

House Bill 1513

By: Representatives Mainor of the 56th and Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to provide for the designation of a nonprofit
3 organization to govern high school athletics in this state; to provide that such organization
4 shall not be considered a state agency but shall be governed by laws relating to open
5 meetings and the inspection of public records; to provide for definitions; to provide for a
6 governing structure; to provide requirements for a board of directors; to authorize
7 independent audits; to provide for the submission of audit reports to the Board of Education;
8 to provide for a representative assembly; to provide for a public liaison advisory committee;
9 to provide for due process and appeals; to provide for amendments to the bylaws; to provide
10 for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
14 secondary education, is amended by revising Article 13, which is reserved, as follows:

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"ARTICLE 13

20-2-620.

~~Reserved.~~ As used in this article, the term:

(1) 'Athletic association' means any association of schools or any other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for interscholastic athletic events and other activities in which public high schools in this state participate.

(2) 'Organization' means the nonprofit organization designated pursuant to Code Section 20-2-621 to serve as the athletic association for the state.

20-2-621.

(a) The State Board of Education shall designate a nonprofit organization to govern high school athletics for public schools in this state that meets the requirements in this article. Such organization shall not be considered a state agency; provided, however, that such organization shall be subject to all laws relating to open meetings under Chapter 14 of Title 50, and the inspection of public records under Chapter 18 of Title 50. The bylaws of the organization are to be the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed.

(b) A nonpublic school that wishes to engage in high school athletic competition with a public high school in this state may become a member of such organization.

20-2-622.

The organization shall adopt bylaws that establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws governing student residence and transfer shall allow the student to be eligible to participate in high school athletic competition in the school in which he or she first enrolls each school

year or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. The student shall be and remain eligible in such school so long as he or she remains enrolled in such school. Subsequent eligibility shall be determined and enforced through the organization's bylaws. Where the student lives, with whom the student lives, or which school the student attended the previous year shall not be a factor in determining eligibility. The organization shall also adopt bylaws that specifically prohibit the recruiting of students for athletic purposes. The bylaws shall prescribe penalties and an appeals process for athletic recruiting violations.

20-2-623.

The governing structure of the organization shall be as follows:

(1) Except as provided in this article, the organization shall govern its affairs through its bylaws;

(2) Each member school, on its annual application for membership, shall name its official representative to the organization. Such representative shall be either the school principal or his or her designee. Such designee shall be either an assistant principal or an athletic director housed within that same school; and

(3) The organization's membership shall be divided along local school system boundaries into six contiguous and compact administrative regions, each containing an equal or nearly equal number of member schools to ensure equitable representation on the organization's board of directors, representative assembly, and committee on appeals.

20-2-624.

(a) The executive authority of the organization shall be vested in a board of directors. The board of directors shall be composed of 19 persons, as follows:

(1) Six public member school representatives, one from each of the six administrative regions who is elected from among its public school representative members;

64 (2) Six nonpublic member school representatives, one from each of the six administrative
65 regions who is elected from among its nonpublic school representative members;

66 (3) Two representatives appointed by the State Board of Education, one from the three
67 easternmost administrative regions and one from the three westernmost administrative
68 regions;

69 (4) Two local school superintendents, one elected from the three easternmost
70 administrative regions by the representative members in those regions and one elected
71 from the three westernmost administrative regions by the representative members in those
72 regions;

73 (5) Two local board of education members, one elected from the three easternmost
74 administrative regions by the representative members in those regions and one elected
75 from the three westernmost administrative regions by the representative members in those
76 regions; and

77 (6) The State School Superintendent or his or her designee from the Department of
78 Education executive staff.

79 (b) A quorum of the board of directors shall consist of 11 members.

80 (c) The board of directors shall elect a president and a vice president from among its
81 members. Such officers shall also serve as officers of the organization.

82 (d) Members of the board of directors shall serve terms of three years and are eligible to
83 succeed themselves only once. A member of the board of directors, other than the State
84 School Superintendent or his or her designee, may serve a maximum of six consecutive
85 years. The organization's bylaws shall establish a rotation of terms to ensure that a
86 majority of the members' terms do not expire concurrently. The organization's bylaws shall
87 provide for successors to such members who vacate office for any reason, including, but
88 not limited to, vacating the office or position upon which they were qualified to serve on
89 the board.

(e) The authority and duties of the board of directors, acting as a body and in accordance with the organization's bylaws, shall be as follows:

(1) To act as the incorporated organization's board of directors and to fulfill the obligations of such as required by the organization's charter and articles of incorporation;

(2) To establish such guidelines, regulations, policies, and procedures as are authorized by the bylaws;

(3) To provide a commissioner for the organization. The commissioner shall have the authority to waive the bylaws of the organization in order to comply with statutory changes;

(4) To levy annual dues and other fees and to set the percentage of contest receipts which is to be collected by the organization;

(5) To approve the budget of the organization;

(6) To organize and conduct state-wide interscholastic competitions, which may or may not lead to state championships, and to establish the terms and conditions for such competitions;

(7) To maintain the administrative and financial records of the organization; to keep separate and distinct accounts of the organization; to have independent audits made of such records and accounts; and to submit reports of such audits to the Board of Education upon request; and

(8) To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.

20-2-625.

(a) The legislative authority of the organization shall be vested in a representative assembly.

