

# SENATE BILL 557

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By: **Senator Getty**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Maryland Interscholastic Athletic Association – Establishment**

3 FOR the purpose of establishing the Maryland Interscholastic Athletic Association in  
4 the State Department of Education; providing that the Association is governed  
5 by a Board of Directors established under this Act; specifying the purposes of  
6 the Association; providing for the membership of the Board; requiring the  
7 Governor to consider certain factors in determining whether to appoint an  
8 individual to the Board; prohibiting a school district or nonpublic school from  
9 having more than one representative serving as a member on the Board;  
10 prohibiting certain individuals from being appointed to the Board as public  
11 members; providing for the terms of the initial members of the Board and for  
12 the terms of the members of the Board thereafter; providing that a member of  
13 the Board is deemed to have resigned from the Board under certain  
14 circumstances; specifying that a vote of a member appointed in violation of a  
15 certain provision of this Act is void; providing certain compensation for a  
16 member of the Board; specifying the circumstances under which the Board can  
17 take action; requiring the Board annually to elect certain officers; requiring an  
18 election to be held at a certain time if there is a vacancy in office; requiring the  
19 Board to meet at certain times and places; requiring copies of minutes of certain  
20 meetings to be maintained by the Association at the Department; requiring the  
21 Board to adopt certain regulations and issue a certain decision within a certain  
22 number of days after a certain hearing; authorizing the Board to adopt certain  
23 regulations; specifying the duties of the Board; providing for the hiring of staff  
24 for the Board; establishing the Secondary Interscholastic Athletic Fund;  
25 requiring the Board to decide certain controversies; authorizing a certain party  
26 to appeal a certain decision of the Board to the State Board of Education under  
27 certain circumstances; requiring the State Board to adopt certain regulations;  
28 prohibiting the State Board from reversing a decision made by the Board under  
29 certain circumstances; specifying that a certain decision of the State Board is  
30 final and not subject to further review; requiring the Board to make a certain  
31 record; requiring that the cost of preparing a certain transcript be paid by the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 person requesting the transcript; specifying the intent of the General Assembly;  
2 making a conforming change; defining certain terms; and generally relating to  
3 the Maryland Interscholastic Athletic Association.

4 BY adding to

5 Article – Education

6 Section 2–401 through 2–411 to be under the new subtitle “Subtitle 4. Maryland  
7 Interscholastic Athletic Association”

8 Annotated Code of Maryland

9 (2008 Replacement Volume and 2011 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article – Education

12 Section 7–433(b)

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Education**

18 **SUBTITLE 4. MARYLAND INTERSCHOLASTIC ATHLETIC ASSOCIATION.**

19 **2–401.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (B) “ASSOCIATION” MEANS THE MARYLAND INTERSCHOLASTIC  
23 ATHLETIC ASSOCIATION.

24 (C) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE MARYLAND  
25 INTERSCHOLASTIC ATHLETIC ASSOCIATION.

26 (D) “FUND” MEANS THE SECONDARY INTERSCHOLASTIC ATHLETIC  
27 FUND.

28 **2–402.**

29 (A) (1) THERE IS A MARYLAND INTERSCHOLASTIC ATHLETIC  
30 ASSOCIATION IN THE DEPARTMENT.

31 (2) THE ASSOCIATION IS GOVERNED BY THE BOARD OF  
32 DIRECTORS ESTABLISHED UNDER § 2–403 OF THIS SUBTITLE.

1           **(B) THE PURPOSES OF THE ASSOCIATION ARE TO:**

2                   **(1) PRESERVE AND PROMOTE THE EDUCATIONAL SIGNIFICANCE**  
3 **OF INTERSCHOLASTIC ATHLETICS;**

4                   **(2) ENSURE THAT INTERSCHOLASTIC SPORTS REMAINS**  
5 **COMPATIBLE WITH THE EDUCATIONAL MISSION OF THE MEMBER SCHOOLS;**

6                   **(3) PROVIDE FOR FAIR COMPETITION BETWEEN MEMBER**  
7 **SCHOOLS;**

8                   **(4) PROMOTE SPORTSMANSHIP AND ETHICAL BEHAVIOR;**

9                   **(5) ESTABLISH AND ENFORCE STANDARDS OF CONDUCT FOR**  
10 **ATHLETES, COACHES, ADMINISTRATORS, OFFICIALS, AND SPECTATORS OF**  
11 **INTERSCHOLASTIC SPORTS;**

