

# 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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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Education – Maryland Interscholastic Athletic Association – Establishment~~  
3 Open Meetings Act – Public Body – Definition

4 ~~FOR the purpose of establishing the Maryland Interscholastic Athletic Association in~~  
5 ~~the State Department of Education; providing that the Association is governed~~  
6 ~~by a Board of Directors established under this Act; specifying the purposes of~~  
7 ~~the Association; providing for the membership of the Board; requiring the~~  
8 ~~Governor to consider certain factors in determining whether to appoint an~~  
9 ~~individual to the Board; prohibiting a school district or nonpublic school from~~  
10 ~~having more than one representative serving as a member on the Board;~~  
11 ~~prohibiting certain individuals from being appointed to the Board as public~~  
12 ~~members; providing for the terms of the initial members of the Board and for~~  
13 ~~the terms of the members of the Board thereafter; providing that a member of~~  
14 ~~the Board is deemed to have resigned from the Board under certain~~  
15 ~~circumstances; specifying that a vote of a member appointed in violation of a~~  
16 ~~certain provision of this Act is void; providing certain compensation for a~~  
17 ~~member of the Board; specifying the circumstances under which the Board can~~  
18 ~~take action; requiring the Board annually to elect certain officers; requiring an~~  
19 ~~election to be held at a certain time if there is a vacancy in office; requiring the~~  
20 ~~Board to meet at certain times and places; requiring copies of minutes of certain~~  
21 ~~meetings to be maintained by the Association at the Department; requiring the~~  
22 ~~Board to adopt certain regulations and issue a certain decision within a certain~~  
23 ~~number of days after a certain hearing; authorizing the Board to adopt certain~~  
24 ~~regulations; specifying the duties of the Board; providing for the hiring of staff~~  
25 ~~for the Board; establishing the Secondary Interscholastic Athletic Fund;~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~requiring the Board to decide certain controversies; authorizing a certain party~~  
 2 ~~to appeal a certain decision of the Board to the State Board of Education under~~  
 3 ~~certain circumstances; requiring the State Board to adopt certain regulations;~~  
 4 ~~prohibiting the State Board from reversing a decision made by the Board under~~  
 5 ~~certain circumstances; specifying that a certain decision of the State Board is~~  
 6 ~~final and not subject to further review; requiring the Board to make a certain~~  
 7 ~~record; requiring that the cost of preparing a certain transcript be paid by the~~  
 8 ~~person requesting the transcript; specifying the intent of the General Assembly;~~  
 9 ~~making a conforming change; defining certain terms; and generally relating to~~  
 10 ~~the Maryland Interscholastic Athletic Association.~~

11 FOR the purpose of altering the definition of a “public body” for the purposes of the  
 12 Open Meetings Act to include an entity that is created by a memorandum of  
 13 understanding or a master agreement to which a majority of the county boards  
 14 of education and the State Department of Education are signatories; requiring  
 15 the State Department of Education to report on or before a certain date to  
 16 certain committees regarding the activities and decisions of the Maryland  
 17 Public Secondary Schools Athletic Association; and generally relating to public  
 18 bodies under the Open Meetings Act.

19 ~~BY adding to~~  
 20 ~~Article — Education~~  
 21 ~~Section 2-401 through 2-411 to be under the new subtitle “Subtitle 4. Maryland~~  
 22 ~~Interscholastic Athletic Association”~~  
 23 ~~Annotated Code of Maryland~~  
 24 ~~(2008 Replacement Volume and 2011 Supplement)~~

25 ~~BY repealing and reenacting, with amendments,~~  
 26 ~~Article — Education~~  
 27 ~~Section 7-433(b)~~  
 28 ~~Annotated Code of Maryland~~  
 29 ~~(2008 Replacement Volume and 2011 Supplement)~~

30 BY repealing and reenacting, without amendments,  
 31 Article – State Government  
 32 Section 10-502(a)  
 33 Annotated Code of Maryland  
 34 (2009 Replacement Volume and 2011 Supplement)

35 BY repealing and reenacting, with amendments,  
 36 Article – State Government  
 37 Section 10-502(h)  
 38 Annotated Code of Maryland  
 39 (2009 Replacement Volume and 2011 Supplement)

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

Article – State Government

10-502.

