

BILL ANALYSIS

Senate Research Center
84R13837 CAE-D

S.B. 213
By: Birdwell et al.
Education
4/7/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Originally created by The University of Texas in 1913, the University Interscholastic League (UIL) seeks to enhance students' educational experience by creating and administering a variety of academic, music, and athletic contests for primary and secondary students in Texas; and promulgating and enforcing rules to ensure safe and fair competition in an educational atmosphere that promotes good sportsmanship.

The Sunset Advisory Commission did not address continuation of UIL because it is not subject to abolishment under the Sunset Act. However, the Sunset Advisory Commission recommended changes to clarify UIL's status as a state agency within higher education, to make its operations more understandable and transparent, and to promote the health and safety of student athletes.

S.B. 213 clarifies UIL is a state agency within The University of Texas and identifies its primary duties.

The bill discontinues the statewide steroid testing program, but maintains the steroid educational program requirements. The bill continues to require UIL coaches to complete UIL's steroid educational program or a comparable one, and for UIL to continue to educate students, parents, and coaches on the adverse health effects of steroids. Eliminating the statewide steroid testing program would result in savings of \$1 million per biennium to the General Revenue Fund based on current appropriations.

Current statute requires the form to be signed by the student and the student's parent or guardian, and UIL rule further requires the signature of a physician, physician assistant, advance practice nurse, or doctor of chiropractic. S.B. 213 requires the pre-participation physical evaluation form required for UIL athletes to be signed by a licensed physician, physician assistant, or advanced nurse practitioner.

The bill also requires school districts and charter schools participating in UIL athletic activities to report certain concussion-related information to UIL.

As proposed, S.B. 213 amends current law relating to the functions and duties of the University Interscholastic League.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 1 (Section 7.055, Education Code) of this bill.

Rulemaking authority previously granted to the University Interscholastic League is modified in SECTION 2 (Section 33.094, Education Code) of this bill.

Rulemaking authority is expressly granted to the University Interscholastic League in SECTION 7 (Section 67.72, Education Code) of this bill.

Rulemaking authority previously granted to the University Interscholastic League is rescinded in SECTION 10 (Section 67.76, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.055(b)(41), Education Code, to require the commissioner of education (commissioner) to adopt rules relating to extracurricular activities under Section 33.081 (Extracurricular Activities) and approve or disapprove University Interscholastic League (UIL) rules and procedures under Section 67.72(c), rather than under Section 33.083 (Interscholastic Leagues).

SECTION 2. Amends Section 33.094(d), Education Code, to authorize UIL to adopt rules necessary to implement this section, provided that the rules must be approved by the commissioner in accordance with Section 67.72(c), rather than in accordance with Section 33.083(b).

SECTION 3. Amends Section 33.203(a), Education Code, as follows:

(a) Requires each student participating in an extracurricular athletic activity to complete the UIL forms entitled "Preparticipation Physical Evaluation--Medical History" and "Acknowledgment of Rules." Requires that the "Preparticipation Physical Evaluation--Medical History" form be signed by the student, the student's parent or guardian, and a physician, physician assistant, or advanced practice nurse, as defined by Section 38.151 (Definitions), rather than requires that each form be signed by both the student and the student's parent or guardian. Requires that the "Acknowledgment of Rules" form be signed by both the student and the student's parent or guardian.

SECTION 4. Amends Section 38.153, Education Code, by adding Subsections (c) and (d), as follows:

(c) Requires the superintendent of a school district and the person who serves the function of a superintendent for an open-enrollment charter school, not later than September 1 of each year, to submit to UIL a notarized document stating:

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

(2) the name and occupation of each person serving on the concussion oversight team and confirming that each person has completed the training required by Section 38.154(c) (requiring each member of the concussion oversight team to have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team);

(3) that the concussion oversight team has established and is using the return-to-play protocol as required by Subsection (b) (requiring each concussion team to establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition);

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

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

(d) Requires that the notarized statements submitted under Subsection (c), not later than October 1 of each year, be available to the public on the UIL Internet website. Provides that the UIL is responsible for ensuring each year that statements are obtained from each school district and open-enrollment charter school subject to this section.

SECTION 5. Amends Section 51.406(b), Education Code, to delete Section 33.083 from among the list of statutes under which a university system or an institution of higher education shall make a report, and to make nonsubstantive changes.

SECTION 6. Amends Chapter 67, Education Code, by adding Subchapter E, as follows:

SUBCHAPTER E. UNIVERSITY INTERSCHOLASTIC LEAGUE

Sec. 67.71. DEFINITION. Defines "league."

