

# UNIVERSITY INTERSCHOLASTIC LEAGUE

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## UIL at a Glance

Originally created by the University of Texas (UT) in 1913, the University Interscholastic League (UIL) seeks to enhance students' educational experience and help prepare them for citizenship 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 that promotes good sportsmanship.

UIL is a voluntary membership organization that is open to any Texas Education Agency accredited public school district or open-enrollment charter school, as well as certain private or parochial schools. To promote competitive equity, UIL assigns each member school to an appropriate conference, region, and/or district depending on the activity and based on student enrollment and geography. UIL provides for academic, music, and athletic contests in over 70 different activities for approximately two million Texas students each year.

UIL is governed by a Legislative Council, made up of mostly member-elected school administrators. UIL employs about 50 staff and operates with a budget of approximately \$11 million, with about half of this funding coming from state contest admission fees, gate receipts, and ticket and program sales. Currently, UIL's only state appropriation is \$500,000 in pass-through funding from the Texas Education Agency to administer the steroid testing program.

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*Much confusion exists over UIL's structure and authority.*

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## Summary

Nothing quite like UIL exists anywhere else in state government. UIL operates as part of UT and as a part of higher education, UIL is a state agency, but not in the same way as an independent, executive branch agency. In 2013, the Legislature placed UIL under Sunset review, but it is not subject to abolishment. This is the first Sunset review of the organization and the first in-depth look at UIL's structure and operations in 20 years. Overall, the Sunset Commission found UIL generally does a good job performing its core function — administering state contests — but also found several problems in UIL's budget development, approval, and reporting processes, and that UIL needs to ensure its rule enforcement hearings are conducted in a fair and consistent manner.

The biggest issue the Sunset Commission identified was confusion over UIL's structure and authority, and the fact that very few people understand how UIL operates, particularly since UIL has a long history of operating according to tradition. To this end, the Sunset Commission focused on clarifying UIL's

status as a state agency within higher education, making its operations more understandable and transparent, and improving its accountability to member schools, participants, and the public. The Sunset Commission also found that the statewide steroid testing program is no longer effective, in part due to reduced funding, and that additional measures are needed to promote the health and safety of student athletes. The following material summarizes the Sunset Commission's recommendations on UIL.

## Issues and Recommendations

### *Issue 1*

#### **UIL Lacks a Statutory Basis for Its Programs, and Its Governing Documents Do Not Ensure Open and Accountable Operations.**

Since UT first created UIL in 1913, the organization has expanded to add many more activities and participants, and has become an integral part of the Texas education system. While UIL is a state agency, statute does not specifically define it as such, resulting in ongoing confusion over the organization's status and authority. With no enabling statute, UIL's Constitution and Contest Rules (C&CR) governs the organization's operations. However, the document is confusing, incomplete, and outdated. Additionally, several problems in UIL's budget development, approval, and reporting processes prevent a complete and clear financial picture of the organization.

## Recommendations

### ***Change in Statute***

#### **1.1 Clarify UIL is a state agency within the University of Texas at Austin.**

To clear up confusion about UIL's status and fully protect the interests of member schools, students, and other stakeholders, this recommendation would clearly define UIL as a state agency within UT and would identify the organization's primary duties, including creating and administering interscholastic academic, music, and athletic contests for its member schools; promulgating and enforcing contest administration rules; creating local committees to assist in carrying out UIL's functions; and other duties necessary to administer interscholastic contests within the state for its member schools.

This recommendation would also clarify that as a part of higher education, UIL and its contest rules are not subject to the Administrative Procedure Act, but that any local committees UIL uses to administer interscholastic contests would be subject to the Public Information Act and Open Meetings Act in the same ways as school boards and other educational entities. Additionally, any monies held by these committees would not be considered funds belonging to UIL deposited in UT accounts, but the committees must report all committee-related revenues and expenditures annually to UIL. Allowing the local committees to operate more like school boards would ensure they are operating under the appropriate authority and still allow for meaningful input from stakeholders affected by the committees' decisions.