12                   **(6) PROTECT THE PHYSICAL WELL-BEING OF ATHLETES; AND**

13                   **(7) PROMOTE HEALTHY ADOLESCENT LIFESTYLES.**

14 **2-403.**

15           **(A) THERE IS A BOARD OF DIRECTORS OF THE ASSOCIATION.**

16           **(B) THE BOARD CONSISTS OF:**

17                   **(1) THE FOLLOWING VOTING MEMBERS APPOINTED BY THE**  
18 **GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:**

19                           **(i) TWO SCHOOL DISTRICT SUPERINTENDENTS OR**  
20 **ASSISTANT SUPERINTENDENTS, EACH OF WHOM SHALL BE FROM A DIFFERENT**  
21 **COUNTY;**

22                           **(ii) THREE MEMBERS FROM COUNTY BOARDS, EACH OF**  
23 **WHOM SHALL BE FROM A DIFFERENT COUNTY;**

24                           **(iii) THREE PUBLIC SCHOOL PRINCIPALS OR ASSISTANT**  
25 **PRINCIPALS, EACH OF WHOM SHALL BE FROM A DIFFERENT COUNTY;**

26                           **(iv) TWO PUBLIC SCHOOL ATHLETIC DIRECTORS OR**  
27 **COACHES, EACH OF WHOM SHALL BE FROM A DIFFERENT COUNTY;**

1                   (V) ONE MEMBER WHO IS A NONPUBLIC SECONDARY  
2 SCHOOL ADMINISTRATOR AT A SCHOOL THAT IS A MEMBER OF THE  
3 ASSOCIATION;

4                   (VI) ONE MEMBER WHO IS A NONPUBLIC SECONDARY  
5 SCHOOL ATHLETIC DIRECTOR OR COACH AT A SCHOOL THAT IS A MEMBER OF  
6 THE ASSOCIATION;

7                   (VII) ONE LICENSED PHYSICIAN THAT IS KNOWLEDGEABLE  
8 ABOUT SPORTS MEDICINE; AND

9                   (VIII) SIX PUBLIC MEMBERS, EACH OF WHOM SHALL BE FROM  
10 A DIFFERENT COUNTY; AND

11                   (2) THE STATE SUPERINTENDENT, OR THE SUPERINTENDENT'S  
12 DESIGNEE, WHO IS A NONVOTING MEMBER OF THE BOARD.

13                   (C) IN DETERMINING WHETHER TO APPOINT AN INDIVIDUAL TO THE  
14 BOARD UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNOR SHALL  
15 CONSIDER:

16                   (1) THE GEOGRAPHIC REPRESENTATION OF THE MEMBERS ON  
17 THE BOARD;

18                   (2) WHETHER THE INDIVIDUAL HAS KNOWLEDGE OF ATHLETICS  
19 IN GENERAL; AND

20                   (3) WHETHER THE INDIVIDUAL HAS AN INTEREST IN SECONDARY  
21 SCHOOL ATHLETICS.

22                   (D) A SCHOOL DISTRICT OR NONPUBLIC SCHOOL MAY NOT HAVE MORE  
23 THAN ONE REPRESENTATIVE SERVING AS A MEMBER ON THE BOARD.

24                   (E) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE BOARD AS A  
25 PUBLIC MEMBER IF THE INDIVIDUAL:

26                   (1) HAS BEEN A RESIDENT OF THE STATE FOR LESS THAN 3  
27 YEARS;

28                   (2) IS AN EMPLOYEE OF A MEMBER SCHOOL; OR

1           **(3) HAS A MATERIAL FINANCIAL INTEREST IN PROVIDING GOODS**  
2 **OR SERVICES TO THE ASSOCIATION OR ANY MEMBER SCHOOL.**

3 **2-404.**

4           **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
5 **SUBSECTION, THE TERM OF A VOTING MEMBER OF THE BOARD IS 3 YEARS.**

6           **(2) THE MEMBER OF THE BOARD WHO IS A LICENSED PHYSICIAN**  
7 **SERVES AT THE PLEASURE OF THE GOVERNOR.**

8           **(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED**  
9 **BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2012.**

10          **(B) (1) AT THE END OF A TERM A MEMBER OF THE BOARD SHALL**  
11 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

12           **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**  
13 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**  
14 **APPOINTED AND QUALIFIES.**

15           **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
16 **PARAGRAPH, A MEMBER OF THE BOARD MAY NOT BE REAPPOINTED TO SERVE A**  
17 **CONSECUTIVE TERM.**

