February 17, 2021

A BILL TO BE ENTITLED
AN ACT TO RESTRUCTURE OVERSIGHT OF PUBLIC HIGH SCHOOL
INTERSCHOLASTIC ATHLETIC ACTIVITIES TO ENSURE ACCOUNTABILITY AND
FAIR PLAY.
The General Assembly of North Carolina enacts:

PART I. REGULATION OF HIGH SCHOOL INTERSCHOLASTIC ATHLETIC
ACTIVITIES

SECTION 1.(a) Chapter 115C of the General Statutes is amended by adding a new
Article to read:

"Article 29E.
"High School Interscholastic Athletic Activities.

§ 115C-407.50. Definitions.
The following definitions apply in this Article:

(1) Administering organization. – A nonprofit organization that has entered into
and is in compliance with a memorandum of understanding with the State
Board of Education to administer and enforce the adopted rules and
requirements of this Article for interscholastic athletic activities at the high
school level.

(2) – (5) Reserved for future codification purposes.

(6) Parent. – The parent or legal guardian of a student participating or seeking to
participate in interscholastic athletic activities.

(7) Participating school. – A high school that elects to offer interscholastic athletic
activities.

§ 115C-407.55. Rules for high school interscholastic athletic activities.
The State Board of Education shall adopt rules governing high school interscholastic athletic
activities conducted by public school units that include the following:

(1) Student participation rules. – These rules shall govern student eligibility to
participate in interscholastic athletic activities and shall include, at a
minimum, academic standards, enrollment and transfer requirements,
(2) Student health and safety rules. – These rules shall govern requirements to ensure student health and safety during participation in interscholastic athletic activities, including rules related to concussions and emergency action plans as required by G.S. 115C-12(23).

(3) Penalty rules. – These rules shall establish a system of demerits for infractions of rules which may result in reprimands, probations, suspensions, forfeitures of contests, forfeitures of titles, and disqualifications. The State Board may by rule delegate the authority to establish all or a portion of the penalty rules to an administering organization.

(4) Appeals rules. – These rules shall establish an appeals process for enforcement of rules that provides for an independent appeals board, notice of the infraction and the appeals process to the party that receives the penalty, and an opportunity to be heard before the independent appeals board.

(5) Administrative rules. – These rules shall govern classifications of schools into divisions and conferences, administration of games, and requirements for coaching, officiating, sportsmanship, and scheduling of seasons. The State Board may by rule delegate the authority to establish all or a portion of the administrative rules to an administering organization.

(6) Gameplay rules. – These rules shall be adopted in accordance with the requirements of the governing organization for each sport, including the requirements of the National Federation of State High School Associations. The State Board may by rule delegate the authority to establish all or a portion of the gameplay rules to an administering organization.

(7) Fees. – These rules shall establish the fees and other amounts that may be charged to a participating school for participation in interscholastic athletic activities. The State Board may by rule delegate the authority to establish all or a portion of the fees to an administering organization.

(8) Administering organization rules. – These rules shall require that to be designated as an administering organization, a nonprofit must enter into and remain compliant with a memorandum of understanding with the State Board. The rules shall also require the following:

a. The State Board may, by majority vote, invalidate any rule or regulation adopted by the administering organization.

b. The administering organization be audited annually by a reputable independent auditing firm, engage in open meetings as set out in the memorandum of understanding, and provide the State Board access to records of the administering organization, including financial information, annual audit reports, and any matters related to or impacting participating schools.

c. The administering organization shall enter into written agreements with each participating school.

d. The memorandum of understanding shall incorporate by reference any subsequent changes to rules or statutes made after the parties enter into the memorandum.

(9) Reporting rules. – These rules shall establish a process for reporting issues or concerns related to the administration of interscholastic athletic activities.

§ 115C-407.60. Administration and enforcement of high school interscholastic athletic activity rules.
PART II. CONFORMING CHANGES

SECTION 2.(a) G.S. 115C-12(23) reads as rewritten:

“(23) Power to Adopt Eligibility Rules for Interscholastic Athletic Competition Activities. – The State Board of Education shall adopt rules governing interscholastic athletic activities conducted by local boards of education, including eligibility for student participation, in accordance with...
this subdivision and Article 29E of this Chapter. With regard to middle
schools and high schools, the rules shall provide for the following:

…

The State Board of Education may authorize a designated organization to
apply and enforce the Board’s rules governing participation in interscholastic
athletic activities at the high school level."

SECTION 2.(b) G.S. 115C-47(4) reads as rewritten:

"(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 adopted by the State Board of Education. Education, in accordance with G.S. 115C-12(23) and Article 29E
of this Chapter."

SECTION 2.(c) G.S. 115C-366(f) reads as rewritten:

"(f) This section shall not be construed to allow students to transfer from one local school
administrative unit to another for athletic participation purposes in violation of eligibility
requirements established adopted by the State Board of Education and the North Carolina High
School Athletic Association. Education."

SECTION 2.(d) G.S. 116-235(b) is amended by adding a new subdivision to read:

"(4) Interscholastic Athletics. – If the Board of Trustees elects to provide a
program of interscholastic athletics, that program shall be conducted in
accordance with rules adopted by the State Board of Education, in accordance
with Article 29E of Chapter 115C of the General Statutes."

SECTION 2.(e) G.S. 143-291(c) is repealed.

SECTION 2.(f) This section becomes effective July 1, 2022.

PART III. STUDENT-ATHLETIC CATASTROPHIC INSURANCE COVERAGE
PROVIDED THROUGH THE DEPARTMENT OF INSURANCE

SECTION 3.(a) Article 31A of Chapter 58 of the General Statutes reads as rewritten:

"Article 31A.

"State Insurance of Public Education Property. Education.

"Part I. Public Education Property.


The following definitions shall apply in this Article: Part:

…

"Part 2. Student-Athletic Catastrophic Insurance.

"§ 58-31A-60. Catastrophic insurance for covered activities.

(a) For the purposes of this section, the following definitions shall apply:

(1) Administering organization. – As defined in G.S. 115C-407.50.

(2) Covered activities. – Interscholastic athletic activities that are authorized,
sanctioned, or scheduled by a participating school or by an administering
organization, including school-supervised practice, game-related activity, and
related travel.

(3) Covered persons. – Students or school personnel participating in or
responsible for supervising covered activities.

(4) Participating school. – As defined in G.S. 115C-407.50.

(b) The Commissioner of Insurance shall have the duty to offer catastrophic insurance
coverage for covered persons to participating schools for covered activities.
Premiums for catastrophic insurance for covered activities shall be paid by each participating school in accordance with rates fixed by the Commissioner, and the Commissioner may purchase from insurers admitted to do business in North Carolina such insurance as may be necessary."

SECTION 3.(b) This section is effective when it becomes law and applies to catastrophic insurance coverage beginning with the 2022-2023 school year.

PART IV. EFFECTIVE DATE

SECTION 4. Except as otherwise provided herein, this act is effective when it becomes law.