(a) In this subtitle the following words have the meanings indicated.

(h) (1) “Public body” means an entity that:

(i) consists of at least 2 individuals; and

(ii) is created by:

1. the Maryland Constitution;

2. a State statute;

3. a county or municipal charter;

4. A MEMORANDUM OF UNDERSTANDING OR A MASTER AGREEMENT TO WHICH A MAJORITY OF THE COUNTY BOARDS OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION ARE SIGNATORIES;

[4.] 5. an ordinance;

[5.] 6. a rule, resolution, or bylaw;

[6.] 7. an executive order of the Governor; or

[7.] 8. an executive order of the chief executive authority of a political subdivision of the State.

(2) “Public body” includes:

(i) any multimember board, commission, or committee appointed by the Governor or the chief executive authority of a political subdivision of the State, or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the political subdivision, if the entity includes in its membership at least 2 individuals not employed by the State or the political subdivision;

(ii) any multimember board, commission, or committee that:

1. is appointed by:

1                   A. an entity in the Executive branch of State  
 2 government, the members of which are appointed by the Governor, and that otherwise  
 3 meets the definition of a public body under this subsection; or

4                   B. an official who is subject to the policy direction of an  
 5 entity described in item A of this item; and

6                   2. includes in its membership at least 2 individuals who  
 7 are not members of the appointing entity or employed by the State; and

8                   (iii) The Maryland School for the Blind.

9                   (3) “Public body” does not include:

10                   (i) any single member entity;

11                   (ii) any judicial nominating commission;

12                   (iii) any grand jury;

13                   (iv) any petit jury;

14                   (v) the Appalachian States Low Level Radioactive Waste  
 15 Commission established in § 7–302 of the Environment Article;

16                   (vi) except when a court is exercising rulemaking power, any  
 17 court established in accordance with Article IV of the Maryland Constitution;

18                   (vii) the Governor’s cabinet, the Governor’s Executive Council as  
 19 provided in Title 8, Subtitle 1 of this article, or any committee of the Executive  
 20 Council;

21                   (viii) a local government’s counterpart to the Governor’s cabinet,  
 22 Executive Council, or any committee of the counterpart of the Executive Council;

23                   (ix) except as provided in paragraph (1) of this subsection, a  
 24 subcommittee of a public body as defined under paragraph (2)(i) of this subsection;

25                   (x) the governing body of a hospital as defined in § 19–301 of  
 26 the Health – General Article; and

27                   (xi) a self–insurance pool that is established in accordance with  
 28 Title 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment  
 29 Article by:

30                   1. a public entity, as defined in § 19–602 of the  
 31 Insurance Article; or

1                                   2. a county or municipal corporation, as defined in  
2 § 9-404 of the Labor and Employment Article.

3                                   ~~Article — Education~~

4                                   ~~SUBTITLE 4. MARYLAND INTERSCHOLASTIC ATHLETIC ASSOCIATION.~~

5                                   ~~2-401.~~

6                                   ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
7 ~~INDICATED.~~

8                                   ~~(B) “ASSOCIATION” MEANS THE MARYLAND INTERSCHOLASTIC~~  
9 ~~ATHLETIC ASSOCIATION.~~

10                                  ~~(C) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE MARYLAND~~  
11 ~~INTERSCHOLASTIC ATHLETIC ASSOCIATION.~~

12                                  ~~(D) “FUND” MEANS THE SECONDARY INTERSCHOLASTIC ATHLETIC~~  
13 ~~FUND.~~

14                                  ~~2-402.~~

15                                  ~~(A) (1) THERE IS A MARYLAND INTERSCHOLASTIC ATHLETIC~~  
16 ~~ASSOCIATION IN THE DEPARTMENT.~~

