
Interscholastic Athletics Rule 0520-01-23

The Background:

T.C.A. § 49-6-310 requires local education agencies (LEAs) to adopt and enforce policies to ensure a student's gender for purposes of participation in a public middle school or high school interscholastic athletic activity or event, be determined by the student's sex at the time of the student's birth, as indicated on the student's original birth certificate. Chapter 909 of the Public Acts of 2022 (PC909) amended T.C.A. § 49-6-310 to require the Commissioner of Education withhold a portion of the state education finance funds from an LEA that fails or refuses to comply with T.C.A. § 49-6-310(a). PC 909 also requires the State Board to promulgate rules to ensure compliance with law and to establish a procedure governing the Commissioner's withholding of state funds due to noncompliance. This item creates a new Interscholastic Athletics Rule to outline these procedures.

State Board staff will conduct a rulemaking hearing between first and final reading to collect public comment.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no fiscal impact on an LEA but could result in a fiscal impact if they are found noncompliant with T.C.A. § 49-6-310(a).

Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.