### ***Management Action – Nonstatutory***

#### **1.2 Direct UIL to rewrite and reorganize its Constitution and Contest Rules.**

In consultation with its Legislative Council and input from stakeholders, UIL should rewrite and reorganize its C&CR to be more user friendly and easier to navigate and understand. As part of the

rewrite, UIL should create two separate documents — one that describes UIL’s governance structure and other broad principles necessary to govern the organization, and another describing how contests will be administered. Also, UIL should include a complete list of all fees to which member schools or participants may be subject; clearly describe how revenue will be distributed from all state contests; and fully describe the enforcement process.

UIL should also clearly define the authority, roles, and responsibilities of UT, the Legislative Council and its committees, and all local committees. Specifically, UIL should modify the makeup of its Medical Advisory Committee to include 11 voting and three non-voting members, and require the committee to develop an information sheet about the dangers of human growth hormone and synthetic drugs.

### **1.3 Direct the full Legislative Council to approve UIL’s annual budget recommendations.**

### **1.4 Direct UIL to improve how it tracks and reports all contest revenues and expenses.**

UIL should require all its local committees to annually report contest revenues and should also improve its annual financial report by using consistent categories to describe expenses across events within the same program area, as appropriate; ensuring rebates to schools are clearly identified and consistent with UIL rules; and clearly stating the percentage of admission fees, gate receipts, and ticket sales UIL is entitled to keep for each state contest.

## ***Issue 2***

### **UIL’s Hearings Processes Do Not Ensure Consistent Treatment of Participants.**

UIL has developed internal hearings processes to handle student eligibility issues and alleged rule violations. While UIL is not subject to the same procedural requirements for hearings as typical state agencies, UIL should still ensure its hearings are conducted in a fair and consistent manner.

## **Recommendations**

### ***Management Action – Nonstatutory***

#### **2.1 Direct UIL to establish detailed procedural rules for its enforcement hearings.**

Under this recommendation, UIL should develop and adopt clear rules to address notice requirements, time frames, standards of proof, the role of the committee members and UIL staff in questioning witnesses, and admissibility of evidence in both its local committee and State Executive Committee (SEC) hearings. In addition, UIL should establish a *de novo* standard of review for its SEC appeal hearings to ensure consistent treatment of cases and participants. Providing clearly defined hearings and appeal processes in rule helps ensure that both committee members and participants understand the process, and provides greater consistency in how the local committees and SEC conduct hearings.

#### **2.2 Direct UIL to create penalty guidelines and a precedents manual for its enforcement and eligibility determination processes.**

This recommendation directs UIL to develop penalty guidelines based on the severity of violations and provide the guidelines to its local committees and the SEC to help ensure more consistent application of penalties to participants. In addition, UIL should create a precedents manual of common fact situations and general guidance to assist its waiver officer and Waiver Review Board, as well as parents, students

and other participants. Neither requirement is intended to create an automatic or prescriptive approach to penalty or waiver decisions, but to provide guidance with flexibility to use the facts as appropriate.

## ***Issue 3***

### **The Interscholastic League Advisory Council Has Fulfilled Its Purpose and Is No Longer Needed.**

Statute requires the 11-member Interscholastic League Advisory Council to review and make recommendations regarding UIL rules and to study UIL policy regarding student eligibility, geographic distribution of UIL resources and programs, and gender equity. Originally established in 1989, the council fulfilled its requirements in 1995 and has had minimal impact since.

## **Recommendation**

### ***Change in Statute***

#### **3.1 Abolish the Interscholastic League Advisory Council.**

## ***Issue 4***

### **Limited Funding and Changing Attitudes Have Reduced the Need For and Effectiveness of the State's Steroid Testing Program.**

The state's steroid testing program began in 2008 with the goal of reducing illegal steroid use through random testing of high school student athletes and educating students, parents, and coaches about the dangers of steroid use. Texas is now one of only three states to test for steroids, spending \$9.8 million over the life of the program while averaging positive test results of less than one-third of 1 percent. Since the program began, changing attitudes in Texas and nationally toward steroid use have resulted in reduced use among teens. Additionally, the Legislature has reduced funding for the program each biennium, resulting in fewer tests being conducted and diminishing the program's deterrent effect.

