

## Subchapter H. RULES AND AMENDMENTS

### Section 300: GENERAL PURPOSES

The *Constitution and Contest Rules* facilitates the self-governmental functions of the UIL and is used so that the UIL can act in a characteristic and customary manner that is timely, orderly, reasonable, deliberate, fair, and equitable.

### Section 301: NOTICE OF PROPOSED RULES

- (a) PRIOR NOTICE. Subject to the provisions of this section, prior to the regular adoption of a rule, the UIL shall give at least 30 days' notice of its intended action.
- (b) NOTICE IN EMERGENCY. The UIL may adopt rules under emergency circumstances after two hours' prior written notice filed with the Commissioner of Education.
- (c) PUBLICATION OF PROPOSED RULE. Notice of the proposed rule shall be filed with the Commissioner of Education and posted on the UIL web site. Failure to provide notice of a proposed rule shall not invalidate any action taken or rule adopted.
- (d) CONTENTS OF NOTICE. The notice shall include:
  - (1) a brief explanation of the proposed rule, including the factual and policy justifications and/or implications; and
  - (2) the text of the proposed rule, prepared in a manner to indicate the words to be added or deleted from the current text, if any.
- (e) DATE OF NOTICE. Each notice of a proposed rule shall become effective as of the date it is posted.

### Section 302: PUBLIC HEARING ON PROPOSED RULES

- (a) PUBLIC COMMENT. Prior to the adoption of any rule, the UIL shall afford all interested persons, including representatives of the State Board of Education, a reasonable opportunity to submit data, comments, or arguments, orally or in writing.
- (b) NOTICE. Notice of the public hearing shall be filed with the Commissioner of Education and shall be published in the *Leaguer* or other UIL bulletin not later than the 20th day before the scheduled date of the hearing.
- (c) CONSIDERATION OF COMMENTS. The UIL shall consider fully all written and oral comments concerning the proposed rule prior to taking binding action on it.

### Section 303: RULE PROMULGATION PROCESS

- (a) FILING, RULE SUBMISSION, PUBLICATION. The UIL order finally adopting a rule shall be filed with and submitted to the Commissioner of Education for its approval and published upon that approval immediately in the next available *Leaguer* or other UIL bulletin and annually in a complete edition of the *UIL Constitution and Contest Rules*.
- (b) CONTENTS OF PUBLICATION. The publication of the rule shall include:
  - (1) a reasoned justification of the rule; and
  - (2) an indication of any change between the text of the proposed rule as noticed previously and that adopted, with reasons for the change.
- (c) RECORD OF RULE-MAKING PROCESS. The Director of the UIL shall maintain a record of rules adopted.

#### Section 304: OFFICIAL INTERPRETATION OF RULES

- (a) APPLICATION TO STATE EXECUTIVE COMMITTEE. Anyone may request the State Executive Committee to issue an Official Interpretation of a UIL rule.
- (b) BINDING EFFECT OF OFFICIAL INTERPRETATION. The Official Interpretation of any of these rules by the State Executive Committee shall be the final, authoritative explanation of the rules so interpreted; no other interpretation by any person is binding on the UIL.
- (c) RELIANCE ON OTHER INTERPRETATIONS. Anyone relying on an interpretation other than the State Executive Committee's, except as provided for under Section 305, below, regarding official UIL staff interpretations, risks the consequences, including the imposition of penalties.
- (d) CONTENTS. The State Executive Committee in determining its Official Interpretations of the rules of the UIL shall state clearly and concisely:
  - (1) the language of the interpretation; and
  - (2) any consequent instructions to the Director for subsequent execution or administration of actions on the Committee's behalf including the publication of brief summaries of the Official Interpretations in the *Leaguer* and in the *UIL Constitution and Contest Rules*.

