

SENATE BILL 16

By Lowe

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to interscholastic athletics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, is amended by adding the following as a new part:

49-2-901.

A public school shall not use public funds to join, become members of, or maintain membership in an association that regulates interscholastic athletics if the association prohibits a student from participating in an interscholastic athletic competition due to the student transferring no more than once from a school at which the student previously participated in an interscholastic athletic competition regulated by the association. For purposes of this section, a transfer does not include completion of the highest grade at the school.

49-2-902.

(a) Public schools, including public charter schools, shall not use public funds to join, become members of, or maintain membership in an association that regulates interscholastic athletics unless the association's governing board voluntarily complies with the open meetings laws, compiled in title 8, chapter 44, part 1.

(b) Notwithstanding subsection (a), an association that regulates interscholastic athletics may conduct a closed meeting, or close a portion of an otherwise open meeting, if confidential information protected by the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), § 10-7-504, or any other relevant privacy law or

privilege, must be discussed. No other business, other than the business to which the confidential information relates, shall be addressed during such a closed meeting.

49-2-903.

(a)

(1) If a student is placed in foster care, as defined in § 37-1-102(b)(17), and the student seeks to participate in interscholastic athletics, then the public school or public charter school in which the student is enrolled shall notify an association that regulates interscholastic athletics of the student's placement in foster care, if failure to notify the association of the student's placement may result in the student being deemed ineligible to participate in athletics for any period of time.

(2) Notwithstanding subdivision (a)(1), a public school or public charter school shall not notify an association that regulates interscholastic athletics of a student's placement in foster care unless the school first obtains written consent from the student's parent or legal guardian, or from the student if the student is eighteen (18) years of age or older, prior to making the notification.

(3) A notification made pursuant to this subsection (a) must be made in accordance with state law, the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), and other relevant privacy laws.

(b)

(1) By January 1, 2022, and by January 1 of each year thereafter, each LEA and public charter school shall submit to the department of education documentation of its compliance with this section in the manner prescribed by the commissioner.

(2) By January 31, 2022, and by January 31 each year thereafter, the department shall submit a report to the education administration committee of the house of representatives and the education committee of the senate documenting each LEA's and public charter school's compliance with this section.

49-2-904.

Any voluntary association that establishes and enforces bylaws or rules for interscholastic sports competition for public secondary schools in this state shall be subject to an annual audit by the comptroller of the treasury. At the discretion of the comptroller of the treasury, the audit may be prepared by a certified public accountant, a public accountant, or by the department of audit. The comptroller of the treasury may accept the association's own audit prepared by a certified public accountant that has been filed with the secretary of state to satisfy the requirements of this section. If the association fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant or public accountant or direct the department to prepare the audit. The association shall bear the full costs of any audit prepared.

SECTION 2. Tennessee Code Annotated, Section 49-2-132, is amended by deleting the section.

SECTION 3. Tennessee Code Annotated, Section 49-2-136, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 49-6-416, is amended by deleting the section.

SECTION 5. This act takes effect July 1, 2025, the public welfare requiring it.