

By: Birdwell, et al.

S.B. No. 213

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, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) In addition to the forms required by Subsection (a), each student participating in an extracurricular athletic activity must submit a completed University Interscholastic League form entitled "Preparticipation Physical Evaluation--Physical Examination."

(d) An affirmative answer on the "Preparticipation Physical

1 Evaluation--Medical History" form indicating a cardiac or
2 neurological history requires a person signing the
3 "Preparticipation Physical Evaluation--Physical Examination"
4 form, in accordance with rules adopted by the University
5 Interscholastic League, to refer the student to the student's
6 treating physician. The student's treating physician must provide
7 a written statement indicating that, in the physician's
8 professional judgment, it is safe for the student to participate in
9 practice and play in an extracurricular athletic activity.

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

12 (c) Not later than September 1 of each year, the
13 superintendent of a school district and the person who serves the
14 function of a superintendent for an open-enrollment charter school
15 shall submit to the University Interscholastic League a notarized
16 document stating:

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

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

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

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

27 (5) the number of coaches employed by the district or

1 school who have completed the concussion training required by
2 Section 38.158 and the number of coaches employed by the district or
3 school who have not completed the required concussion training.

4 (d) Not later than October 1 of each year, the notarized
5 statements submitted under Subsection (c) must be available to the
6 public on the University Interscholastic League's Internet
7 website. The University Interscholastic League is responsible for
8 ensuring each year that statements are obtained from each school
9 district and open-enrollment charter school subject to this
10 section.

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

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

19 (1) Section 7.109;

20 (2) [~~Section 33.083,~~

21 [~~3~~] Section 59.07;

22 (3) [~~4~~] Section 130.086;

23 (4) [~~5~~] Section 325.007, Government Code;

24 (5) [~~6~~] Section 669.003, Government Code;

25 (6) [~~7~~] Section 2005.007, Government Code;

26 (7) [~~8~~] Section 2054.097, Government Code;

27 (8) [~~9~~] Chapter 2114, Government Code; and

1 (9) [~~(10)~~] Section 2205.041, Government Code.

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

4 SUBCHAPTER E. UNIVERSITY INTERSCHOLASTIC LEAGUE

5 Sec. 67.71. DEFINITIONS. In this subchapter:

6 (1) "League" means the University Interscholastic
7 League.

8 (2) "Rule" or "contest rule" means a rule or procedure
9 included in the league's constitution and contest rules.

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

14 Sec. 67.72. UNIVERSITY INTERSCHOLASTIC LEAGUE.

15 (a) [~~(b)~~] The University Interscholastic League is a state agency
16 that is part of The University of Texas at Austin [~~and must submit~~
17 ~~its rules and procedures to the commissioner for approval or~~
18 ~~disapproval~~]. The funds belonging to the league [~~University~~
19 ~~Interscholastic League~~] shall be deposited with the university [~~The~~
20 ~~University of Texas at Austin~~] for the benefit of the league and
21 shall be subject to audits by the university [~~The University of~~
22 ~~Texas at Austin~~], The University of Texas System, and the state
23 auditor. Copies of annual audits shall be furnished, on request, to
24 members of the legislature.

25 (b) The league:

26 (1) creates and administers interscholastic contests,
27 including academic, music, and athletic contests, for member

1 schools;

2 (2) adopts and enforces contest rules;

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

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

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

9 (d) League contest rules are not subject to Chapter 2001,
10 Government Code.

11 (e) [(d)] The league [University Interscholastic League]
12 shall file annually with the governor and the presiding officer of
13 each house of the legislature a complete and detailed written
14 report accounting for all funds received and disbursed by the
15 league [University Interscholastic League] during the preceding
16 fiscal year. The form of the annual report and the reporting time
17 are as provided by the General Appropriations Act.