17                                  ~~(2) THE ASSOCIATION IS GOVERNED BY THE BOARD OF~~  
18 ~~DIRECTORS ESTABLISHED UNDER § 2-403 OF THIS SUBTITLE.~~

19                                  ~~(B) THE PURPOSES OF THE ASSOCIATION ARE TO:~~

20                                   ~~(1) PRESERVE AND PROMOTE THE EDUCATIONAL SIGNIFICANCE~~  
21 ~~OF INTERSCHOLASTIC ATHLETICS;~~

22                                   ~~(2) ENSURE THAT INTERSCHOLASTIC SPORTS REMAINS~~  
23 ~~COMPATIBLE WITH THE EDUCATIONAL MISSION OF THE MEMBER SCHOOLS;~~

24                                   ~~(3) PROVIDE FOR FAIR COMPETITION BETWEEN MEMBER~~  
25 ~~SCHOOLS;~~

26                                   ~~(4) PROMOTE SPORTSMANSHIP AND ETHICAL BEHAVIOR;~~

1           ~~(5) ESTABLISH AND ENFORCE STANDARDS OF CONDUCT FOR~~  
2 ~~ATHLETES, COACHES, ADMINISTRATORS, OFFICIALS, AND SPECTATORS OF~~  
3 ~~INTERSCHOLASTIC SPORTS;~~

4           ~~(6) PROTECT THE PHYSICAL WELL-BEING OF ATHLETES; AND~~

5           ~~(7) PROMOTE HEALTHY ADOLESCENT LIFESTYLES.~~

6 ~~2-403.~~

7           ~~(A) THERE IS A BOARD OF DIRECTORS OF THE ASSOCIATION.~~

8           ~~(B) THE BOARD CONSISTS OF:~~

9                   ~~(1) THE FOLLOWING VOTING MEMBERS APPOINTED BY THE~~  
10 ~~GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:~~

11                           ~~(I) TWO SCHOOL DISTRICT SUPERINTENDENTS OR~~  
12 ~~ASSISTANT SUPERINTENDENTS, EACH OF WHOM SHALL BE FROM A DIFFERENT~~  
13 ~~COUNTY;~~

14                           ~~(II) THREE MEMBERS FROM COUNTY BOARDS, EACH OF~~  
15 ~~WHOM SHALL BE FROM A DIFFERENT COUNTY;~~

16                           ~~(III) THREE PUBLIC SCHOOL PRINCIPALS OR ASSISTANT~~  
17 ~~PRINCIPALS, EACH OF WHOM SHALL BE FROM A DIFFERENT COUNTY;~~

18                           ~~(IV) TWO PUBLIC SCHOOL ATHLETIC DIRECTORS OR~~  
19 ~~COACHES, EACH OF WHOM SHALL BE FROM A DIFFERENT COUNTY;~~

20                           ~~(V) ONE MEMBER WHO IS A NONPUBLIC SECONDARY~~  
21 ~~SCHOOL ADMINISTRATOR AT A SCHOOL THAT IS A MEMBER OF THE~~  
22 ~~ASSOCIATION;~~

23                           ~~(VI) ONE MEMBER WHO IS A NONPUBLIC SECONDARY~~  
24 ~~SCHOOL ATHLETIC DIRECTOR OR COACH AT A SCHOOL THAT IS A MEMBER OF~~  
25 ~~THE ASSOCIATION;~~

26                           ~~(VII) ONE LICENSED PHYSICIAN THAT IS KNOWLEDGEABLE~~  
27 ~~ABOUT SPORTS MEDICINE; AND~~

28                           ~~(VIII) SIX PUBLIC MEMBERS, EACH OF WHOM SHALL BE FROM~~  
29 ~~A DIFFERENT COUNTY; AND~~

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

3           ~~(C) IN DETERMINING WHETHER TO APPOINT AN INDIVIDUAL TO THE~~  
4 ~~BOARD UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNOR SHALL~~  
5 ~~CONSIDER:~~

