



GEORGIA STATE SENATE

SENATE RESEARCH OFFICE

204 Coverdell Legislative Office Building | 404.656.0015
18 Capitol Square SW
Atlanta, GA 30334

ELIZABETH HOLCOMB
DIRECTOR

MEETING MINUTES OF THE SENATE ATHLETIC ASSOCIATION STUDY COMMITTEE

COMMITTEE MEMBERS

Senator Bruce Thompson – Committee Chair
District 14

Senator Lester Jackson
District 2

Senator Zahra Karinshak
District 48

Senator Chuck Payne
District 54

Senator Blake Tillery
District 19

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2019

STUDY COMMITTEE FOCUS, CREATION, AND DUTIES

The Senate Athletic Association Study Committee was created by *Senate Resolution 304* to analyze the current structure for interscholastic athletic events in which public high schools in this state participate, and review the Georgia High School Athletic Associations' ("GHSA") processes for organizing, sanctioning, and scheduling interscholastic high school athletic events.¹

Senator Bruce Thompson of the 14th served as the Chair of the Committee. The other Senate members included: Senator Lester Jackson of the 2nd, Senator Zahra Karinshak of the 48th, Senator Chuck Payne of the 54th and Senator Blake Tillery of the 19th. The Chairman requested two citizen members join the Committee for each meeting and subsequent discussion: Mr. Jason Anavitarte, Paulding County Board of Education Member; and Mrs. Karen Dernavich, Homeschool Parent, Dunwoody Area Support for Christian Homeschoolers.

The following legislative staff members were assigned to the Study Committee: Ms. Macy McFall of the Senate Research Office; Mrs. Ines Owens and Ms. Kessarín Horvath of the Senate Press Office; and Mrs. Hallie Allen, Legislative Assistant to Senator Thompson.

COMMITTEE FINDINGS AND BACKGROUND

Testimony heard by the Committee focused primarily on:

- 1) Allowing homeschool students to participate in public high school sports, and the subsequent approval process;
- 2) Fairness in the appeals process for "hardship" transfer applications;
- 3) Cost to participate as a high school game official;
- 4) Lack of accountability, transparency and due process in the GHSA; and
- 5) Eligibility/transfer issues for students given the highly mobile workforce of parents.

The Senate Athletic Association Study Committee engaged in substantial discussion and review, communicating a need to safeguard the integrity of high school athletic associations. The Study Committee discussed their commitment to ensuring that students in Georgia are given the opportunity to participate on a fair and equitable basis in interscholastic athletic programs, which have been known to produce meaningful educational benefits for our students. The Study Committee reviewed the following GHSA policies and procedures throughout their meetings:

Overview of the Georgia High School Athletic Association

The Georgia High School Association ("GHSA") is a voluntary organization that operates under a Constitution and By-Laws which outline the scope and purpose of the Association. The membership consists of 463 public and private high schools across the state. Each school is divided into a classification according to its size so each school will have an opportunity to compete for honors among schools of its own size. The state is also divided into regions within each classification, and each region is operated by the schools in the region.²

According to the GHSA, some athletic competitions are held as statewide events open to all schools, while other events are held on elimination basis, with the region competing in state events in the various classifications. The number of classifications and the number of regions is determined by the Reclassification Committee. Member schools are realigned every two years, and are only classified at the time of each realignment. Currently, there are eight regions, which are divided into seven "classes" in Georgia high school athletics.

¹ <http://www.legis.ga.gov/legislation/en-US/Display/20192020/SR/304>.

² <https://www.ghsa.net/about-us>.

The GHSA provides services to its member schools in the organization and administration of Region and State events for the following: **BOYS:** Baseball, Basketball, Cross Country, Football, Golf, Lacrosse, Riflery, Soccer, Swimming & Diving, Tennis, Track, Wrestling; **GIRLS:** Basketball, Cheerleading (co-ed), Cross Country, Golf, Gymnastics, Lacrosse, Riflery, Fast Pitch & Slow Pitch Softball, Soccer, Swimming & Diving, Tennis, Track, Volleyball; **LITERARY:** Dramatic Interpretation, Essay, Extemporaneous Speaking, One Act Plays, Quartet, Spelling, Trio, Vocal Solo.

