

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**SENATE BILL 232
PROPOSED COMMITTEE SUBSTITUTE S232-PCS35138-RN-4**

Short Title: Students, Parents, Community Rights Act.

(Local)

Sponsors:

Referred to:

March 11, 2021

A BILL TO BE ENTITLED
AN ACT TO PERMIT INCREASED ACCESS TO OUTDOOR SPORTING FACILITIES IN
PUBLIC AND NONPUBLIC HIGH SCHOOLS IN CERTAIN COUNTIES.

Whereas, the State of North Carolina has a rich tradition of excellence in high school sports; and

Whereas, high school sports are beneficial to the health and well-being of students, families of students, friends of students, and the community as a whole; and

Whereas, student athletes have a right to participate in sporting events in high school; and

Whereas, families of student athletes, friends of student athletes, and community members have a right to support student athletes in high school by attending sporting events; and

Whereas, G.S. 115C-47(4) provides that "[l]ocal 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 ..."; and

Whereas, the First Amendment of the Constitution of the United States protects "the right of the people peaceably to assemble"; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 1A of Chapter 166A of the General Statutes, any executive order, secretarial order, or directive authorized pursuant to Article 1A of Chapter 166A of the General Statutes, or any other provision of law, for the remainder of the scheduled 2020-2021 school year, all public and nonpublic high schools are authorized to allow spectators to attend outdoor sporting events as follows:

- (1) For each outdoor facility, including a park, field, or court, the number of spectators shall amount to no more than fifty percent (50%) of the capacity stated on the facility's certificate of occupancy under the North Carolina State Building Code or, in the event the facility does not have a certificate of occupancy, no more than seven spectators for every 1,000 square feet.
- (2) For outdoor sporting facilities that allow spectators to bring their own seats, individuals who sit in their own seats shall not count toward the limit on the number of spectators described in subdivision (1) of this section if those individuals maintain at least 6 feet of distance between themselves and anyone outside of their family unit.
- (3) In allowing access to outdoor sporting facilities in high schools, schools shall comply with all requirements of both of the following, to the extent those requirements do not conflict with this act:



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- 1 a. The StrongSchoolsNC Public Health Toolkit (K-12), as that guidance
- 2 existed on February 2, 2021.
- 3 b. Interim Guidance for Administrators and Participants of Youth and
- 4 Amateur Sports Programs, as that guidance existed on January 28,
- 5 2021.

6 **SECTION 2.** For purposes of this act, the term "spectator" does not include athletes,
7 employees of a public or nonpublic high school, entertainers, or staff providing support for the
8 sporting event.

9 **SECTION 3.** Nothing in this act shall be construed to prohibit a school, in the
10 discretion of the governing body of that school, from implementing stricter access to an outdoor
11 sporting event at that school.

12 **SECTION 4.** This act applies only to Alleghany County, Ashe County, Avery
13 County, Burke County, Caldwell County, Madison County, McDowell County, Mitchell County,
14 Polk County, Rutherford County, Watauga County, Wilkes County, and Yancey County.

15 **SECTION 5.** This act is effective when it becomes law and applies at any time when
16 the occupancy capacity of outdoor sporting events is limited to less than fifty percent (50%) by
17 an executive order, secretarial order, or directive authorized pursuant to Article 1A of Chapter
18 166A of the General Statutes and related to the COVID-19 pandemic.