6           ~~(1) THE GEOGRAPHIC REPRESENTATION OF THE MEMBERS ON~~  
7 ~~THE BOARD;~~

8           ~~(2) WHETHER THE INDIVIDUAL HAS KNOWLEDGE OF ATHLETICS~~  
9 ~~IN GENERAL; AND~~

10           ~~(3) WHETHER THE INDIVIDUAL HAS AN INTEREST IN SECONDARY~~  
11 ~~SCHOOL ATHLETICS.~~

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

14           ~~(E) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE BOARD AS A~~  
15 ~~PUBLIC MEMBER IF THE INDIVIDUAL:~~

16           ~~(1) HAS BEEN A RESIDENT OF THE STATE FOR LESS THAN 3~~  
17 ~~YEARS;~~

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

19           ~~(3) HAS A MATERIAL FINANCIAL INTEREST IN PROVIDING GOODS~~  
20 ~~OR SERVICES TO THE ASSOCIATION OR ANY MEMBER SCHOOL.~~

21 ~~2-404.~~

22           ~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
23 ~~SUBSECTION, THE TERM OF A VOTING MEMBER OF THE BOARD IS 3 YEARS.~~

24           ~~(2) THE MEMBER OF THE BOARD WHO IS A LICENSED PHYSICIAN~~  
25 ~~SERVES AT THE PLEASURE OF THE GOVERNOR.~~

26           ~~(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED~~  
27 ~~BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2012.~~

28           ~~(B) (1) AT THE END OF A TERM A MEMBER OF THE BOARD SHALL~~  
29 ~~SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

1           ~~(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN~~  
2 ~~SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS~~  
3 ~~APPOINTED AND QUALIFIES.~~

4           ~~(3) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS~~  
5 ~~PARAGRAPH, A MEMBER OF THE BOARD MAY NOT BE REAPPOINTED TO SERVE A~~  
6 ~~CONSECUTIVE TERM.~~

7           ~~(ii) A MEMBER OF THE BOARD WHOSE INITIAL TERM IS~~  
8 ~~EXPIRING MAY BE REAPPOINTED TO A SECOND CONSECUTIVE TERM.~~

9           ~~(4) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS~~  
10 ~~SUBSECTION, A MEMBER OF THE BOARD MAY NOT BE REAPPOINTED TO THE~~  
11 ~~BOARD IF THE MEMBER:~~

12                     ~~1. HAS SERVED TWO TERMS ON THE BOARD; OR~~

13                     ~~2. HAS SERVED ON THE BOARD FOR 6 YEARS WITHIN~~  
14 ~~ANY 9 YEAR PERIOD.~~

15           ~~(ii) A MEMBER OF THE BOARD MAY BE REAPPOINTED IF AT~~  
16 ~~LEAST ONE TERM HAS EXPIRED SINCE THE MEMBER LAST SERVED ON THE~~  
17 ~~BOARD.~~

18           ~~(c) A MEMBER IS DEEMED TO HAVE RESIGNED FROM THE BOARD IF~~  
19 ~~THE MEMBER:~~

20                     ~~(1) FAILS TO ATTEND THREE CONSECUTIVE MEETINGS, UNLESS~~  
21 ~~THE ABSENCES WERE EXCUSED FOR GOOD CAUSE BY A MAJORITY OF THE~~  
22 ~~BOARD; OR~~

23                     ~~(2) FAILS TO ATTEND AT LEAST HALF OF ALL MONTHLY BOARD~~  
24 ~~MEETINGS DURING A CALENDAR YEAR.~~