18                   **(II) A MEMBER OF THE BOARD WHOSE INITIAL TERM IS**  
19 **EXPIRING MAY BE REAPPOINTED TO A SECOND CONSECUTIVE TERM.**

20           **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
21 **SUBSECTION, A MEMBER OF THE BOARD MAY NOT BE REAPPOINTED TO THE**  
22 **BOARD IF THE MEMBER:**

- 23                           1. **HAS SERVED TWO TERMS ON THE BOARD; OR**
- 24                           2. **HAS SERVED ON THE BOARD FOR 6 YEARS WITHIN**  
25 **ANY 9-YEAR PERIOD.**

26                   **(II) A MEMBER OF THE BOARD MAY BE REAPPOINTED IF AT**  
27 **LEAST ONE TERM HAS EXPIRED SINCE THE MEMBER LAST SERVED ON THE**  
28 **BOARD.**

29           **(C) A MEMBER IS DEEMED TO HAVE RESIGNED FROM THE BOARD IF**  
30 **THE MEMBER:**

1           **(1) FAILS TO ATTEND THREE CONSECUTIVE MEETINGS, UNLESS**  
2 **THE ABSENCES WERE EXCUSED FOR GOOD CAUSE BY A MAJORITY OF THE**  
3 **BOARD; OR**

4           **(2) FAILS TO ATTEND AT LEAST HALF OF ALL MONTHLY BOARD**  
5 **MEETINGS DURING A CALENDAR YEAR.**

6           **(D) THE VOTE OF A MEMBER APPOINTED IN VIOLATION OF THIS**  
7 **SECTION IS VOID.**

8           **(E) A MEMBER OF THE BOARD SHALL RECEIVE COMPENSATION OF**  
9 **\$100 PER MEETING OF THE BOARD.**

10 **2-405.**

11           **(A) A MAJORITY OF THE VOTING MEMBERS OF THE BOARD**  
12 **CONSTITUTES A QUORUM.**

13           **(B) A QUORUM MUST BE PRESENT FOR THE BOARD TO TAKE ANY**  
14 **ACTION.**

15           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
16 **SUBSECTION, THE BOARD MAY ACT THROUGH A VOTE OF THE MAJORITY OF**  
17 **VOTING MEMBERS PRESENT AT THE BOARD MEETING.**

18           **(2) THE BOARD MAY VOTE TO ADOPT OR AMEND THE**  
19 **ASSOCIATION'S BUDGET OR REGULATIONS ONLY ON THE VOTE OF A MAJORITY**  
20 **OF THE VOTING MEMBERS OF THE BOARD.**

21 **2-406.**

22           **(A) THE BOARD ANNUALLY SHALL ELECT FROM ITS MEMBERS A CHAIR**  
23 **AND VICE CHAIR AND ANY OTHER OFFICERS THE BOARD DEEMS NECESSARY.**

24           **(B) IF THERE IS A VACANCY IN AN OFFICE, AN ELECTION SHALL BE**  
25 **HELD:**

26           **(1) AT THE NEXT REGULARLY SCHEDULED BOARD MEETING; OR**

27           **(2) AT A MEETING CALLED FOR THE PURPOSE OF HOLDING AN**  
28 **ELECTION IF THE MEETING IS TO OCCUR BEFORE THE NEXT REGULARLY**  
29 **SCHEDULED BOARD MEETING.**

1 **2-407.**

2 (A) **THE BOARD SHALL MEET:**

3 (1) **MONTHLY AT A TIME AND PLACE DETERMINED BY THE**  
4 **BOARD; AND**

5 (2) **AT ANY OTHER TIME AND PLACE DETERMINED BY THE**  
6 **BOARD.**

7 (B) **COPIES OF MINUTES OF MEETINGS OF THE BOARD SHALL BE**  
8 **MAINTAINED BY THE ASSOCIATION AT THE DEPARTMENT.**

9 **2-408.**

10 (A) (1) **THE BOARD, IN CONSULTATION WITH THE DEPARTMENT,**  
11 **SHALL ADOPT REGULATIONS GOVERNING SECONDARY AND MIDDLE SCHOOL**  
12 **INTERSCHOLASTIC ATHLETICS, INCLUDING:**

