67.26,
6 Education Code, are transferred to Subchapter E, Chapter 67,
7 Education Code, as added by this Act, redesignated as Sections
8 67.75, 67.76, 67.77, and 67.78, Education Code, respectively, and
9 amended to read as follows:

10 Sec. 67.75 [~~33.085~~]. AUTHORITY [~~OF _____ UNIVERSITY~~
11 ~~INTERSCHOLASTIC LEAGUE~~] REGARDING ACTIVITIES INVOLVING SPORTS
12 OFFICIALS. (a) In this section, "sports official" [+

13 [~~(1) "League" means the University Interscholastic~~
14 ~~League.~~

15 [~~(2) "Sports official"~~] means a person who officiates,
16 judges, or in any manner enforces contest rules in any official
17 capacity with respect to and during the course of an
18 interscholastic athletic team competition and who is a member of a
19 league-recognized local chapter or association of sports
20 officials. The term includes a referee, umpire, linesman, judge,
21 or any other person similarly involved in supervising competitive
22 play. The term does not include a league board member or a league
23 official who is acting in an official capacity to supervise,
24 administer, or enforce the league constitution or league contest
25 rules.

26 (b) The league may require a sports official, as a condition
27 of eligibility to officiate a contest sponsored by the league, to:

1 (1) be registered with the league and comply with the
2 registration requirements of Subsection (c);

3 (2) have completed initial and continuing education
4 programs regarding league rules;

5 (3) be a member in good standing of a local chapter or
6 association of sports officials recognized by the league for that
7 purpose; and

8 (4) agree to abide by league rules, including fee
9 schedules and travel reimbursement guidelines for payment by school
10 districts or open-enrollment charter schools to a sports official.

11 (c) In registering with the league, a sports official must
12 be required to provide directory information required by the league
13 and submit to a criminal background check.

14 (d) The league may not charge a sports official who
15 completes a program under Subsection (b)(2) a fee for more than one
16 program described by Subsection (b)(2).

17 (e) The league may charge and collect a registration fee
18 only to defray the cost of registering sports officials and shall
19 post the amount of the fee on the league's Internet website and make
20 the information available at other places the league determines
21 appropriate. The amount of the fee may not exceed the amount
22 reasonably determined by the league to be necessary to cover the
23 cost of administering registration.

24 (f) The league may revoke or suspend the league registration
25 of a sports official determined by the league to have violated the
26 provisions of the league constitution or contest rules governing
27 sports officials or other league policy applicable to sports

1 officials. Before the league may take action to revoke or suspend a
2 sports official's registration, the league shall notify and consult
3 with the local chapter or association of sports officials of which
4 the sports official is a member. The local chapter or association
5 may, on or before the 15th day after the date notice is received
6 from the league, take action to adjudicate the alleged violation.
7 If after the 15th day after the date notice is received from the
8 league the local chapter or association has failed to take action
9 against the sports official or takes action that the league finds to
10 be insufficient, the league may take action against the sports
11 official. The league shall adopt rules to provide a sports official
12 with the opportunity for an appeals process before the league
13 revokes or suspends the sports official's registration. In
14 adopting rules under this subsection, the league shall make a
15 determination of the actions and subsequent sanctions that would be
16 considered sufficient under this subsection.

17 (g) The league may not sponsor or organize or attempt to
18 sponsor or organize any association of sports officials in which
19 the majority of the membership is composed of sports officials who
20 officiate team sports.

21 (h) The league may set rates or fee schedules payable by a
22 school district or open-enrollment charter school to a sports
23 official.

24 (i) Before the league may take any action that amends rules
25 related to the activities of sports officials, other than an action
26 against an individual sports official under Subsection (f), the
27 league must submit the proposed action for public review and

1 comment, including:

2 (1) notifying registered sports officials of the
3 proposed action by e-mail not later than the 30th day before the
4 date set for action on the proposal; and

5 (2) posting the proposal on the league's Internet
6 website for at least 30 consecutive days before the date set for
7 action on the proposal.

8 Sec. 67.76 [~~33.091~~]. PREVENTION OF ILLEGAL STEROID USE [~~+~~
9 ~~RANDOM TESTING~~]. (a) In this section:

10 (1) [~~"League" means the University Interscholastic~~
11 ~~League.~~

12 [~~(2)~~] "Parent" includes a guardian or other person
13 standing in parental relation.

14 (2) [~~(3)~~] "Steroid" means an anabolic steroid as
15 described by Section 481.104, Health and Safety Code.