25           ~~(d) THE VOTE OF A MEMBER APPOINTED IN VIOLATION OF THIS~~  
26 ~~SECTION IS VOID.~~

27           ~~(e) A MEMBER OF THE BOARD SHALL RECEIVE COMPENSATION OF~~  
28 ~~\$100 PER MEETING OF THE BOARD.~~

29 ~~2-405.~~

30           ~~(A) A MAJORITY OF THE VOTING MEMBERS OF THE BOARD~~  
31 ~~CONSTITUTES A QUORUM.~~



1       ~~(B) A QUORUM MUST BE PRESENT FOR THE BOARD TO TAKE ANY~~  
2 ~~ACTION.~~

3       ~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
4 ~~SUBSECTION, THE BOARD MAY ACT THROUGH A VOTE OF THE MAJORITY OF~~  
5 ~~VOTING MEMBERS PRESENT AT THE BOARD MEETING.~~

6       ~~(2) THE BOARD MAY VOTE TO ADOPT OR AMEND THE~~  
7 ~~ASSOCIATION'S BUDGET OR REGULATIONS ONLY ON THE VOTE OF A MAJORITY~~  
8 ~~OF THE VOTING MEMBERS OF THE BOARD.~~

9       ~~2-406.~~

10       ~~(A) THE BOARD ANNUALLY SHALL ELECT FROM ITS MEMBERS A CHAIR~~  
11 ~~AND VICE CHAIR AND ANY OTHER OFFICERS THE BOARD DEEMS NECESSARY.~~

12       ~~(B) IF THERE IS A VACANCY IN AN OFFICE, AN ELECTION SHALL BE~~  
13 ~~HELD:~~

14               ~~(1) AT THE NEXT REGULARLY SCHEDULED BOARD MEETING; OR~~

15               ~~(2) AT A MEETING CALLED FOR THE PURPOSE OF HOLDING AN~~  
16 ~~ELECTION IF THE MEETING IS TO OCCUR BEFORE THE NEXT REGULARLY~~  
17 ~~SCHEDULED BOARD MEETING.~~

18       ~~2-407.~~

19       ~~(A) THE BOARD SHALL MEET:~~

20               ~~(1) MONTHLY AT A TIME AND PLACE DETERMINED BY THE~~  
21 ~~BOARD; AND~~

22               ~~(2) AT ANY OTHER TIME AND PLACE DETERMINED BY THE~~  
23 ~~BOARD.~~

24       ~~(B) COPIES OF MINUTES OF MEETINGS OF THE BOARD SHALL BE~~  
25 ~~MAINTAINED BY THE ASSOCIATION AT THE DEPARTMENT.~~

26       ~~2-408.~~

27       ~~(A) (1) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT,~~  
28 ~~SHALL ADOPT REGULATIONS GOVERNING SECONDARY AND MIDDLE SCHOOL~~  
29 ~~INTERSCHOLASTIC ATHLETICS, INCLUDING:~~

1                   ~~(I) THE ELIGIBILITY OF STUDENTS TO PARTICIPATE IN~~  
2 ~~INTERSCHOLASTIC ATHLETICS;~~

3                   ~~(II) NONSCHOOL COMPETITIONS;~~

4                   ~~(III) COACHES AND SPORTS OFFICIALS OF~~  
5 ~~INTERSCHOLASTIC SPORTS;~~

6                   ~~(IV) SANCTIONING OF SCHOOL TEAM COMPETITIONS; AND~~

7                   ~~(V) THE METHOD BY WHICH A NONPUBLIC SCHOOL MAY~~  
8 ~~BECOME A MEMBER OF THE ASSOCIATION.~~

9                   ~~(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS~~  
10 ~~SUBSECTION SHALL INCLUDE THE SPORTS OVER WHICH THE ASSOCIATION HAS~~  
11 ~~JURISDICTION.~~

12                   ~~(B) THE BOARD MAY ADOPT REGULATIONS THAT DENY A STUDENT THE~~  
13 ~~RIGHT SIMULTANEOUSLY TO TRY OUT FOR, PRACTICE WITH, OR PARTICIPATE IN~~  
14 ~~GAMES ON A TEAM SIMILAR TO THE SCHOOL TEAM ON WHICH THE STUDENT IS A~~  
15 ~~MEMBER IF THE PARENT OR LEGAL GUARDIAN OF THE STUDENT HAS NOT~~  
16 ~~PROVIDED WRITTEN CONSENT FOR THE DUAL PARTICIPATION.~~

