

## **BILL ANALYSIS**

Senate Research Center  
78R6333 BDH-D

S.B. 1444  
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Education  
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### **DIGEST AND PURPOSE**

Currently, Texas' schoolchildren participate in school-sponsored athletic competition under inconsistent health and safety conditions. Training students, as well as coaches, in basic safety procedures such as cardiopulmonary resuscitation could decrease the likelihood of serious injuries or fatalities resulting from athletic. Furthermore, testing for congenital heart defects and the presence of the apolipoprotein E-4 gene could prevent long-term disabilities and even tragic immediate consequence for some young athletes. As proposed, S.B. 1444 requires certain school personnel and students participating in extracurricular athletics to take a safety training course and prohibits a student from playing certain sports unless the student meets certain requirements.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 33.102, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 33, Education Code, by adding Subchapter E, as follows:

#### **SUBCHAPTER E. SAFETY REGULATIONS FOR EXTRACURRICULAR ATHLETIC ACTIVITIES**

Sec. 33.101. **APPLICABILITY.** Provides that this subchapter applies to each public or private school in this state, including an open-enrollment charter school and a parochial school.

Sec. 33.102. **SAFETY TRAINING COURSE REQUIRED.** (a) Requires the commissioner of education (commissioner) by rule to develop and adopt a safety training course as provided by this section.

(b) Requires certain persons to satisfactorily complete the safety training course each year.

(c) Requires that the safety course meet certain requirements.

(d) Authorizes the safety training to be conducted by a school or school district or by an organization described by Subsection (c)(1).

Sec. 33.103. **PHYSICAL EXAMINATION REQUIRED.** (a) Prohibits a student from participating in the extracurricular athletic activity of football, soccer, baseball, basketball, lacrosse, or softball, or another activity specified by the school in which the student is enrolled, unless the student, before the first competition of the athletic activity's season, provides to the school a certificate from a physician who has performed a physical examination designed to determine the student's readiness to participate in the athletic activity. Requires the examination to include a blood test to determine whether the student carries the apolipoprotein E-4 gene and a heart screening to determine whether the student has a life-threatening congenital heart defect.

(b) Requires the student's school, if the blood test conducted under Subsection (a)(1) is positive, to provide written notice to the student's parent or legal guardian of the increased risk of brain injury and poor injury recovery related to the presence of the gene.

Sec. 33.104. COMPLIANCE; CIVIL REMEDIES AND CRIMINAL PENALTIES. (a) Requires a school to make available to the public proof of compliance for each person enrolled in, employed by, or volunteering for the school who is required to complete the safety training course described by Section 33.102.

(b) Provides that a school that offers an extracurricular athletic activity is subject to inspection by the Texas Education Agency (TEA) or a local fire department for the purpose of determining compliance with Section 33.102 or 33.103.

(c) Requires a school that is determined by TEA or a local fire department to be in noncompliance with Section 33.102 or 33.103 to be discontinue all extracurricular athletic activities offered by the school, including all practices and competitions, until the school is determined to be in compliance by TEA or a local fire department.

(d) Provides that a school official responsible for compliance under Section 33.102 or 33.103 commits an offense if a student enrolled at the school is killed or permanently injured as a result of injuries sustained while participating in an extracurricular athletic activity during a period of noncompliance, as determined by TEA or a local fire department under this section. Specifies that an offense under this subsection is a felony punishable by confinement for not less than 80 days and not more than 10 years; a fine of not less than \$400 and not more than \$25,000 or both the confinement and the fine.

(e) Provides that a school district, if a school in the district fails to comply with Section 33.102 or Section 33.103, waives sovereign immunity to a suit arising from the noncompliance.

Sec. 33.105. TELEPHONE HOTLINE. (a) Requires TEA to maintain a toll-free telephone number to allow a person to report a violation of this subchapter.

(b) Requires each school that offers an extracurricular athletic activity to prominently display the telephone number at the administrative offices of the school.

Sec. 33.106. NOTICE REQUIRED ON CERTAIN PREMISES. Requires a school that offers an extracurricular athletic activity to prominently display at the administrative offices of the school a sign containing the text of Sections 33.102, 33.103, and 33.104.

SECTION 2. Provides that this Act takes effect September 1, 2003, and applies beginning with the 2004-2005 school year.