

BILL ANALYSIS

C.S.H.B. 2193
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas leaves the decision of the use and expansion of inclusive sports by the University Interscholastic League (UIL) to school districts at the local level. This means that each district can decide how many inclusive programs will be provided, if any. In addition, even though districts can provide inclusive programs, the UIL does not have a year-round league where students with disabilities can participate as they might in other student leagues. Parents of students with disabilities believe that it is time for their children to have the same opportunities in athletics as their peers. C.S.H.B. 2193 seeks to address this issue by requiring the UIL to ensure students with disabilities have the opportunity to participate in team athletic activities by establishing and maintaining an inclusive sports program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the University Interscholastic League in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2193 amends the Education Code to require the University Interscholastic League (UIL) to ensure students with disabilities have an opportunity to participate in team athletic activities by establishing and maintaining an inclusive sports program. The bill requires the UIL to adopt rules as necessary to establish, maintain, and expand the program. The rules must do the following:

- accommodate inclusive team sports offered through the program at participating public middle schools, junior high schools, and high schools in Texas;
- establish eligibility requirements for participation in each inclusive team sport offered through the program;
- identify best practices for public school districts to incorporate inclusive sports; and
- require the program to incorporate activities that promote specified values.

C.S.H.B. 2193 sets out the guidance, information, and input the UIL must consider and incorporate in adopting those rules, including guidance by impacted stakeholders such as parents of or persons standing in parental relation to students with disabilities, and authorizes the UIL to appoint a person to provide that stakeholder guidance. The bill requires the UIL to require the following in maintaining the inclusive sports program, to the greatest extent possible:

- that students who participate in the program be subject to the same rules and requirements as students who participate in other athletic programs offered by the UIL,

including certain grade and disciplinary requirements and student safety requirements related to athletic activities; and

- that team sports provided through the program be organized similarly to other athletic programs offered by the UIL, including with respect to team practices, seasonal play, and local and statewide competitions.

C.S.H.B. 2193 authorizes the UIL or an affiliated partner, in addition to using funds available or appropriated for the purpose, to seek and accept gifts, grants, or donations of money from public and private sources for the purpose of establishing or expanding the program.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2193 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces references to the bill's program as an adaptive sports program, as used in the original, with references to an inclusive sports program.

Whereas the original required the UIL to consider and incorporate certain guidance, information, and input in establishing the program, the substitute requires the UIL to consider and incorporate the same but instead in adopting the rules necessary to establish, maintain, and expand the program. The substitute revises that guidance and information the original required to be considered and incorporated as appropriate, as follows:

- by including guidance provided by impacted stakeholders, including by parents of or persons standing in parental relation to students with disabilities, and authorizing the UIL to appoint a person to provide this guidance;
- by changing the nature of the nationally recognized organizations whose guidance to consider and incorporate; and
- by including information regarding inclusive sports programs that have been successfully implemented in Texas.

The substitute makes the following changes to the rules that the original required the UIL to adopt:

- requires the rules to accommodate inclusive team sports offered through the program at participating schools, whereas the original required the rules to require that the team sports offered through the program be available to students at those schools; and
- requires the rules to require that the program incorporate activities that promote specified values, which was not required by the original.

Whereas the original authorized the UIL to seek and accept gifts, grants, or donations of money from public and private sources for the purpose of establishing or maintaining the program in addition to using appropriated funds, the substitute authorizes the UIL or a partner affiliated with the UIL to seek the same in addition to using appropriated or available funds.