

SUBJECT: Requiring safety training for public school extracurricular activities

COMMITTEE: Public Education — committee substitute recommended

VOTE: 5 ayes — Eissler, Zedler, Delisi, Olivo, Patrick

0 nays

1 present not voting — Branch

3 absent — Dutton, Hochberg, Mowery

SENATE VOTE: On final passage, March 19 — 29-0

WITNESSES: For — Ramiro Canales, Texas Association of School Administrators, Texas Association of School Boards; (*Registered, but did not testify*: Julie Acevedo, Texas Fire Chiefs; William Benson, Will Benson Foundation; Jordan Berry, Texas Chiropractic Association; Tania Garcia, Coalition for Nurses in Advanced Practice; Lindsay Gustafson, Texas Classroom Teachers Assoc.; Elena Lincoln, Association of Texas Professional Educators; Martin Pena, South Texas Association of Schools; Joel Romo, American Heart Association; Julian Shaddix, Texas Association of Secondary School Principals; Julie Shields, Texas Association of School Boards)

Against — None

On — Mark Cousins, University Interscholastic League; Jeff Kloster, Texas Education Agency

BACKGROUND: Education Code, ch. 33 regulates service programs and extracurricular activities at public schools. Sec. 33.086 requires head coaches of all sports, band directors, and chief sponsors of extracurricular athletic activities, including cheerleading, to maintain current certification in first aid and cardiopulmonary resuscitation.

DIGEST:

CSHB 82 would require school districts to provide safety training courses for all coaches, trainers, sponsors, band directors, and certain physicians who assisted with extracurricular athletic activities, beginning with the 2008-2009 school year. Public schools and any other schools subject to University Interscholastic League (UIL) rules would have to provide safety training that included current training in:

- emergency action planning;
- cardiopulmonary resuscitation;
- communicating effectively with 9-1-1 emergency service personnel; and
- recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries that required the use of a defibrillator.

Students participating in athletic activities would have to receive training in recognizing the symptoms of potentially catastrophic injuries and the risks of using dietary supplements designed to enhance athletic performance.

The bill would prohibit certain unsafe athletic activities. Coaches, trainers or sponsors would not be allowed to encourage or permit students to engage in an unreasonably dangerous athletic technique that would endanger a student's health, including using a helmet or any other sports equipment as a weapon. Coaches and trainers would ensure that every student participating in an athletic practice or competition was adequately hydrated, that any prescribed asthma medication and heatstroke prevention materials were readily available, and that emergency lanes providing access to the area were open and clear. If a student became unconscious during a practice or competition, the student would not be allowed to return to practice or competition or to participate in any extracurricular athletic activity until the student received written authorization from a physician.

The bill would set forth requirements for the completion of a UIL physical evaluation form. The form would have to include a statement that an individual who answered in the affirmative to questions about a possible cardiovascular health issue would be restricted from participation until the individual was examined and cleared by a physician, physician assistant, chiropractor, or nurse practitioner, and that ultimately, the individual may

need cardiac evaluation and testing, including echocardiogram or other heart-related examinations, based on the assessment by the primary care provider.

In accordance with Government Code, ch. 552, the Public Information Act, a school would have to make available to the public proof of compliance for those required to receive safety training, and the superintendent or director of a school would maintain records on the district's or school's compliance. The bill would set forth requirements for school districts regarding notices to parents and guardians about the safety training and would require a yearly safety drill. The education commissioner would be required to maintain a telephone number and e-mail address for people to report violations of the bill's provisions.

A school campus that was out of compliance with safety training requirements with regard to UIL activities would be subject to the range of penalties determined by the UIL. The bill would not waive any liability or immunity of a school district or create any liability for or a cause of action against a school district or its officers or employees. A person who volunteered with an extracurricular activity would not be liable for civil damages unless willfully or wantonly negligent.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

Training more coaching personnel and students to recognize life-threatening situations and respond to them, as CSSB 82 would require, would increase awareness of health conditions and provide a better chance of saving the life of a student athlete in a life-threatening emergency. Student athletes currently participate in school extracurricular activities without any uniform health and safety standards. There are no requirements for all coaches and trainers to have comprehensive training in basic safety procedures such as CPR and other life-saving procedures. Sadly, there have been several incidents in Texas where students have collapsed during or after school practice and sports events that have highlighted a weakness in the emergency responsiveness of schools.

The bill would set clear guidelines for school personnel by placing in statute many procedures that already are required by UIL rules, including heatstroke and head concussion protocol. CPR certification would have

minimal costs, but most communities have organizations that could underwrite the costs for the training, as well as non-profit entities that could provide grants to pay for such training.

OPPONENTS
SAY:

There is not a member of the coaching staff of any school in Texas that would not support doing everything possible to increase the safety for student athletes that participate in extracurricular athletic activities. However, this bill would increase the number of school personnel required to maintain CPR certification, which has costs associated with it. The bill would not contain any corresponding funding for the safety training. Local schools would be required to comply, but the bill would not address how schools would pay for the training. If a school did not pay for the certification, individual coaches could end up having to pay for it.

OTHER
OPPONENTS
SAY:

The physical evaluation form provision in the bill that suggests certain individuals could need cardiac testing , including an echocardiogram, is troublesome. Whether an individual needs such testing should be left up to a physician. It could be interpreted to mean that anyone sent for an evaluation would need to undergo such testing before being allowed to participate in extracurricular athletic activities. The current pre-participation physical evaluation / medical history form is sufficient because it requires anyone who answers in the affirmative questions about possible cardiovascular health issues to be examined and cleared by a physician or other medical personnel but does not suggest what sort of medical testing might be needed.

NOTES:

According to the fiscal note, assuming that about 6,000 staff would be trained each year to maintain two-year certification at a cost of about \$50 per individual, the cost statewide to comply is estimated at \$300,000 annually beginning in fiscal 2009.

The committee substitute differed from the Senate engrossed version of SB 82 by specifying that schools would have to follow public information standards under Government Code, ch. 552 in responding to a request for proof of compliance. The substitute also specified that a school out of compliance with regard to UIL activities, not just any extracurricular activities, would be subject to UIL penalties.