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HIGH-SCHOOL

How Tennessee one-time transfer bill aimed at TSSAA is one step closer to becoming law



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The Tennessee House Education committee on Wednesday approved a bill that could create the first state law to affect the TSSAA's high school athletics transfer rules.

The committee's 10-9 vote approving House Bill 25 came after 45 minutes of debate ranging from the bill's sponsor expressing distrust in the TSSAA, to the state association questioning government involvement in its bylaws.

The bill will become law if approved by full House and Senate votes. The Senate version of HB25, SB16, passed through the Senate Education Committee, 6-3, last week.

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It's the latest chapter in the one-time transfer saga that involves three years of discussions between the TSSAA and lawmakers, but the debate looks different than it did four months

Since then, the bills and TSSAA's transfer rules have all been heavily amended to the point their language is nearly identical. Lawmakers and the TSSAA mainly disagree about whether the finality of making high school athletic transfer rules into law is wise. The TSSAA believes

state laws on the issue will open the door for litigation that one day could lead to a free-transfer policy in the state.

HB25 and SB16 allow public schools to belong to the TSSAA as long as the association allows students one free transfer to another school due to reasons of significant academic, social-emotional, environmental or mental health need. That's if the sending school's administration attests the move is not for athletic or disciplinary reasons. The transfer must also take place before the first day of school.

That language is very similar to the TSSAA's current rule, except the TSSAA believes students who transfer for those reasons should be able to do so throughout the year.

The TSSAA believes its Legislative Council is better positioned than the state legislature to quickly change the rule if it doesn't work as intended. That was echoed by Rep. Sam

McKenzie, D-Knoxville on Wednesday: "To say that it's simple to come back to this general assembly or any general assembly (and modify law) ... It's disingenuous to say that. It's disingenuous to say that it's easy. Nothing is easy in this process."

HB25's author, Scott Cepicky, R-Culleoka, outwardly questioned the Legislative Council and believes his discussions with the TSSAA no longer seem to be in good faith. Cepicky said he feels the TSSAA will go back on its current rule if there isn't state law on it. TSSAA executive director Mark Reeves said during his testimony that the TSSAA would not do that.

"(Conversations with the TSSAA) started out as very amicable," Cepicky said. "Unfortunately, it's gone downhill from there."

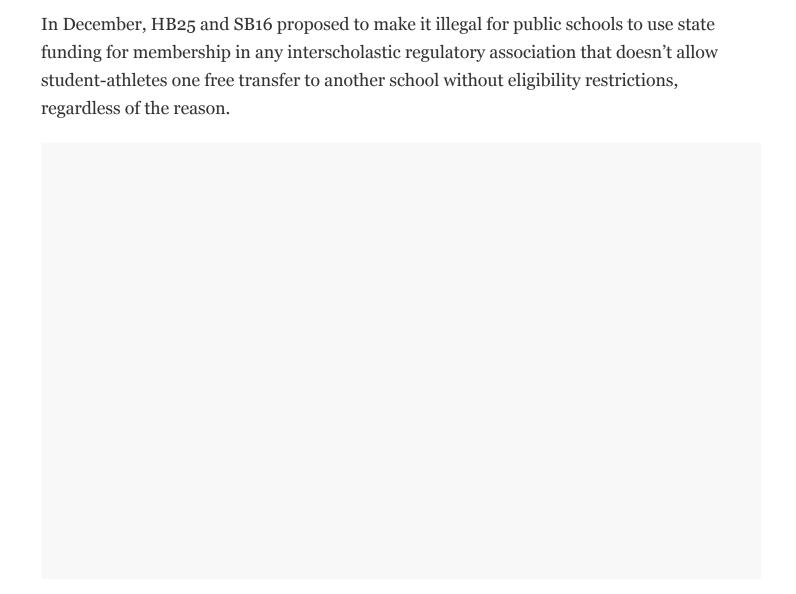
TSSAA general counsel Rick Colbert told the committee in his testimony that lawmakers put the TSSAA Legislative Council members in a difficult position by chastising them in the media for failing to approve a Baylor School proposal for a one-time transfer rule in February. Adam Lowe, R-Calhoun, who authored SB16, publicly called the Council "tone deaf."

Reeves, Colbert and newly elected Board of Control president Grant Swallows reiterated in testimony Wednesday that the association will face serious issues if there are any high school athletics transfer rules in state law. Colbert said the TSSAA is ill-equipped to handle the increased litigation he believes would take place, and that he could foresee inconsistent court decisions across different jurisdictions.

"We are disappointed with the vote but also understand that they have a tough job in trying to make an informed decision in a limited amount of time on a very complicated issue," Reeves told The Tennessean in a text message. "I am, however, confident (in) our member schools, our (Board of Control and Legislative Council), and our staff will continue to work tirelessly to maximize opportunities for students while trying to keep athletics in its proper perspective."

How Tennessee one-time transfer saga got here

Lowe has been vested in the topic since authoring the Access and Opportunity Act (AOA), which was passed into state law in March 2023. The AOA advocates "equal access" to extracurricular activities for transfer students, with the exception of athletics.



That was a much less restrictive version of the TSSAA's transfer rule at the time, which simply stated that athletes who leave one school for another in a different zone to be ineligible for one calendar year from their last varsity game unless they have a bona fide change of address.

By February, with Tennessee's newly signed \$447 million school voucher program as a backdrop, the TSSAA faced pressure to find athletic eligibility pathways for students who accept vouchers. The TSSAA proposed to its Legislative Council to write a provision to the

current transfer rule — allowing one free transfer for non-athletic reasons — effectively
loosening it.
The proposal passed by an 8-4 vote.
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