18 SECTION 8. Section 33.0831, Education Code, is transferred
19 to Subchapter E, Chapter 67, Education Code, as added by this Act,
20 redesignated as Section 67.73, Education Code, and amended to read
21 as follows:

22 Sec. 67.73 [33.0831]. [UNIVERSITY INTERSCHOLASTIC] LEAGUE
23 RULES: FISCAL IMPACT STATEMENT. (a) The legislative council of
24 the league [University Interscholastic League] may not take final
25 action on a new or amended rule that would result in additional
26 costs for a member school unless a fiscal impact statement
27 regarding the rule has been completed in accordance with this

1 section.

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

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

7 (2) submitting a rule approved by the council to the
8 commissioner of education for the commissioner's approval under
9 Section 67.72(c) [~~33.083(b)~~], if the rule does not require
10 submission to school superintendents under the legislative
11 council's procedures.

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

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

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

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

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

27 Sec. 67.74. LOCAL COMMITTEES. (a) A local committee

1 created to assist the league in the administration of
2 interscholastic contests is subject to the open meetings
3 requirements under Chapter 551, Government Code, and public
4 information requirements under Chapter 552, Government Code, in the
5 same manner that the board of trustees of a school district is
6 subject to those laws. In addition to any other applicable
7 exceptions, the exceptions found in Sections 552.114 and 552.135,
8 Government Code, apply to a local committee.

9 (b) Any money collected by a local committee for committee
10 use are not funds belonging to the league and may not be deposited
11 in a university account.

12 (c) A local committee shall:

13 (1) collect and expend funds in accordance with league
14 rules; and

15 (2) report revenue and expenditures on an annual basis
16 to the league.

17 SECTION 10. Sections 33.085, 33.091, 33.209, and 67.26,
18 Education Code, are transferred to Subchapter E, Chapter 67,
19 Education Code, as added by this Act, redesignated as Sections
20 67.75, 67.76, 67.77, and 67.78, Education Code, respectively, and
21 amended to read as follows:

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

25 [~~(1) "League" means the University Interscholastic~~
26 ~~League.~~

27 [~~(2) "Sports official"~~] means a person who officiates,

1 judges, or in any manner enforces contest rules in any official
2 capacity with respect to and during the course of an
3 interscholastic athletic team competition and who is a member of a
4 league-recognized local chapter or association of sports
5 officials. The term includes a referee, umpire, linesman, judge,
6 or any other person similarly involved in supervising competitive
7 play. The term does not include a league board member or a league
8 official who is acting in an official capacity to supervise,
9 administer, or enforce the league constitution or league contest
10 rules.

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

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

15 (2) have completed initial and continuing education
16 programs regarding league rules;

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

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

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

26 (d) The league may not charge a sports official who
27 completes a program under Subsection (b)(2) a fee for more than one

1 program described by Subsection (b)(2).

2 (e) The league may charge and collect a registration fee
3 only to defray the cost of registering sports officials and shall
4 post the amount of the fee on the league's Internet website and make
5 the information available at other places the league determines
6 appropriate. The amount of the fee may not exceed the amount
7 reasonably determined by the league to be necessary to cover the
8 cost of administering registration.

9 (f) The league may revoke or suspend the league registration
10 of a sports official determined by the league to have violated the
11 provisions of the league constitution or contest rules governing
12 sports officials or other league policy applicable to sports
13 officials. Before the league may take action to revoke or suspend a
14 sports official's registration, the league shall notify and consult
15 with the local chapter or association of sports officials of which
16 the sports official is a member. The local chapter or association
17 may, on or before the 15th day after the date notice is received
18 from the league, take action to adjudicate the alleged violation.
19 If after the 15th day after the date notice is received from the
20 league the local chapter or association has failed to take action
21 against the sports official or takes action that the league finds to
22 be insufficient, the league may take action against the sports
23 official. The league shall adopt rules to provide a sports official
24 with the opportunity for an appeals process before the league
25 revokes or suspends the sports official's registration. In
26 adopting rules under this subsection, the league shall make a
27 determination of the actions and subsequent sanctions that would be

1 considered sufficient under this subsection.

2 (g) The league may not sponsor or organize or attempt to
3 sponsor or organize any association of sports officials in which
4 the majority of the membership is composed of sports officials who
5 officiate team sports.

