

Senate Bill 328 - Prefile

By: Senator Mullis of the 53rd

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 for definitions; to provide
4 for a governing structure; to provide requirements for a board of directors; to provide for a
5 representative assembly; to provide for a public liaison advisory committee; to provide for
6 due process and appeals; to provide for amendments to the bylaws; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "ARTICLE 13

13 20-2-620.

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

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

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

21 20-2-621.

22 The State Board of Education shall designate a nonprofit organization to govern high
23 school athletics for public schools in this state that meets the requirements in this article.
24 Such organization shall not be considered a state agency. A nonpublic school that wishes
25 to engage in high school athletic competition with a public high school in this state may
26 become a member of such organization. The bylaws of the organization are to be the rules
27 by which high school athletic programs in its member schools, and the students who
28 participate in them, are governed.

29 20-2-622.

30 The organization shall adopt bylaws that establish eligibility requirements for all students
31 who participate in high school athletic competition in its member schools. The bylaws
32 governing student residence and transfer shall allow the student to be eligible to participate
33 in high school athletic competition in the school in which he or she first enrolls each school
34 year or makes himself or herself a candidate for an athletic team by engaging in a practice
35 prior to enrolling in any member school. The student shall be and remain eligible in such
36 school so long as he or she remains enrolled in such school. Subsequent eligibility shall
37 be determined and enforced through the organization's bylaws. Where the student lives,
38 with whom the student lives, or which school the student attended the previous year shall
39 not be a factor in determining eligibility. The organization shall also adopt bylaws that

40 specifically prohibit the recruiting of students for athletic purposes. The bylaws shall
41 prescribe penalties and an appeals process for athletic recruiting violations.

42 20-2-623.

43 The governing structure of the organization shall be as follows:

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

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

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

54 20-2-624.

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

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

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

61 (3) Two representatives appointed by the State Board of Education, one from the three
62 easternmost administrative regions and one from the three westernmost administrative
63 regions;

64 (4) Two local school superintendents, one elected from the three easternmost
65 administrative regions by the representative members in those regions and one elected
66 from the three westernmost administrative regions by the representative members in those
67 regions;

68 (5) Two local board of education members, one elected from the three easternmost
69 administrative regions by the representative members in those regions and one elected
70 from the three westernmost administrative regions by the representative members in those
71 regions; and

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

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

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

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

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

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

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

- 91 (3) To provide a commissioner for the organization. The commissioner shall have the
92 authority to waive the bylaws of the organization in order to comply with statutory
93 changes;
94 (4) To levy annual dues and other fees and to set the percentage of contest receipts which
95 is to be collected by the organization;
96 (5) To approve the budget of the organization;
97 (6) To organize and conduct state-wide interscholastic competitions, which may or may
98 not lead to state championships, and to establish the terms and conditions for such
99 competitions; and
100 (7) To act as an administrative board in the interpretation of, and final decision on, all
101 questions and appeals arising from the directing of interscholastic athletics of member
102 schools.

103 20-2-625.

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

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

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

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

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

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

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

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

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

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

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

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

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

136 20-2-626.

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

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

140 (2) A public member school principal;

141 (3) A nonpublic member school principal;

- 142 (4) An active athletic director;
143 (5) An active coach who is employed full time by a member school;
144 (6) A student athlete;
145 (7) A local school superintendent;
146 (8) A local board of education member;
147 (9) A member of the Georgia House of Representatives;
148 (10) A member of the Georgia Senate;
149 (11) A parent of a high school student;
150 (12) A member of a home education association;
151 (13) A representative of the business community; and
152 (14) A representative of the news media.
- 153 (b) No member of the board of directors, committee on appeals, or representative assembly
154 shall be eligible to serve on the public liaison advisory committee.
- 155 (c) The public liaison advisory committee shall elect a chairperson and a vice chairperson
156 from among its members.
- 157 (d) The authority and duties of the public liaison advisory committee shall be as follows:
- 158 (1) To act as a conduit through which the general public may have input into the
159 decision-making process of the organization and to assist the organization in the
160 development of procedures regarding the receipt of public input and disposition of
161 complaints related to high school athletic and competition programs;
- 162 (2) To conduct public hearings annually in each of the four administrative regions during
163 which interested parties may address issues regarding the effectiveness of the rules,
164 operation, and management of the organization; and
- 165 (3) To conduct an annual evaluation of the organization as a whole and present a report
166 of its findings, conclusion, and recommendations to the board of directors, to the State
167 School Superintendent, and to the Senate Education and Youth Committee and the House
168 Committee on Education. The recommendations shall delineate policies and procedures

169 that will improve the implementation and oversight of high school athletic programs by
170 the organization.

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

174 20-2-627.

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

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

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

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

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

195 20-2-628.

196 Each member school representative, the board of directors acting as a whole or as members
197 acting individually, any advisory committee acting as a whole to be established by the
198 organization, and the organization's commissioner are empowered to propose amendments
199 to the bylaws. Any other individual may propose an amendment by securing the
200 sponsorship of any of the aforementioned individuals or bodies. All proposed amendments
201 shall be submitted directly to the representative assembly for its consideration. The
202 representative assembly, while empowered to adopt, reject, or revise proposed
203 amendments, may not, in and of itself, as a body be allowed to propose any amendment for
204 its own consideration.

205 20-2-629.

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

210 **SECTION 2.**

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