

Senate Bill 203

By: Senators Thompson of the 14th, Unterman of the 45th, Kirk of the 13th, Albers of the 56th, Harbin of the 16th and others

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:

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 in which public high schools in this state participate.

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

20 20-2-621.

21 The State Board of Education shall designate a nonprofit organization to govern high
22 school athletics for public schools in this state that meets the requirements in this article.

23 Such organization shall not be considered a state agency. A nonpublic school that wishes

24 to engage in high school athletic competition with a public high school in this state may
 25 become a member of such organization. The bylaws of the organization are to be the rules
 26 by which high school athletic programs in its member schools, and the students who
 27 participate in them, are governed.

28 20-2-622.

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

41 20-2-623.

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

43 (1) The organization shall operate as a representative democracy in which the sovereign
 44 authority is within its member schools. Except as provided in this article, the
 45 organization shall govern its affairs through its 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
 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 existing county lines into four
 51 contiguous and compact administrative regions, each containing an equal or nearly equal
 52 number of member schools to ensure equitable representation on the organization's board
 53 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 15 persons, as follows:

- 57 (1) Four public member school representatives, one from each of the four administrative
58 regions who is elected from among its public school representative members;
- 59 (2) Four nonpublic member school representatives, one from each of the four
60 administrative regions who is elected from among its nonpublic school representative
61 members;
- 62 (3) Two representatives appointed by the State Board of Education, one appointed from
63 the two northernmost administrative regions and one appointed from the two
64 southernmost administrative regions;
- 65 (4) Two local school superintendents, one elected from the two northernmost
66 administrative regions by the representative members in those regions and one elected
67 from the two southernmost administrative regions by the representative members in those
68 regions;
- 69 (5) Two local board of education members, one elected from the two northernmost
70 administrative regions by the representative members in those regions and one elected
71 from the two southernmost administrative regions by the representative members in those
72 regions; and
- 73 (6) The State School Superintendent or his or her designee from the Department of
74 Education executive staff.
- 75 (b) A quorum of the board of directors shall consist of nine members.
- 76 (c) The board of directors shall elect a president and a vice president from among its
77 members. Such officers shall also serve as officers of the organization.
- 78 (d) Members of the board of directors shall serve terms of three years and are eligible to
79 succeed themselves only once. A member of the board of directors, other than the State
80 School Superintendent or his or her designee, may serve a maximum of six consecutive
81 years. The organization's bylaws shall establish a rotation of terms to ensure that a
82 majority of the members' terms do not expire concurrently.
- 83 (e) The authority and duties of the board of directors, acting as a body and in accordance
84 with the organization's bylaws, shall be as follows:
- 85 (1) To act as the incorporated organization's board of directors and to fulfill the
86 obligations of such as required by the organization's charter and articles of incorporation;
- 87 (2) To establish such guidelines, regulations, policies, and procedures as are authorized
88 by the bylaws;
- 89 (3) To provide a commissioner for the organization. The commissioner shall have the
90 authority to waive the bylaws of the organization in order to comply with statutory
91 changes;
- 92 (4) To levy annual dues and other fees and to set the percentage of contest receipts which
93 is to be collected by the organization;

- 94 (5) To approve the budget of the organization;
95 (6) To organize and conduct state-wide interscholastic competitions, which may or may
96 not lead to state championships, and to establish the terms and conditions for such
97 competitions; and
98 (7) To act as an administrative board in the interpretation of, and final decision on, all
99 questions and appeals arising from the directing of interscholastic athletics of member
100 schools.

101 20-2-625.

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

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

105 (1) An equal number of member school representatives from each of the four
106 administrative regions;

107 (2) Four local school superintendents, one elected from each of the four administrative
108 regions by the local school superintendents in their respective administrative regions;

109 (3) Four local board of education members, one elected from each of the four
110 administrative regions by the local school board members in their respective
111 administrative regions; and

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

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

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

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

121 (f) Elected members of the representative assembly shall serve terms of two years and are
122 eligible to succeed themselves for two additional terms. An elected member, other than the
123 State School Superintendent or his or her designee, may serve a maximum of six
124 consecutive years in the representative assembly.

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

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

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

131 20-2-626.

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

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

135 (2) A public member school principal;

136 (3) A nonpublic member school principal;

137 (4) A member school principal who is a member of a racial minority;

138 (5) An active athletic director;

139 (6) An active coach who is employed full time by a member school;

140 (7) A student athlete;

141 (8) A local school superintendent;

142 (9) A local board of education member;

143 (10) A member of the Georgia House of Representatives;

144 (11) A member of the Georgia Senate;

145 (12) A parent of a high school student;

146 (13) A member of a home education association;

147 (14) A representative of the business community; and

148 (15) A representative of the news media.

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

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

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

154 (1) To act as a conduit through which the general public may have input into the
 155 decision-making process of the organization and to assist the organization in the
 156 development of procedures regarding the receipt of public input and disposition of
 157 complaints related to high school athletic and competition programs;

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

161 (3) To conduct an annual evaluation of the organization as a whole and present a report
 162 of its findings, conclusion, and recommendations to the board of directors, to the State
 163 School Superintendent, and to the Senate Education and Youth Committee and the House
 164 Committee on Education. The recommendations shall delineate policies and procedures

165 that will improve the implementation and oversight of high school athletic programs by
166 the organization.

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

170 20-2-627.

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

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

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

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

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

191 20-2-628.

192 Each member school representative, the board of directors acting as a whole or as members
193 acting individually, any advisory committee acting as a whole to be established by the
194 organization, and the organization's commissioner are empowered to propose amendments
195 to the bylaws. Any other individual may propose an amendment by securing the
196 sponsorship of any of the aforementioned individuals or bodies. All proposed amendments
197 shall be submitted directly to the representative assembly for its consideration. The
198 representative assembly, while empowered to adopt, reject, or revise proposed

199 amendments, may not, in and of itself, as a body be allowed to propose any amendment for
200 its own consideration.

201 20-2-629.

202 The bylaws of the organization shall require member schools to adopt rules for sports
203 which have been established by a nationally recognized sanctioning body, unless waived
204 by at least a two-thirds' vote of the board of directors."

205 **SECTION 2.**

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