

## ATTACHMENT I

### Statutory Citations Relating to New 19 TAC Chapter 76, Extracurricular Activities, Subchapter AA, Commissioner's Rules, §76.1003, Extracurricular Athletic Activity Safety Training Requirements

Texas Education Code, Chapter 33, Service Programs and Extracurricular Activities, Subchapter F, Safety Regulations for Certain Extracurricular Activities, as added by Senate Bill 82, 80th Texas Legislature, 2007

#### §33.201. Applicability.

This subchapter applies to each public school in this state and to any other school in this state subject to University Interscholastic League rules.

#### §33.202. Safety Training Required.

- (a) The commissioner by rule shall develop and adopt an extracurricular activity safety training program as provided by this section. In developing the program, the commissioner may use materials available from the American Red Cross, Emergency Medical Systems (EMS), or another appropriate entity.
- (b) The following persons must satisfactorily complete the safety training program:
  - (1) a coach, trainer, or sponsor for an extracurricular athletic activity;
  - (2) except as provided by Subsection (f), a physician who is employed by a school or school district or who volunteers to assist with an extracurricular athletic activity; and
  - (3) a director responsible for a school marching band.
- (c) The safety training program must include:
  - (1) certification of participants by the American Red Cross, the American Heart Association, or a similar organization or the University Interscholastic League, as determined by the commissioner;
  - (2) current training in:
    - (A) emergency action planning;
    - (B) cardiopulmonary resuscitation if the person is not required to obtain certification under Section 33.086;
    - (C) communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and
    - (D) recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
  - (3) at least once each school year, a safety drill that incorporates the training described by Subdivision (2) and simulates various injuries described by Subdivision (2)(D).
- (d) A school district shall provide training to students participating in an extracurricular athletic activity related to:
  - (1) recognizing the symptoms of injuries described by Subsection (c)(2)(D); and

- (2) the risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.
- (e) The safety training program and the training under Subsection (d) may each be conducted by a school or school district or by an organization described by Subsection (c)(1).
- (f) A physician who is employed by a school or school district or who volunteers to assist with an extracurricular athletic activity is not required to complete the safety training program if the physician attends a continuing medical education course that specifically addresses emergency medicine.

**§33.203. Completion of University Interscholastic League Forms.**

- (a) Each student participating in an extracurricular athletic activity must complete the University Interscholastic League forms entitled "Preparticipation Physical Evaluation--Medical History" and "Acknowledgment of Rules." Each form must be signed by both the student and the student's parent or guardian.
- (b) Each form specified by Subsection (a) must clearly state that failure to accurately and truthfully answer all questions on a form required by statute or by the University Interscholastic League as a condition for participation in an extracurricular athletic activity subjects a signer of the form to penalties determined by the University Interscholastic League.

**§33.204. Certain Unsafe Athletic Activities Prohibited.**

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participating in the activity to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon.

**§33.205. Certain Safety Precautions Required.**

- (a) A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:
  - (1) each student participating in the activity is adequately hydrated;
  - (2) any prescribed asthma medication for a student participating in the activity is readily available to the student;
  - (3) emergency lanes providing access to the practice or competition area are open and clear; and
  - (4) heatstroke prevention materials are readily available.
- (b) If a student participating in an extracurricular athletic activity, including a practice or competition, becomes unconscious during the activity, the student may not:
  - (1) return to the practice or competition during which the student became unconscious; or
  - (2) participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

**§33.206. Compliance; Enforcement.**

- (a) In accordance with Chapter 552, Government Code, a school shall make available to the public proof of compliance for each person enrolled in, employed by, or volunteering for the school who is required to receive safety training described by Section 33.202.

- (b) The superintendent of a school district or the director of a school subject to this subchapter shall maintain complete and accurate records of the district's or school's compliance with Section 33.202.
- (c) A school campus that is determined by the school's superintendent or director to be out of compliance with Section 33.202, 33.204, or 33.205 with regard to University Interscholastic League activities shall be subject to the range of penalties determined by the University Interscholastic League.

**§33.207. Contact Information.**

- (a) The commissioner shall maintain an existing telephone number and an electronic mail address to allow a person to report a violation of this subchapter.
- (b) Each school that offers an extracurricular athletic activity shall prominently display at the administrative offices of the school the telephone number and electronic mail address maintained under Subsection (a).

**§33.208. Notice Required.**

- (a) A school that offers an extracurricular athletic activity shall provide to each student participating in an extracurricular athletic activity and to the student's parent or guardian a copy of the text of Sections 33.201-33.207 and a copy of the University Interscholastic League's parent information manual.
- (b) A document required to be provided under this section may be provided in an electronic format unless otherwise requested by a student, parent, or guardian.

**§33.209. Incorporation of Safety Regulations.**

The University Interscholastic League shall incorporate the provisions of Sections 33.203-33.207 into the league's constitution and contest rules.

**§33.210. Immunity from Liability.**

This subchapter does not waive any liability or immunity of a school district or its officers or employees. This subchapter does not create any liability for or a cause of action against a school district or its officers or employees.

**§33.211. Limitation on Liability.**

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Section 33.205 unless the act or omission is willfully or wantonly negligent.

**Senate Bill 82, 80th Texas Legislature, 2007, Section 2.**

Subchapter F, Chapter 33, Education Code, as added by this Act, applies beginning with the 2008-2009 school year.