

Senate Bill 165

By: Senators Thompson of the 14th, Mullis of the 53rd and Albers of the 56th

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.