Organization Procedures

The GHSA Constitution contains the standards of eligibility to be met by high school pupils for attaining the privilege of participation in interschool contests, and rules controlling the participation among schools. Adopting the Constitution and By-laws by their membership, member schools have agreed to operate and discipline their interscholastic activities and contests in accordance with the GHSA.³

Reclassification

By-law 4.20 of GHSA's 2019-2020 By-laws and Constitution requires, every two years, that member schools be placed in classifications for competition by one of the following procedures:

- For member public schools, the count will be based on the Full Time Equivalent (FTE) count for students in Grades 9-12 provided by the Georgia Department of Education for the fall semester of the second year of the current reclassification cycle;
- For member private schools, the count will be based on the actual head count of students in Grades 9-12 at as determined on September 15 of the second year of the current reclassification cycle;
- Based on projected enrollment numbers for all schools affected by the opening of a new school or the consolidation of existing schools that must be submitted by the system Superintendent no later than September 15 of the second year of the current reclassification cycle. In the event that a school's actual enrollment in the first semester of the new reclassification cycle exceeds the projection average by 10 percent, or more or an existing school exceeds the project by 5 percent or more, the school is not eligible for post season play in any sport for the entirety of that reclassification cycle (this is appealable); or
- Classification of isolated schools will be determined by the Reclassification Committee in accordance with the "Isolation Rule."⁴

By-law 4.22 allows the Reclassification Committee to consider the following factors for reclassification decisions:

- 1) Travel time and costs, plus time out of school for students;
- 2) Differences in the size of school populations;
- 3) Competitive balance of the schools;
- 4) Equitable access to playoff slots; and
- 5) Rivalries and gate-receipt issues.

By-law 4.23 provides that membership of the association is divided into seven classifications. Each classification has eight regions unless otherwise needed. The By-law further provides for the Out-Of-Zone Multiplier, which requires that every student attending a school from outside that school's district-assigned attendance zone be counted as two (2.0) students when it comes to calculating that school's reclassification student count. Children of school teachers and military personnel are excluded from this Out-Of-Zone Multiplier. The By-law additionally states that no school will have to move up more than two (2) classes.

³ *Id.*

⁴ GHSA By-law 4.23 (d) (1) defines the "Isolation Rule", and provides that "an individual school shall be considered to be isolated if the average distance from that school to all other schools in the region is 100 miles or more one way. (2) The decision to place a school in a higher or lower classification will be based on a combination of factors that include travel distances and school population size."

Required Record Keeping and Disclosures

The GHSA Constitution and By-laws require the association to abide by certain record keeping practices. *By-law 4.12* requires the GHSA Office to maintain an official record for all dues and fees received from any source, and further requires an annual audit of finances be completed by a firm of auditors or a certified public accountant.

They are also required to publish, for member schools, all necessary forms on the organization's website. According to *By-law 4.13*, this includes providing member schools copies of the following forms:

- 1) Student eligibility forms;
- 2) Declarations of intent to enter GHSA activities;
- 3) Forms to secure sanctioning of events;
- 4) Contracts for events; and
- 5) Financial statements for hosting GHSA events.

Additionally, *By-law 4.62* requires the GHSA to comply with certain open meetings and open records laws.

"The Georgia High School Association shall comply with the requirements of Article 4 of Chapter 18 of Title 50, relating to the inspection of public records, and Chapter 14 of Title 50, relating to open and public meetings, to the extent that such records and meetings relate to the association's activities with respect to public high schools; provided, however, that such association shall not be required to comply with such statutes or to conduct open and public meetings or provide inspection of records where the sole subject of such meeting or record pertains to the academic records or performance of an individual student or the eligibility of an individual student to participate or to continue to participate in sponsored events or contests based on academics."