SECTION 7. Transfers Sections 33.083(b) and (d), Education Code, to Subchapter E, Chapter 67, Education Code, as added by this Act, redesignates it as Section 67.72, Education Code, and amends it, as follows:

Sec. 67.72. UNIVERSITY INTERSCHOLASTIC LEAGUE. Redesignates existing Subsections 33.083(b) and (d) as Section 67.72. (a) Creates this subsection from existing text. Provides that UIL is a state agency that is part of The University of Texas at Austin (UT-Austin), rather than provides that the UIL is a part of UT-Austin and must submit its rules and procedures to the commissioner for approval or disapproval. Requires that the funds belonging to UIL be deposited with UT-Austin for the benefit of UIL and shall be subject to audits by UT-Austin, The University of Texas System, and the state auditor. Makes nonsubstantive changes.

(b) Provides that UIL:

- (1) creates and administers interscholastic academic, music, and athletic contests for member schools;
- (2) adopts and enforces contest administration rules;
- (3) creates local committees to assist in the administration of interscholastic contests; and
- (4) performs any duty necessary to administer interscholastic contests in the state for member schools.

(c) Requires UIL to submit all rules and procedures to the commissioner for approval or disapproval.

(d) Provides that UIL contest administration rules are not subject to Chapter 2001 (Administrative Procedure), Government Code.

(e) Creates this subsection from existing text and makes nonsubstantive changes.

SECTION 8. Transfers Section 33.0831, Education Code, to Subchapter E, Chapter 67, Education Code, as added by this Act, redesignates it as Section 67.73, Education Code, and amends it, as follows:

Sec. 67.73. New heading: LEAGUE RULES: FISCAL IMPACT STATEMENT. Redesignates existing Section 33.0831 as Section 67.73. (a) Makes a nonsubstantive change.

(b) Provides that final action by the legislative council of UIL (council), for purposes of Subsection (a), means:

- (1) Makes no change to this subdivision; or
- (2) submitting a rule approved by the council to the commissioner for the commissioner's approval under Section 67.72(c), rather than Section

33.083(b), if the rule does not require submission to school superintendents under the legislative council's procedures.

(c) Makes no change to this subsection.

(d) Makes a nonsubstantive change to this subsection.

SECTION 9. Amends Subchapter E, Chapter 67, Education Code, as added by this Act, by adding Section 67.74, as follows:

Sec. 67.74. LOCAL COMMITTEES. (a) Provides that a local committee created to assist UIL in the administration of interscholastic contests is subject to the open meetings requirements under Chapter 551 (Open Meetings), Government Code, and public information requirements under Chapter 552 (Public Information), Government Code, in the same manner that the board of trustees of a school district is subject to those laws. Provides that the exceptions found in Sections 552.114 (Exception: Confidentiality of Student Records) and 552.135 (Exception: Confidentiality of Certain Information Held by School District), Government Code, in addition to any other applicable exceptions, apply to a local committee.

(b) Provides that any money collected by a local committee for committee use are not funds belonging to UIL and are prohibited from being deposited in a university account.

(c) Requires a local committee to report revenue and expenditures on an annual basis to UIL.

SECTION 10. Transfers Sections 33.085, 33.091, 33.209, and 67.26, Education Code, to Subchapter E, Chapter 67, Education Code, as added by this Act, redesignates them as Sections 67.75, 67.76, 67.77, and 67.78, Education Code, respectively, and amends them, as follows:

Sec. 67.75. New heading: AUTHORITY REGARDING ACTIVITIES INVOLVING SPORTS OFFICIALS. Redesignates existing Section 33.085 as Section 67.75. (a) Deletes existing text defining "league" and makes nonsubstantive changes.

(b)-(i) Makes no change to these subsections.

Sec. 67.76. New heading: PREVENTION OF ILLEGAL STEROID USE. Redesignates Section 33.091 as Section 67.76. (a) Deletes existing text defining "league" and makes nonsubstantive changes.

(b) Requires UIL to develop a certain program and make the program available to school districts. Deletes existing text requiring UIL to adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by UIL unless the student agrees not to use steroids and, if the student is enrolled in high school, the student submits to random testing for the presence of illegal steroids in the student's body, in accordance with the program established under Subsection (d), and UIL obtains from the student's parent a statement signed by the parent that includes certain acknowledgements.

(c) Creates this subsection from existing text. Requires a school district to require that each district employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by UIL complete:

(1) the educational program developed by UIL under Subsection (b), rather than Subsection (c); or

(2) Makes no change to this subdivisions.

Deletes existing text relating to the annual steroid testing program, administration of tests, results of tests, funding, membership fees for school districts that participate in athletic competitions, and certain exemptions for medically prescribed steroids.

Sec. 67.77. INCORPORATION OF SAFETY REGULATIONS. Redesignates existing Section 33.209 as Section 67.77. Makes a nonsubstantive change.

Sec. 67.78. New heading: VENUE FOR LEAGUE SUITS. Redesignates existing Section 67.26 as Section 67.78. Makes nonsubstantive changes.

SECTION 11. Requires UIL, as soon as possible after the effective date of this Act, to modify its rules to reflect the changes made by this Act to Section 33.203(a), Education Code.

SECTION 12. Repealer: Section 33.084 (Interscholastic League Advisory Council), Education Code.

SECTION 13. Effective date: September 1, 2015.