## **Recommendation**

### ***Change in Statute***

#### **4.1 Discontinue the statewide steroid testing program.**

This recommendation would repeal the requirement for UIL to conduct a steroid testing program, but would retain the steroid educational program requirements to help ensure athletic coaches remain aware of the potential dangers of steroid abuse.

## *Issue 5*

### **Additional Measures are Needed to Promote the Health and Safety of Student Athletes Participating in UIL.**

Student athlete health and safety issues, especially those related to head injuries and cardiovascular health, are a topic of national discussion. While the State and UIL have focused on student athlete health over the last several years, additional steps are needed to further promote the health and safety of high school athletes in Texas. Currently, each student participating in a UIL athletic activity must complete a pre-participation physical evaluation form that collects the student's medical history and evaluates their health. However, state law does not specify who is authorized to perform pre-participation physical evaluations, which can be a vital tool for identifying injuries and other health issues. Additionally, UIL lacks a mechanism for ensuring compliance with the state's concussion oversight program and could benefit from a relationship with the UT Southwestern Medical Center's Texas Institute for Brain Injury and Repair, a state-funded initiative to promote brain injury research and education.

## **Recommendations**

### ***Change in Statute***

#### **5.1 Require the pre-participation physical evaluation form required for student athletes to be signed by a licensed physician, physician assistant, or advanced nurse practitioner.**

This recommendation would specify that in addition to the student and the student's parent or guardian, a pre-participation physical evaluation form must also be signed by a physician, physician assistant, or advance nurse practitioner. UIL would be required to amend its rules, which currently require the form to be signed by a physician, physician assistant, advance practice nurse, or doctor of chiropractic.

#### **5.2 Require school districts and charter schools participating in UIL athletic activities to report certain concussion-related information to UIL.**

By September 1, 2015 each charter school principal and each school district's superintendent of a school that participates in an interscholastic athletic activity must provide to UIL a notarized statement indicating that the school district has a Concussion Oversight Team (COT) in place, including the names and occupations of the members. The statement must also indicate that each member has had required training; that each COT has established and is currently utilizing a return-to-play protocol based on peer-reviewed scientific evidence; the number of full-time athletic trainers employed by the district or charter school; and that each coach is current on their required concussion training or the number of coaches who are deficient in obtaining the required training.

The recommendation would require UIL to ensure that all participating districts and schools provide the notarized statements. UIL would also post the information on its website and obtain and update the information annually.

## ***Management Action – Nonstatutory***

### **5.3 Direct UIL to establish a collaborative relationship with the UT Southwestern Medical Center’s Texas Institute for Brain Injury and Repair.**

This recommendation directs UIL to take all proactive steps to commence establishing a collaborative relationship with UT Southwestern Medical Center’s Texas Institute for Brain Injury and Repair, a state-funded initiative to promote innovative research and education, with the goals of accelerating translation into better diagnosis and revolutionizing care for millions of people who suffer brain injuries each year.

## **Fiscal Implication Summary**

UIL’s only state appropriation is for the steroid testing program. Eliminating the program would result in savings to general revenue of \$500,000 per year. Other recommendations would not result in significant costs or savings to UIL. The direct fiscal impact for each recommendation is summarized below.

**Issue 3** — Abolishing the Interscholastic League Advisory Council would result in savings of about \$2,500 per year to UIL from reimbursement of travel and per diem expenses for council members.

**Issue 4** — Eliminating the statutory requirement for student athletes to be randomly tested for anabolic steroids would result in savings to general revenue of \$500,000 per year. Maintaining the educational component of the program would not have a fiscal impact to the State or UIL.

### ***University Interscholastic League***

<b>Fiscal Year</b>	<b>Savings to the General Revenue Fund</b>
2016	\$500,000
2017	\$500,000
2018	\$500,000
2019	\$500,000
2020	\$500,000