

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS45208-MTf-57

Short Title: Access to Sports/Extracurr. for All Students. (Public)

Sponsors: Senators Hise, Daniel, and Sanderson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE
3 SCHOOL, OR HOME SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS
4 PROGRAM IN A GIVEN SPORT OR PARTICULAR EXTRACURRICULAR ACTIVITY
5 TO PARTICIPATE IN THAT ACTIVITY AT A PUBLIC HIGH SCHOOL.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 115C-12 reads as rewritten:
8 **"§ 115C-12. Powers and duties of the Board generally.**

9 The general supervision and administration of the free public school system shall be vested
10 in the State Board of Education. The State Board of Education shall establish policy for the
11 system of free public schools, subject to laws enacted by the General Assembly. The powers and
12 duties of the State Board of Education are defined as follows:

13 ...

14 (23a) Permit Certain Students to Participate in Interscholastic Athletics Programs. –
15 The State Board of Education shall adopt rules governing high school students
16 who attend schools that do not have interscholastic athletics programs in any
17 given sport as follows:

- 18 a. A public high school student may participate in the sport at the high
19 school closest to the student's school that has a program in that sport,
20 subject to the terms and conditions applicable to a regularly enrolled
21 member of that school's student body, except that the public high
22 school may charge a reasonable fee for participation to a student who
23 is not enrolled in the school as established by the local board of
24 education in accordance with G.S. 115C-47(6).
- 25 b. A private school or home school student may participate in the sport
26 at the base public high school for the student's address, subject to the
27 terms and conditions applicable to a regularly enrolled member of that
28 school's student body. If the student's base school does not have a
29 program in that sport, the student may participate in the sport at the
30 public high school closest to the student's base school that has a
31 program in that sport, subject to the terms and conditions applicable to
32 a regularly enrolled member of that school's student body. In any of
33 the circumstances under this sub-subdivision, the public high school
34 may charge a reasonable fee for participation to a student who is not
35 enrolled in the school as established by the local board of education in
36 accordance with G.S. 115C-47(6).



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SECTION 2. G.S. 115C-47 reads as rewritten:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(4) To Regulate Extracurricular Activities. – Local boards of education shall make all rules and regulations necessary for the conducting of extracurricular activities in the schools under their supervision, including a program of athletics, where desired, without assuming liability therefor; provided, that all interscholastic athletic activities shall be conducted in accordance with rules and regulations prescribed by the State Board of Education. The local board of education's rules and regulations shall include that a high school student who attends a home school or private school that does not offer a particular extracurricular activity shall be permitted to participate in the extracurricular activity at the base public high school for the student's address or, if the base school does not offer the activity, at the public high school offering that activity closest to the student's base public high school. A public high school student shall be permitted to participate in an extracurricular activity not offered at the student's school at a public high school offering the activity that is closest to the student's school. The terms and conditions applicable to a student regularly enrolled at the public high school shall also apply to students who participate in an extracurricular activity at the school as provided by this subdivision, except that the public high school may charge a reasonable fee for participation to a student who is not enrolled in the school as established by the local board of education in accordance with subdivision (6) of this section.

...

(6) To Regulate Fees, Charges and Solicitations. – Local boards of education shall adopt rules and regulations governing solicitations of, sales to, and fund-raising activities conducted by, the students and faculty members in schools under their jurisdiction, and no fees, charges, or costs shall be collected from students and school personnel without approval of the board of education as recorded in the minutes of said board; provided, this subdivision shall not apply to such textbooks fees as are determined and established by the State Board of Education. All schedules of fees, charges and solicitations approved by local boards of ~~education~~ education, including fees established to allow students not enrolled in a particular public high school to participate in sports and other extracurricular activities, shall be reported to the Superintendent of Public Instruction.

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SECTION 3. This act is effective when it becomes law and applies beginning with the 2019-2020 school year.