17                   ~~(C) THE BOARD SHALL:~~

18                   ~~(1) ESTABLISH ANNUAL MEMBERSHIP FEES;~~

19                   ~~(2) DETERMINE WHETHER A VIOLATION OF THE REGULATIONS~~  
20 ~~ADOPTED BY THE BOARD HAVE BEEN VIOLATED BY A MEMBER SCHOOL;~~

21                   ~~(3) PENALIZE A MEMBER SCHOOL THAT VIOLATES THE~~  
22 ~~REGULATIONS ADOPTED BY THE BOARD;~~

23                   ~~(4) INVESTIGATE, CONDUCT HEARINGS, AND TAKE ACTION ON~~  
24 ~~ALLEGED VIOLATIONS OF THE REGULATIONS ADOPTED BY THE BOARD~~  
25 ~~COMMITTED BY A MEMBER SCHOOL, ATHLETE, COACH, ADMINISTRATOR,~~  
26 ~~OFFICIAL, OR SPECTATOR; AND~~

27                   ~~(5) ALLOW FOR AND DETERMINE WHETHER A WAIVER OF THE~~  
28 ~~REQUIREMENTS OF A REGULATION ADOPTED BY THE BOARD MAY BE GRANTED~~  
29 ~~ON REQUEST.~~

1 ~~(D) WITHIN 20 DAYS AFTER THE HEARING, THE BOARD SHALL ISSUE A~~  
2 ~~WRITTEN DECISION REGARDING WHETHER A WAIVER OF THE REQUIREMENTS~~  
3 ~~OF A REGULATION ADOPTED BY THE BOARD SHOULD BE GRANTED.~~

4 ~~2-400.~~

5 ~~(A) (1) THE BOARD SHALL HIRE AN EXECUTIVE DIRECTOR OF THE~~  
6 ~~ASSOCIATION.~~

7 ~~(2) IF THE INDIVIDUAL HIRED AS THE EXECUTIVE DIRECTOR OF~~  
8 ~~THE ASSOCIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT A~~  
9 ~~RESIDENT OF THE STATE BEFORE BEING HIRED, THE INDIVIDUAL SHALL~~  
10 ~~BECOME A RESIDENT OF THE STATE WITHIN 6 MONTHS AFTER BEING HIRED.~~

11 ~~(B) THE DEPARTMENT SHALL HIRE A SECRETARY TO SERVE AS STAFF~~  
12 ~~FOR THE ASSOCIATION.~~

13 ~~(C) THE DEPARTMENT MAY HIRE ADDITIONAL STAFF FOR THE~~  
14 ~~ASSOCIATION.~~

15 ~~(D) THE EXECUTIVE DIRECTOR AND ANY STAFF HIRED UNDER THIS~~  
16 ~~SECTION SHALL BE EMPLOYEES OF THE DEPARTMENT.~~

17 ~~2-410.~~

18 ~~(A) THERE IS A SECONDARY INTERSCHOLASTIC ATHLETIC FUND.~~

19 ~~(B) THE PURPOSE OF THE FUND IS TO PAY THE EXPENSES OF THE~~  
20 ~~ASSOCIATION.~~

21 ~~(C) THE ASSOCIATION SHALL ADMINISTER THE FUND.~~

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

24 ~~(2) THE STATE TREASURER SHALL HOLD THE FUND~~  
25 ~~SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

26 ~~(E) THE FUND CONSISTS OF:~~

27 ~~(1) REVENUE DISTRIBUTED TO THE FUND FROM FEES CHARGED~~  
28 ~~AND FINES IMPOSED BY THE ASSOCIATION;~~

29 ~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

1           ~~(3) INVESTMENT EARNINGS OF THE FUND; AND~~

2           ~~(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR~~  
3 ~~THE BENEFIT OF THE FUND.~~