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

9 (i) Before the league may take any action that amends rules
10 related to the activities of sports officials, other than an action
11 against an individual sports official under Subsection (f), the
12 league must submit the proposed action for public review and
13 comment, including:

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

17 (2) posting the proposal on the league's Internet
18 website for at least 30 consecutive days before the date set for
19 action on the proposal.

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

22 (1) [~~"League" means the University Interscholastic
23 League.~~

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

26 (2) [~~(3)~~] "Steroid" means an anabolic steroid as
27 described by Section 481.104, Health and Safety Code.

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

4 ~~[(1) the student agrees not to use steroids and, if the~~
5 ~~student is enrolled in high school, the student submits to random~~
6 ~~testing for the presence of illegal steroids in the student's body,~~
7 ~~in accordance with the program established under Subsection (d),~~
8 ~~and~~

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

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

13 ~~[(B) state law prohibits possessing, dispensing,~~
14 ~~delivering, or administering a steroid in a manner not allowed by~~
15 ~~state law;~~

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

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

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

25 ~~[(e)]~~ The league shall:

26 (1) develop an educational program for students
27 engaged in extracurricular athletic activities sponsored or

1 sanctioned by the league, parents of those students, and coaches of
2 those activities regarding the health effects of steroid use; and

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

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

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

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

12 ~~[(d) The league shall adopt rules for the annual
13 administration of a steroid testing program under which high school
14 students participating in an athletic competition sponsored or
15 sanctioned by the league are tested at multiple times throughout
16 the year for the presence of steroids in the students' bodies. The
17 testing program must:~~

18 ~~[(1) require the random testing of a statistically
19 significant number of high school students in this state who
20 participate in athletic competitions sponsored or sanctioned by the
21 league;~~

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

27 ~~[(3) be administered at approximately 30 percent of~~

1 ~~the high schools in this state that participate in athletic~~
2 ~~competitions sponsored or sanctioned by the league;~~

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

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

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

17 ~~[(c) Results of a steroid test conducted under Subsection~~
18 ~~(d) are confidential and, unless required by court order, may be~~
19 ~~disclosed only to the student and the student's parent and the~~
20 ~~activity directors, principal, and assistant principals of the~~
21 ~~school attended by the student.~~

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

25 ~~[(g) The league may increase the membership fees required of~~
26 ~~school districts that participate in athletic competitions~~
27 ~~sponsored or sanctioned by the league in an amount necessary to~~

1 ~~offset the cost of league activities under this section.~~

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

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

12 Sec. 67.78 [~~67.26~~]. [~~UNIVERSITY INTERSCHOLASTIC LEAGUE,~~]
13 VENUE FOR LEAGUE SUITS. Venue for suits brought against the league
14 [~~University Interscholastic League~~] or for suits involving the
15 interpretation or enforcement of the rules or regulations of the
16 league [~~University Interscholastic League~~] shall be in Travis
17 County, Texas. When the litigation involves a school district
18 located within Travis County, it shall be heard by a visiting judge.

19 SECTION 11. (a) As soon as possible after the effective
20 date of this Act, the University Interscholastic League shall
21 modify its rules to reflect the changes made by this Act to Section
22 33.203, Education Code.

23 (b) Sections 33.203(c) and (d), Education Code, as added by
24 this Act, apply only to a "Preparticipation Physical
25 Evaluation--Physical Examination" form signed on or after the
26 effective date of this Act. A "Preparticipation Physical
27 Evaluation--Physical Examination" form signed before the effective

1 date of this Act is governed by the law in effect immediately before
2 the effective date of this Act, and that law is continued in effect
3 for that purpose.

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

5 SECTION 13. (a) Sections 33.203(c) and (d), Education
6 Code, as added by this Act, take effect immediately if this Act
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, Sections 33.203(c) and (d), Education Code, as added by
11 this Act, take effect September 1, 2015.

12 (b) Except as provided by Subsection (a) of this section,
13 this Act takes effect September 1, 2015.