



## The Daily Bulletin: 2021-11-16

### PUBLIC/HOUSE BILLS

H 91 (2021) **ACCOUNTABILITY AND FAIR PLAY IN ATHLETICS. (NEW)** Filed Feb 16 2021, *AN ACT TO RESTRUCTURE OVERSIGHT OF PUBLIC HIGH SCHOOL INTERSCHOLASTIC ATHLETICS TO ENSURE ACCOUNTABILITY AND FAIR PLAY.*

Conference report deletes the contents of the 7th edition, except for the provisions of Part III. of the act, and now provides the following.

#### Part I.

Enacts new Article 29E to GS Chapter 115C, directing the State Board of Education (State Board) to adopt rules governing high school interscholastic athletic activities (athletic activities) by public school units. Requires the rules to include the following, with detailed criteria for each: student participation rules, student health and safety rules, penalty rules, appeals rules, administrative rules, gameplay rules, fees, administering organization rules, and reporting rules. Authorizes the State Board to delegate the authority to establish all or a portion of the penalty rules, administrative rules, gameplay rules, and fees to an *administering organization*, defined as a nonprofit organization that has entered into and is in compliance with a memorandum of understanding (MOU) with the State Board to administer and enforce the adopted rules and requirements of the Article for athletic activities. Requires the administering organization rules adopted by the State Board to include four specific components, including State Board authority to invalidate any rules or regulation adopted by the administering organization by majority vote, a requirement for the administering organization to be audited annually and hold open meetings, and a requirement for the administering organization to enter into written agreements with each *participating school*, defined as any high school that elects to offer interscholastic athletics activities.

Details the State Board's authority to enter into an MOU with one or more nonprofit administering organizations for a term of four years to administer and enforce the Article's requirements and the State Board's rules. Exempts the administering organization from compliance with the Administrative Procedure Act, GS Chapter 150B, if the State Board delegates rulemaking authority pursuant to the Article. Authorizes the State Auditor to conduct audits of administering organizations, as the Auditor deems necessary. Directs the State Board to assign administration responsibilities to the Department of Public Instruction (DPI) and establish sufficient administrative fees if the Board is unable to enter into an MOU.

Requires all public school units with participating schools to conduct athletic activities in compliance with the rules adopted by the State Board and as administered and enforced by either an administering organization in compliance with an MOU or DPI. Prohibits public school units from being regulated by any other entities for regular and postseason athletics. Directs participating schools to purchase catastrophic insurance for high school interscholastic athletic activities as provided in Part 2, Article 31A, GS Chapter 58, as enacted by Part III of the act (maintained from the previous edition).

Authorizes the State Board to submit temporary rules for high school interscholastic athletic activities to the Rules Review Commission for 180 days after the date the act becomes law, and excuses the State Board from submitting a written statement of its findings of need with its submission of such temporary rules during this period. Explicitly requires compliance with the rulemaking procedures set forth in Article 2A, GS Chapter 150B.

Directs the State Board to negotiate an initial MOU to be in effect for four years, renewable for a term of four years. Authorizes the State Board to designate governance of high school interscholastic activities to DPI if an MOU has not been entered by March 15, 2022.

Applies to public school units beginning with the 2022-23 school year. Requires that rules adopted by the State Board as provided in new Article 29E, GS Chapter 115C, as enacted, apply to public school units no earlier than July 1, 2022.

#### Part II.

Makes conforming changes to the following statutes to provide for the enactment of new Article 29E to GS Chapter 115C: GS 115C-12(23) (regarding the State Board's power to adopt eligibility rules for interscholastic athletic competition and power to authorize a designated organization to apply and enforce the Board's rules), GS 115C-47(4) (regarding local boards' power to regulate extracurricular activities), and GS 115C-366(f) (regarding student transfers between local school administrative units).

Enacts new GS 116-235(b)(4) to require the NC School of Science and Math to conduct any program of interscholastic athletics it elects to provide in accordance with rules adopted by the State Board pursuant to new Article 29E, GS Chapter 115C.

Repeals GS 143-291(c), which deems the NCHSAA a State agency for purposes of Article 31, governing liability in tort claims against State departments and agencies.

Makes the above provisions effective July 1, 2022.

Part III.

Maintains the proposed changes to Article 31A, GS Chapter 58, requiring the Commissioner of Insurance to offer student-athletic catastrophic insurance. Makes the changes applicable to catastrophic insurance coverage beginning with the 2022-23 school year. Makes technical changes.

**Intro. by Bell, Lambeth, K. Baker, Saine.**

GS 58, GS 115C, GS 116, GS 126, GS 143

[View summary](#)

**Education, Elementary and Secondary Education,  
Government, State Agencies, Department of Insurance,  
Department of Public Instruction, State Board of Education,  
Health and Human Services, Health**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 91: ACCOUNTABILITY AND FAIR PLAY IN ATHLETICS. (NEW)**

*Senate: Conf Com Reported*

*Senate: Placed On Cal For 11/17/2021*

*House: Conf Com Reported*

*House: Cal Pursuant Rule 44(d)*

*House: Placed On Cal For 11/17/2021*

#### **H 165: DOT LEGISLATIVE CHANGES.-AB**

*House: Conferees Changed*

#### **S 105: 2021 APPROPRIATIONS ACT.**

*Senate: Conf Report Passed 2nd*

#### **S 308: VARIOUS BUILDING CODE AMEND. (NEW)**

*Senate: Conf Report Adopted*

*Senate: Ordered Enrolled*

#### **S 329: BUILDING CODE MOD./PERMIT EXEMPTION AMT. MOD. (NEW)**

*House: Conf Com Appointed*

**No local actions on bills**

**© 2021 School of Government The University of North Carolina at Chapel Hill**

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)