(b) The representative assembly shall be composed of the following:

116 (1) An equal number of member school representatives from each of the six
117 administrative regions;

118 (2) Six local school superintendents, one elected from each of the six administrative
119 regions by the local school superintendents in their respective administrative regions;

120 (3) Six local board of education members, one elected from each of the six
121 administrative regions by the local school board members in their respective
122 administrative regions; and

123 (4) The State School Superintendent or his or her designee from the Department of
124 Education executive staff.

125 (c) The organization's bylaws shall establish the number of member school representatives
126 to serve on the representative assembly from each of the six administrative regions and
127 shall establish the method for their selection.

128 (d) No member of the board of directors other than the State School Superintendent or his
129 or her designee may serve on the representative assembly.

130 (e) The representative assembly shall elect a chairperson and a vice chairperson from
131 among its members.

132 (f) Elected members of the representative assembly shall serve terms of two years and are
133 eligible to succeed themselves for two additional terms. An elected member, other than the
134 State School Superintendent or his or her designee, may serve a maximum of six
135 consecutive years in the representative assembly. The organization's bylaws shall provide
136 for successors to such members of the representative assembly who vacate office for any
137 reason, including, but not limited to, vacating the office or position upon which they were
138 qualified to serve on the representative assembly.

139 (g) A quorum of the representative assembly shall consist of one more than half of its
140 members.

141 (h) The authority of the representative assembly shall be limited to its sole duty, which is
142 to consider, adopt, or reject any proposed amendments to the organization's bylaws.

143 (i) The representative assembly shall meet as a body annually. A two-thirds' majority of
144 the votes cast by members present shall be required for passage of any proposal.

145 20-2-626.

146 (a) The organization shall establish, sustain, fund, and provide staff support to a public
147 liaison advisory committee composed of the following:

148 (1) The State School Superintendent or his or her designee;

149 (2) A public member school principal;

150 (3) A nonpublic member school principal;

151 (4) An active athletic director;

152 (5) An active coach who is employed full time by a member school;

153 (6) A student athlete;

154 (7) A local school superintendent;

155 (8) A local board of education member;

156 (9) A member of the Georgia House of Representatives;

157 (10) A member of the Georgia Senate;

158 (11) A parent of a high school student;

159 (12) A member of a home education association;

160 (13) A representative of the business community; and

161 (14) A representative of the news media.

162 (b) No member of the board of directors, committee on appeals, or representative assembly
163 shall be eligible to serve on the public liaison advisory committee.

164 (c) The public liaison advisory committee shall elect a chairperson and a vice chairperson
165 from among its members.

166 (d) The authority and duties of the public liaison advisory committee shall be as follows:

167 (1) To act as a conduit through which the general public may have input into the
168 decision-making process of the organization and to assist the organization in the

development of procedures regarding the receipt of public input and disposition of complaints related to high school athletic and competition programs;

(2) To conduct public hearings annually in each of the four administrative regions during which interested parties may address issues regarding the effectiveness of the rules, operation, and management of the organization; and

(3) To conduct an annual evaluation of the organization as a whole and present a report of its findings, conclusion, and recommendations to the board of directors, to the State School Superintendent, and to the Senate Education and Youth Committee and the House Committee on Education. The recommendations shall delineate policies and procedures that will improve the implementation and oversight of high school athletic programs by the organization.

(e) The public liaison advisory committee shall meet four times annually. Additional meetings may be called by the committee chairperson, the organization president, or the organization commissioner.

20-2-627.

(a) The organization shall establish a procedure of due process which ensures each student the opportunity to appeal an unfavorable ruling with regard to his or her eligibility to compete. The initial appeal shall be made to a committee on appeals within the administrative region in which the student lives. The organization's bylaws shall establish the number, size, and composition of the committee on appeals.

(b) No member of the board of directors shall be eligible to serve on the committee on appeals.

(c) Members of the committee on appeals shall serve terms of three years and are eligible to succeed themselves only once. A member of the committee on appeals may serve a maximum of six consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

195 (d) The authority and duties of the committee on appeals shall be to consider requests by
196 member schools seeking exceptions to bylaws and regulations, to hear undue hardship
197 eligibility cases filed by member schools on behalf of student athletes, and to hear appeals
198 filed by member schools.

199 (e) A student athlete or member school that receives an unfavorable ruling from a
200 committee on appeals shall be entitled to appeal that decision to the board of directors at
201 its next regularly scheduled meeting or called meeting. The board of directors shall have
202 the authority to uphold, reverse, or amend the decision of the committee on appeals. In all
203 such cases, the decision of the board of directors shall be final.

204 20-2-628.

205 Each member school representative, the board of directors acting as a whole or as members
206 acting individually, any advisory committee acting as a whole to be established by the
207 organization, and the organization's commissioner are empowered to propose amendments
208 to the bylaws. Any other individual may propose an amendment by securing the
209 sponsorship of any of the aforementioned individuals or bodies. All proposed amendments
210 shall be submitted directly to the representative assembly for its consideration. The
211 representative assembly, while empowered to adopt, reject, or revise proposed
212 amendments, may not, in and of itself, as a body be allowed to propose any amendment for
213 its own consideration.

214 20-2-629.

215 The bylaws of the organization shall require member schools to adopt rules for athletic
216 events and other activities under the purview of the organization which have been
217 established by a nationally recognized sanctioning body, unless waived by at least a
218 two-thirds' vote of the board of directors."

219

SECTION 2.

220 All laws and parts of laws in conflict with this Act are repealed.