13 (i) **THE ELIGIBILITY OF STUDENTS TO PARTICIPATE IN**  
14 **INTERSCHOLASTIC ATHLETICS;**

15 (ii) **NONSCHOOL COMPETITIONS;**

16 (iii) **COACHES AND SPORTS OFFICIALS OF**  
17 **INTERSCHOLASTIC SPORTS;**

18 (iv) **SANCTIONING OF SCHOOL TEAM COMPETITIONS; AND**

19 (v) **THE METHOD BY WHICH A NONPUBLIC SCHOOL MAY**  
20 **BECOME A MEMBER OF THE ASSOCIATION.**

21 (2) **THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**  
22 **SUBSECTION SHALL INCLUDE THE SPORTS OVER WHICH THE ASSOCIATION HAS**  
23 **JURISDICTION.**

24 (B) **THE BOARD MAY ADOPT REGULATIONS THAT DENY A STUDENT THE**  
25 **RIGHT SIMULTANEOUSLY TO TRY OUT FOR, PRACTICE WITH, OR PARTICIPATE IN**  
26 **GAMES ON A TEAM SIMILAR TO THE SCHOOL TEAM ON WHICH THE STUDENT IS A**  
27 **MEMBER IF THE PARENT OR LEGAL GUARDIAN OF THE STUDENT HAS NOT**  
28 **PROVIDED WRITTEN CONSENT FOR THE DUAL PARTICIPATION.**

1           **(C) THE BOARD SHALL:**

2                   **(1) ESTABLISH ANNUAL MEMBERSHIP FEES;**

3                   **(2) DETERMINE WHETHER A VIOLATION OF THE REGULATIONS**  
4 **ADOPTED BY THE BOARD HAVE BEEN VIOLATED BY A MEMBER SCHOOL;**

5                   **(3) PENALIZE A MEMBER SCHOOL THAT VIOLATES THE**  
6 **REGULATIONS ADOPTED BY THE BOARD;**

7                   **(4) INVESTIGATE, CONDUCT HEARINGS, AND TAKE ACTION ON**  
8 **ALLEGED VIOLATIONS OF THE REGULATIONS ADOPTED BY THE BOARD**  
9 **COMMITTED BY A MEMBER SCHOOL, ATHLETE, COACH, ADMINISTRATOR,**  
10 **OFFICIAL, OR SPECTATOR; AND**

11                   **(5) ALLOW FOR AND DETERMINE WHETHER A WAIVER OF THE**  
12 **REQUIREMENTS OF A REGULATION ADOPTED BY THE BOARD MAY BE GRANTED**  
13 **ON REQUEST.**

14           **(D) WITHIN 20 DAYS AFTER THE HEARING, THE BOARD SHALL ISSUE A**  
15 **WRITTEN DECISION REGARDING WHETHER A WAIVER OF THE REQUIREMENTS**  
16 **OF A REGULATION ADOPTED BY THE BOARD SHOULD BE GRANTED.**

17 **2-409.**

18           **(A) (1) THE BOARD SHALL HIRE AN EXECUTIVE DIRECTOR OF THE**  
19 **ASSOCIATION.**

20                   **(2) IF THE INDIVIDUAL HIRED AS THE EXECUTIVE DIRECTOR OF**  
21 **THE ASSOCIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT A**  
22 **RESIDENT OF THE STATE BEFORE BEING HIRED, THE INDIVIDUAL SHALL**  
23 **BECOME A RESIDENT OF THE STATE WITHIN 6 MONTHS AFTER BEING HIRED.**

24           **(B) THE DEPARTMENT SHALL HIRE A SECRETARY TO SERVE AS STAFF**  
25 **FOR THE ASSOCIATION.**

26           **(C) THE DEPARTMENT MAY HIRE ADDITIONAL STAFF FOR THE**  
27 **ASSOCIATION.**

28           **(D) THE EXECUTIVE DIRECTOR AND ANY STAFF HIRED UNDER THIS**  
29 **SECTION SHALL BE EMPLOYEES OF THE DEPARTMENT.**

30 **2-410.**



1           (A)    **THERE IS A SECONDARY INTERSCHOLASTIC ATHLETIC FUND.**

2           (B)    **THE PURPOSE OF THE FUND IS TO PAY THE EXPENSES OF THE**  
3 **ASSOCIATION.**

4           (C)    **THE ASSOCIATION SHALL ADMINISTER THE FUND.**

5           (D)    **(1)    THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
6 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

7                   **(2)    THE STATE TREASURER SHALL HOLD THE FUND**  
8 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

9           (E)    **THE FUND CONSISTS OF:**

10                   **(1)    REVENUE DISTRIBUTED TO THE FUND FROM FEES CHARGED**  
11 **AND FINES IMPOSED BY THE ASSOCIATION;**

12                   **(2)    MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

