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LRB094 02834 NHT 45026 a

1 AMENDMENT TO HOUSE BILL 2007

2 AMENDMENT NO. _____. Amend House Bill 2007 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the High
5 School State Tournaments, Competitions, and Championships Act.

6 Section 5. Findings.

7 The General Assembly finds the following:

8 (1) That, pursuant to Section 1 of Article X of the
9 Illinois Constitution, a fundamental goal of the people of
10 this State is the educational development of all persons to
11 the limits of their capacities.

12 (2) That, pursuant to Section 1 of Article X of the
13 Illinois Constitution, the State has provided substantial
14 funding to the system of public education, and that the
15 funds provided by the State have assisted the high schools
16 of this State to finance sporting competition, to pay
17 coaches' salaries, and to provide sports facilities used by
18 the public schools of this State.

19 (3) That high school sports competitions should be won
20 fairly and squarely on the fields of play, and that rules
21 and regulations designed to give any school or group of
22 schools a legislative advantage over another school or
23 group of schools should be forbidden.

24 (4) That certain organizations or associations hold or

1 claim to hold sports tournaments for the high school
2 student athletes of this State and to award State
3 championships and State titles to the winners of these
4 tournaments.

5 (5) That certain organizations holding State
6 tournaments that purport to award State championships or
7 State titles based on fair competition have passed rules
8 that have the appearance of discriminating against
9 parochial, private, and magnet schools.

10 (6) That if publicly funded schools participate in
11 sports tournaments that purport to award State
12 championships or State titles, then these tournaments must
13 be conducted consistently with the spirit and requirements
14 of due process and equal protection under Section 2 of
15 Article I of the Illinois Constitution, and that race,
16 religion, creed, and national ancestry should be
17 irrelevant to and shall have no part in the competition.

18 (7) That State titles and State championships should be
19 won on the basis of excellence on the fields of play and
20 roughly equal contestants on the fields of play, and that
21 it is inconsistent with the notions of public education
22 that any school should be barred from competition or put at
23 a competitive disadvantage by organization or association
24 rules that apply to one school in the competition and not
25 the other.

26 (8) That smaller schools cannot fairly compete with
27 substantially larger schools, and that it should therefore
28 be permissible to create classes, such as Class A and Class
29 AA, but that these classes must be based on actual
30 enrollments and not upon imaginary students.

31 (9) That devices, such as multipliers, that create the
32 illusion that a school has more than its actual number of
33 students should be forbidden.

34 (10) That active recruiting by sending recruiters out

1 to bring student athletes into a school should be
2 discouraged.

3 (11) That disputes between an organization or
4 association and any member school over recruiting
5 practices require a hearing that meets with the procedural
6 notions of due process, including an impartial hearing
7 panel, a charge, an opportunity to be heard, and the right
8 to appear by counsel.

9 Section 10. Application. This Act applies to competitions
10 run by any person, corporation, organization, or association in
11 this State purporting to award a State championship, State
12 title, or the like and involving the publicly funded high
13 schools of this State.

14 Section 15. Prohibitions. In all competitions, no
15 distinctions between schools may be made on the basis of race,
16 religion, creed, or nation of origin, and no parochial,
17 private, or magnet school may be barred from such competition
18 or be placed at a competitive disadvantage. No publicly funded
19 high school in this State may participate in any State
20 tournament or State title competition if the organizer seeks by
21 use of a multiplier or like device to move any school into a
22 higher class.

23 Section 20. Tournament organization. A tournament
24 organizer may organize classes based on the actual number of
25 students attending a school. The organizer may provide for
26 separate boys' and girls' tournaments. In determining classes,
27 boys' classes must be based on the actual number of boys
28 attending the school, and girls' classes must be based on the
29 actual number of girls attending the school. The use of
30 multipliers and like devices are forbidden.

1 Section 25. Recruiting.

2 (a) Active recruiting of athletes by a high school is
3 deemed anti-competitive conduct. Active recruiting does not
4 include the desire of a parent to place his or her child in a
5 parochial, private, or magnet school. Bringing a student
6 athlete in from outside the State creates a prima facie case of
7 recruiting.

8 (b) A student athlete who has attended a parochial junior
9 high school, which junior high school is a feeder school for a
10 particular parochial high school, is deemed not to have been
11 recruited. A "feeder school" means a parochial school that is
12 required to pay and does pay funds to support the particular
13 parochial high school.

14 (c) If any high school is guilty of actively recruiting a
15 student athlete, the organizer of the tournament can move the
16 offending school up one division in that sport, after a due
17 process hearing.

18 (d) The due process hearing shall take place before an
19 impartial arbitration panel of 3 members, after the filing of a
20 written charge, which shall specifically state the recruiting
21 violation. The organizer shall appoint the first member of the
22 panel. The defendant school shall appoint the second member.
23 Those 2 members shall select the third member.

24 Each side shall present its witnesses. Each side is
25 entitled to appear by counsel. Each side has the right to cross
26 examine the other party's witnesses. In the case of a prima
27 facie violation, it shall be the burden of the defendant to
28 rebut the charge by the preponderance of the evidence. In a
29 case of recruiting that does not involve a prima facie
30 violation, the plaintiff shall have the burden of proving its
31 case by the preponderance of the evidence.

32 The matter shall be reviewable in the circuit court in the
33 county where the defendant school has its principal place of
34 business, as provided under the Uniform Arbitration Act. If the

1 provisions of the Uniform Arbitration Act are contrary to this
2 Act, this Act governs.".