However, the provision also requires that where a meeting or record of the association is devoted in part to matters excepted in *By-law 4.62*, any portion of the meeting or record not subject to such exception must be open to the public.⁵

MEETING TESTIMONY

Meeting 1 – October 8, 2019

The Study Committee held its first meeting in Savannah, Georgia at the Armstrong Campus at Georgia Southern University. Presenters discussed a variety of factors, including, the role the GHSA plays in public and private schools. Testimony was provided by the following individuals:

- **Dr. James Hines**, GHSA Executive Director
- **Mr. Jimmy Stokes**, GHSA Legislative Liaison

The vast majority of this meeting's discussion revolved around the structure of the GHSA and the history of the organization. GHSA officials produced financials and a third-party audit, which allowed Committee members to ask various questions, including, the fee structure for member schools, which is based on their classification, and the fees officials are charged versus the pay they receive. Public comment was a significant portion of the hearing. Citizens in support and those opposed to the GHSA were present to vocalize their opinion.

⁵ Georgia High School Athletic Association Constitution and By-laws, By-law 4.62.
<https://www.ghsa.net/sites/default/files/documents/Constitution/Constitution19-20Completecx8.pdf>

Meeting 2 – October 30, 2019

The Study Committee held its second meeting in Brookhaven, Georgia at the Brookhaven City Hall. The Study Committee discussed how to require that due process safeguards be developed to ensure all students and members are treated fairly by the procedures of the Georgia High School Athletic Association, including explanations of actions to affected students/members.

The Chair began the meeting by reading a letter from the Home School Legal Defense Fund, which detailed homeschool participation in extracurricular activities. The letter made note that as homeschooling continues to “grow across the country, the trend has been to level the playing field for homeschool students” to allow and enable them to participate in activities within their local school system, in the same manner as other students.

The Committee also debated whether GHSA decisions should be recorded and open to review, subject to limitations protecting the privacy of students, so that students/members can ensure they were treated equally and predict likely outcomes of given actions. Testimony was provided by the following individuals:

- **Mr. Eric Elder**, Parent
- **Ms. Kerry Gragg**, Parent
- **Ms. Chenelle Mosley**, Parent
- **Mr. Jeff Ragan**, High School Teacher and Coach, Woodward Academy
- **Ms. Michelle Newbold**, Music Teacher
- **Mr. Brian Cordey**, Parent
- **Mr. Jonathan Crumly**, Taylor English Duma LLP

During the second meeting the Study Committee continued their examination of the structure of the GHSA and certain policies of the association. The Committee spent time discussing and questioning the payment, retention and recruitment of game officials. Committee members raised questions, such as, whether the GHSA was interfering with opportunity and potentially subject to lawsuits. The Committee raised issue with the fact that the GHSA does not have an official code of Ethics. Dr. James Hines, Executive Director of the GHSA, explained to the Study Committee that as a private 501(c)(3), GHSA follows the professional code of ethics that Georgia educators use. The Committee also spent a significant amount of time discussing the “multiplier system”, which is the system used by GHSA to divide schools into Regions and Classes.

The Study Committee allowed for significant public testimony. The Chairman arranged for several citizens to testify to their experience with the GHSA. Each individual who testified raised a concern regarding at least one rule or procedure of the association. Dr. James Hines, the GHSA Executive Director, was also given the opportunity to respond to earlier testimony. Mr. Hines called upon several GHSA representatives, Mr. Ernie Yarbrough, Mr. Bud Henanbough, and Mr. Curt Miller, who each responded to earlier comments made by presenters.

Meeting 3 – November 20, 2019

The Study Committee held its third, and final meeting, at the State Capitol in Atlanta, Georgia.

Discussion during the third meeting focused on the configuration of the GHSA and recommendations the Study Committee felt were necessary for the final report. The Committee contemplated several measures, such as, a stronger Joint High School Athletics Overview Committee; requiring GHSA to report to the Georgia Department of Education when game officials fail a required background check; legislative action to require that homeschool students be allowed to participate in GHSA sponsored interscholastic activities; and prohibiting the GHSA from using an out-of-zone multiplier for school reclassifications. No testimony was provided during this meeting.

Respectfully Submitted,

**MINUTES OF THE SENATE
ATHLETIC ASSOCIATION STUDY COMMITTEE**

A handwritten signature in black ink, appearing to read "Bruce Thompson", is written over a horizontal line.

**Senator Bruce Thompson – Committee Chair
District 14**