



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.

Amendment No. 1 to SB0016

White
Signature of Sponsor

AMEND Senate Bill No. 16

House Bill No. 25*

by deleting all language after the enacting clause and substituting instead the following:

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

A public school shall not use public funds to join, become members of, or maintain membership in an association that regulates interscholastic athletics unless the association allows a high school student who transfers for the first time to another member school and the transfer is due to a significant academic, social-emotional, environmental, or mental health need to be immediately eligible to participate in interscholastic athletics at the member school to which the student transfers; provided, that the sending member school does not attest within seven (7) days that the student's transfer is due to athletic or disciplinary reasons.

SECTION 2. This act takes effect July 1, 2025, the public welfare requiring it.

Amendment No. 1 to HB0025

White
Signature of Sponsor

AMEND Senate Bill No. 16

House Bill No. 25*

by deleting § 49-2-901 in Section 1 and substituting:

49-2-901.

(a) A public school shall not use public funds to join, become members of, or maintain membership in an association that regulates interscholastic athletics unless the association allows a high school student who transfers for the first time to another member school due to a significant academic, social-emotional, environmental, or mental health need to be immediately eligible to participate in interscholastic athletics at the member school to which the student transfers if:

(1) The sending member school does not attest within seven (7) days from the date on which the student transferred that the student's transfer is due to athletic or disciplinary reasons; and

(2) The student's transfer occurs before the first day of the school year for which the student seeks to participate in interscholastic athletics.

(b) This section does not create a private right of action.

AND FURTHER AMEND by deleting § 49-2-903 in Section 1 and substituting:

49-2-903.

(a) 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.

(b) Notwithstanding subsection (a), 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.

(c) A notification made pursuant to this section 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.

Amendment No. 3 to HB0025

Cepicky
Signature of Sponsor

AMEND Senate Bill No. 16

House Bill No. 25*

by deleting all language after the enacting clause and substituting:

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

49-2-901.

(a) A middle school student or high school student who transfers from one (1) member school to another is immediately eligible to participate in interscholastic athletics at the member school to which the student transfers if:

(1) The transfer is the student's first transfer in grades six through eight (6-8) or nine through twelve (9-12), as applicable; and

(2) The transfer occurs in the summer between the end of one (1) school year and the beginning of the ensuing school year.

(b) To maintain academics as the primary purpose of secondary education, to prevent the exploitation of children for interscholastic athletic purposes, and to preserve stability in the interscholastic athletic programs of member schools, the immediate eligibility provided in subsection (a) does not apply to a transfer that occurs during the school year or to a second or subsequent transfer at the middle or high school level.

(c) This section does not prohibit an interscholastic athletic association that establishes eligibility rules for interscholastic competition among member schools from determining the content, scope, and requirements of any rule or policy adopted by the association for purposes of implementing subsection (a).

(d) This section does not supplant the authority of a school or an association of schools to establish standards, requirements, and procedures for determining a student's eligibility to participate in interscholastic athletics. This section only establishes that a transfer described in subsection (a), alone, does not render a student ineligible. The immediate eligibility provided in subsection (a) does not apply if the transfer student is ineligible to participate in interscholastic athletics by virtue of another rule or policy of the school or of the interscholastic athletic association with which the school is a member or otherwise affiliated that establishes eligibility rules for athletic activities.

(e) Notwithstanding another law to the contrary, if an association that regulates interscholastic athletic competition among member schools maintains its principal office in this state, then any civil action challenging an eligibility decision made by that association must be initiated in the circuit or chancery court of the county in which the association's principal office is located. This subsection (e) only establishes the venue for such actions; it does not establish jurisdiction or alter any existing law affecting jurisdiction for any civil action challenging an eligibility decision made by an association.

(f) This section does not create a private right of action against an association that establishes eligibility rules for interscholastic athletic competition.

(g) As used in this section:

(1) "High school student" means a student who is enrolled in any of the grades nine through twelve (9-12);

(2) "Member school" means a school in this state that serves students in any of the grades six through twelve (6-12) and that is a member of an association that regulates interscholastic athletic competition; and

(3) "Middle school student" means a student who is enrolled in any of the grades six through eight (6-8).

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) 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.

(b) Notwithstanding subsection (a), 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.

(c) A notification made pursuant to this section 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.

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, 2026, the public welfare requiring it.