#### Section 305: OFFICIAL STAFF INTERPRETATIONS

- (a) AUTHORIZED INTERPRETATIONS. Those staff members of the UIL who are authorized by the Director may issue written staff interpretations of general applicability that constitute binding actions of the UIL so long as the conditions set out below have been fulfilled in advance.
- (b) CONDITIONS FOR ISSUANCE. If but only if a person requests a staff interpretation in writing, and accompanies the request with an application for an Official Interpretation by the State Executive Committee, then the staff member may issue a written statement of general applicability that implements, interprets, or prescribes UIL policy or procedure or practice requirements. This statement shall be referred to as a staff interpretation.
- (c) EFFECT OF STAFF INTERPRETATION. The statement issued to the applicant may be relied upon until the State Executive Committee issues its order on the application.
- (d) NO ORAL REQUESTS ACCEPTED. No oral requests for staff interpretation will be accepted.
- (e) NO ORAL OR WRITTEN OPINIONS BINDING. No oral or written opinions will be considered staff interpretations and they will not be considered binding on the UIL. Persons relying upon oral or written opinions do so at their own risk.

#### Section 306: RULES OF CONSTRUCTION

- (a) GENERAL CONSTRUCTION. Generally, the rules of the UIL shall be broadly construed to give reasonable effect to the intentions, purposes, and objectives of the League. However, rules involving eligibility, rules involving violations, and rules involving penalties shall be strictly construed.
- (b) MANDATORY, DIRECTORY, PERMISSIVE, FACTUAL. Rules are mandatory if the word "shall" is written; directory if the word "should" is written; permissive if the word "may" is written, and state factual or expected events of past, present, or future times by writing those tenses of the verb "to be" or in the present tense.
- (c) UIL CONSTITUTION PREVAILS OVER CONTEST RULES. Where any term or section of the Contest Rules is found to be inconsistent with the *Constitution*, the *Constitution* shall prevail and apply and the remaining terms and sections of the Contest Rules shall continue in effect.
- (d) STATE LAW PREVAILS OVER UIL CONSTITUTION AND CONTEST RULES. Where any term or section of the *Constitution and Contest Rules* is found to be inconsistent with the laws of the State of

Texas, the laws shall prevail and the remaining terms and sections of the *Constitution and Contest Rules* shall continue in effect.

- (e) EFFECT OF TITLES. The titles appearing throughout the *Constitution and Contest Rules* are for descriptive purposes only.

Section 330: PROPOSED AMENDMENTS TO THE *CONSTITUTION*

- (a) UIL PROPOSALS. The State Executive Committee, a committee of the Legislative Council, or a member of the Legislative Council may propose an amendment of the *Constitution*.
- (b) INTERESTED PARTIES. Any individual or organization may suggest a revision of the *Constitution* and/or *Contest Rules* by submitting the proposal in writing to the Chair of the Legislative Council with an explanation of the proposal.
- (c) REFERRAL. The Chair of the Legislative Council shall refer suggestions for revision of the *Constitution* and/or *Contest Rules* to an appropriate standing or special committee.

Section 331: AMENDING THE *CONSTITUTION*

- (a) ELIGIBILITY AND MAJOR CHANGES. If the proposed amendment involves change in an eligibility rule or if the Legislative Council determines that an amendment involves a major change in UIL policy and it approves the proposed amendment by majority vote, it shall submit the proposed amendment to the member school districts for approval. However, it shall not submit the same item on a referendum ballot more than once in any given three-year period unless the Council, by majority vote, deems it to be an emergency.
- (b) SCHOOL DISTRICT VOTES. A member school district is entitled to cast one vote for each of its participant high schools. The Director shall send the appropriate number of ballots to the superintendent of each member school district. To be counted a ballot must be received by the Director by the reasonable date specified by the Legislative Council and must be signed by the superintendent. An affirmative vote by a majority of the ballots cast is required to amend the *Constitution*. The vote on all League ballots shall be by secret ballot. The Director shall take custody of the ballots and retain them and may not permit examination of them by any person. (According to Section 26 the State Executive Committee is responsible for conducting any necessary recount of a referendum vote.)
- (c) OTHER CHANGES. If it determines that the change does not involve a major change in League policy, the Legislative Council may by majority vote, amend the *Constitution* without submitting the amendment to the member school districts.
- (d) POLICIES OF THE UNIVERSITY OF TEXAS AT AUSTIN. Neither the member school districts nor the Legislative Council may amend the *Constitution* if the proposed amendment is inconsistent with policies of The University of Texas at Austin.