13                   **(3)    INVESTMENT EARNINGS OF THE FUND; AND**

14                   **(4)    ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
15 **THE BENEFIT OF THE FUND.**

16           (F)    **THE FUND MAY BE USED ONLY FOR PAYING THE EXPENSES OF THE**  
17 **ASSOCIATION.**

18           (G)    **(1)    THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
19 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

20                   **(2)    ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**  
21 **INTO THE FUND.**

22           (H)    **EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**  
23 **ACCORDANCE WITH THE STATE BUDGET AND WITH THE APPROVAL OF THE**  
24 **DEPARTMENT.**

25   **2-411.**

26           (A)    **THE BOARD SHALL DECIDE A CONTROVERSY INVOLVING THE**  
27 **REGULATIONS ADOPTED UNDER THIS CHAPTER.**

1           **(B) A PARTY TO A CONTROVERSY MAY APPEAL A DECISION OF THE**  
2 **BOARD TO THE STATE BOARD BY FILING A PETITION WITH THE EXECUTIVE**  
3 **DIRECTOR OF THE ASSOCIATION WITHIN 30 DAYS AFTER RECEIVING NOTICE OF**  
4 **THE BOARD'S DECISION.**

5           **(C) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING**  
6 **APPEALS FILED UNDER SUBSECTION (B) OF THIS SECTION.**

7           **(D) THE STATE BOARD MAY NOT REVERSE A DECISION MADE BY THE**  
8 **BOARD UNLESS THE STATE BOARD FINDS THAT THE BOARD'S DECISION WAS:**

9                   **(1) NOT SUPPORTED BY SUBSTANTIAL EVIDENCE; OR**

10                   **(2) ARBITRARY AND CAPRICIOUS.**

11           **(E) THE DECISION OF THE STATE BOARD ON AN APPEAL OF AN**  
12 **ASSOCIATION DECISION IS FINAL AND NOT SUBJECT TO FURTHER REVIEW.**

13           **(F) (1) IF EVIDENCE IS PRESENTED AT A HEARING HELD BY THE**  
14 **BOARD, THE BOARD SHALL MAKE A RECORD FROM WHICH A VERBATIM**  
15 **TRANSCRIPT CAN BE PREPARED.**

16                   **(2) THE COST OF PREPARING A TRANSCRIPT OF A HEARING**  
17 **SHALL BE PAID BY THE PERSON REQUESTING THE TRANSCRIPT.**

18 7-433.

19           (b) (1) The Department shall develop policies and implement a program  
20 to provide awareness to coaches, school personnel, students, and the parents or  
21 guardians of students, in collaboration with the Department of Health and Mental  
22 Hygiene, each county board, [the Maryland Public Secondary Schools Athletic  
23 Association] **THE MARYLAND INTERSCHOLASTIC ATHLETIC ASSOCIATION**, the  
24 Maryland Athletic Trainers' Association, the Brain Injury Association of Maryland,  
25 and representatives of licensed health care providers who treat concussions, on:

26                   (i) The nature and risk of a concussion or head injury;

27                   (ii) The criteria for removal from and return to play;

28                   (iii) The risks of not reporting injury and continuing to play; and

29                   (iv) Appropriate academic accommodations for students  
30 diagnosed as having sustained a concussion or head injury.

1           (2)    The program shall include a process to verify that a coach has  
2 received information on the program developed under paragraph (1) of this subsection.

3           (3)    (i)    Before a student enrolled in a public school system in the  
4 State may participate in an authorized interscholastic athletic activity, the county  
5 board shall provide a concussion and head injury information sheet to the student and  
6 a parent or guardian of the student.

7                   (ii)   The student and the parent or guardian of the student shall  
8 sign a statement acknowledging receipt of the information sheet.

9                   (iii) The Department shall create the information sheet and  
10 acknowledgment statement required under this paragraph.

11           (4)    The Department may use materials available from the Centers for  
12 Disease Control and Prevention, the Brain Injury Association of Maryland, or any  
13 other appropriate entity to carry out the requirements of this subsection.

14           SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
15 nonphysician voting members of the Board of Directors of the Maryland  
16 Interscholastic Athletic Association shall expire as follows:

17                   (1)    six members in 2013;

18                   (2)    six members in 2014; and

19                   (3)    six members in 2015.

20           SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the  
21 General Assembly that the Maryland Interscholastic Athletic Association carry out the  
22 functions regarding interscholastic athletics that are carried out by the Maryland  
23 Public Secondary Schools Athletic Association.

24           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2012.