4           ~~(F) THE FUND MAY BE USED ONLY FOR PAYING THE EXPENSES OF THE~~  
5 ~~ASSOCIATION.~~

6           ~~(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE~~  
7 ~~FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

8           ~~(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID~~  
9 ~~INTO THE FUND.~~

10           ~~(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN~~  
11 ~~ACCORDANCE WITH THE STATE BUDGET AND WITH THE APPROVAL OF THE~~  
12 ~~DEPARTMENT.~~

13 ~~2-411.~~

14           ~~(A) THE BOARD SHALL DECIDE A CONTROVERSY INVOLVING THE~~  
15 ~~REGULATIONS ADOPTED UNDER THIS CHAPTER.~~

16           ~~(B) A PARTY TO A CONTROVERSY MAY APPEAL A DECISION OF THE~~  
17 ~~BOARD TO THE STATE BOARD BY FILING A PETITION WITH THE EXECUTIVE~~  
18 ~~DIRECTOR OF THE ASSOCIATION WITHIN 30 DAYS AFTER RECEIVING NOTICE OF~~  
19 ~~THE BOARD'S DECISION.~~

20           ~~(C) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING~~  
21 ~~APPEALS FILED UNDER SUBSECTION (B) OF THIS SECTION.~~

22           ~~(D) THE STATE BOARD MAY NOT REVERSE A DECISION MADE BY THE~~  
23 ~~BOARD UNLESS THE STATE BOARD FINDS THAT THE BOARD'S DECISION WAS:~~

24           ~~(1) NOT SUPPORTED BY SUBSTANTIAL EVIDENCE; OR~~

25           ~~(2) ARBITRARY AND CAPRICIOUS.~~

26           ~~(E) THE DECISION OF THE STATE BOARD ON AN APPEAL OF AN~~  
27 ~~ASSOCIATION DECISION IS FINAL AND NOT SUBJECT TO FURTHER REVIEW.~~

28           ~~(F) (1) IF EVIDENCE IS PRESENTED AT A HEARING HELD BY THE~~  
29 ~~BOARD, THE BOARD SHALL MAKE A RECORD FROM WHICH A VERBATIM~~  
30 ~~TRANSCRIPT CAN BE PREPARED.~~

1           ~~(2) THE COST OF PREPARING A TRANSCRIPT OF A HEARING~~  
2 ~~SHALL BE PAID BY THE PERSON REQUESTING THE TRANSCRIPT.~~

3 ~~7-433.~~

4           ~~(b) (1) The Department shall develop policies and implement a program~~  
5 ~~to provide awareness to coaches, school personnel, students, and the parents or~~  
6 ~~guardians of students, in collaboration with the Department of Health and Mental~~  
7 ~~Hygiene, each county board, [the Maryland Public Secondary Schools Athletic~~  
8 ~~Association] THE MARYLAND INTERSCHOLASTIC ATHLETIC ASSOCIATION, the~~  
9 ~~Maryland Athletic Trainers' Association, the Brain Injury Association of Maryland,~~  
10 ~~and representatives of licensed health care providers who treat concussions, on:~~

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

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

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

14                     ~~(iv) Appropriate academic accommodations for students~~  
15 ~~diagnosed as having sustained a concussion or head injury.~~

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

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

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

24                     ~~(iii) The Department shall create the information sheet and~~  
25 ~~acknowledgment statement required under this paragraph.~~

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

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

32                     ~~(1) six members in 2013;~~

1           ~~(2) six members in 2014; and~~

2           ~~(3) six members in 2015.~~

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

7           SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1  
8 in every even-numbered year, the State Department of Education shall report, in  
9 accordance with § 2-1246 of the State Government Article, to the House Committee on  
10 Ways and Means and the Senate Education, Health, and Environmental Affairs  
11 Committee, regarding the activities and decisions of the Maryland Public Secondary  
12 Schools Athletic Association.

13           SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.