16 (b) [~~The league shall adopt rules prohibiting a student from~~
17 ~~participating in an athletic competition sponsored or sanctioned by~~
18 ~~the league unless:~~

19 [~~(1) the student agrees not to use steroids and, if the~~
20 ~~student is enrolled in high school, the student submits to random~~
21 ~~testing for the presence of illegal steroids in the student's body,~~
22 ~~in accordance with the program established under Subsection (d),~~
23 ~~and~~

24 [~~(2) the league obtains from the student's parent a~~
25 ~~statement signed by the parent and acknowledging that:~~

26 [~~(A) the parent's child, if enrolled in high~~
27 ~~school, may be subject to random steroid testing,~~

1 ~~[(B) state law prohibits possessing, dispensing,~~
2 ~~delivering, or administering a steroid in a manner not allowed by~~
3 ~~state law;~~

4 ~~[(C) state law provides that bodybuilding,~~
5 ~~muscle enhancement, or the increase of muscle bulk or strength~~
6 ~~through the use of a steroid by a person who is in good health is not~~
7 ~~a valid medical purpose;~~

8 ~~[(D) only a licensed practitioner with~~
9 ~~prescriptive authority may prescribe a steroid for a person; and~~

10 ~~[(E) a violation of state law concerning steroids~~
11 ~~is a criminal offense punishable by confinement in jail or~~
12 ~~imprisonment in the Texas Department of Criminal Justice.~~

13 ~~[(c)]~~ The league shall:

14 (1) develop an educational program for students
15 engaged in extracurricular athletic activities sponsored or
16 sanctioned by the league, parents of those students, and coaches of
17 those activities regarding the health effects of steroid use; and

18 (2) make the program available to school districts.

19 (c) ~~[(c-1)]~~ A school district shall require that each
20 district employee who serves as an athletic coach at or above the
21 seventh grade level for an extracurricular athletic activity
22 sponsored or sanctioned by the league complete:

23 (1) the educational program developed by the league
24 under Subsection (b) ~~[(c)]~~; or

25 (2) a comparable program developed by the district or
26 a private entity with relevant expertise.

27 ~~[(d) The league shall adopt rules for the annual~~

1 ~~administration of a steroid testing program under which high school~~
2 ~~students participating in an athletic competition sponsored or~~
3 ~~sanctioned by the league are tested at multiple times throughout~~
4 ~~the year for the presence of steroids in the students' bodies. The~~
5 ~~testing program must:~~

6 ~~[(1) require the random testing of a statistically~~
7 ~~significant number of high school students in this state who~~
8 ~~participate in athletic competitions sponsored or sanctioned by the~~
9 ~~league;~~

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

15 ~~[(3) be administered at approximately 30 percent of~~
16 ~~the high schools in this state that participate in athletic~~
17 ~~competitions sponsored or sanctioned by the league;~~

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

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

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

5 ~~[(e) Results of a steroid test conducted under Subsection~~
6 ~~(d) are confidential and, unless required by court order, may be~~
7 ~~disclosed only to the student and the student's parent and the~~
8 ~~activity directors, principal, and assistant principals of the~~
9 ~~school attended by the student.~~

10 ~~[(f) From funds already appropriated, the agency shall pay~~
11 ~~the costs of the steroid testing program established under~~
12 ~~Subsection (d).~~

13 ~~[(g) The league may increase the membership fees required of~~
14 ~~school districts that participate in athletic competitions~~
15 ~~sponsored or sanctioned by the league in an amount necessary to~~
16 ~~offset the cost of league activities under this section.~~

17 ~~[(h) Subsection (b)(1) does not apply to the use by a~~
18 ~~student of a steroid that is dispensed, prescribed, delivered, and~~
19 ~~administered by a medical practitioner for a valid medical purpose~~
20 ~~and in the course of professional practice, and a student is not~~
21 ~~subject to a period of ineligibility under Subsection (d)(6) on the~~
22 ~~basis of that steroid use.]~~

23 Sec. 67.77 [~~33.209~~]. INCORPORATION OF SAFETY REGULATIONS.
24 The league [~~University Interscholastic League~~] shall incorporate
25 the provisions of Sections 33.203-33.207 into the league's
26 constitution and contest rules.

27 Sec. 67.78 [~~67.26~~]. [~~UNIVERSITY INTERSCHOLASTIC LEAGUE,~~]

1 VENUE FOR LEAGUE SUITS. Venue for suits brought against the league
2 [~~University Interscholastic League~~] or for suits involving the
3 interpretation or enforcement of the rules or regulations of the
4 league [~~University Interscholastic League~~] shall be in Travis
5 County, Texas. When the litigation involves a school district
6 located within Travis County, it shall be heard by a visiting judge.

7 SECTION 11. As soon as possible after the effective date of
8 this Act, the University Interscholastic League shall modify its
9 rules to reflect the changes made by this Act to Section 33.203(a),
10 Education Code.

11 SECTION 12. Section 33.084, Education Code, is repealed.

12 SECTION 13. This Act takes effect September 1, 2015.