



HOUSE BILL 91: Accountability and Fair Play in Athletics.

2021-2022 General Assembly

Committee:		Date:	November 17, 2021
Introduced by:	Reps. Bell, Lambeth, K. Baker, Saine	Prepared by:	Kara McCraw Staff Attorney
Analysis of:	Conference Committee Substitute (H91-CCSTC-5)		

OVERVIEW: *The Conference Committee Substitute for HB 91 would create new requirements for overseeing regulation of high school interscholastic athletics, including a memorandum of understanding that requires specific obligations for a nonprofit authorized to administer high school interscholastic athletics.*

CURRENT LAW: G.S. 115C-12(23) requires the State Board of Education (SBE) to adopt rules governing interscholastic athletic competitions conducted by local boards of education. The rules must establish the requirements for student eligibility, as well as concussion protocols and venue specific emergency action plans. The SBE may authorize a designated organization to apply and enforce the SBE's rules for high school athletics.

G.S. 115C-47(4) requires local boards of education to make rules for extracurricular activities, including interscholastic athletics. The rules for interscholastic athletics must be in accordance with the SBE rules. The SBE has established rules for interscholastic athletics in 16 NCAC 06E .0204. This rule establishes eligibility requirements on residency, age, academic progress, and medical examinations, and minimum penalties for ejections from games. The rule also authorized local school administrative units to belong to the North Carolina High School Athletic Association (NCHSAA), and authorizes the NCHSAA to waive eligibility requirements in the rule, other than age, if it finds that the rule fails to accomplish its purpose, or it works an undue hardship on a student who has lost eligibility due to circumstances that made participation impossible such as prolonged illness or injury. The NCHSAA is also authorized to enforce penalties for rules violations at the high school level.

BILL ANALYSIS: The Conference Committee Substitute for HB 91 would make the following changes related to high school athletics:

- The State Board of Education (SBE) would have the authority to enter into a memorandum of understanding (MOU) with a nonprofit to administer and enforce SBE requirements for high school athletics. If the SBE is unable to enter into an MOU, then the SBE may require the Department of Public Instruction to administer high school athletics.
- Public school units (PSUs) must conduct high school athletics in accordance with SBE rules as administered and enforced by the organization designated by the SBE. PSUs must also purchase catastrophic insurance for high school athletics through the Commissioner of Insurance.
- The SBE must adopt rules for public school unit high school interscholastic athletic activities that include the following:
 - Student participation rules, including requirements for eligibility related to academics, enrollment and attendance, and medical requirements.

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- Student health and safety rules, including rules for concussions and emergency action plans.
 - Penalty rules that provide a system of demerits for infractions of rules. This may be delegated to the administering organization.
 - Appeals rules that include an independent appeals boards and a process for notice of infractions and an opportunity to be heard before the appeals board.
 - Administrative rules to govern school classifications, game administration, and requirements for coaching, officiating, sportsmanship and schedules. This may be delegated to the administering organization.
 - Gameplay rules that are in accordance with national rules for the sports. This may be delegated to the administering organization.
 - Fee rules that establish the amounts that participating schools can be charged for participation in interscholastic athletic activities. This may be delegated to the administering organization.
 - Administering organization rules that govern a nonprofit that enters into a memorandum of understanding with the SBE to implement rules for high school athletics. The rules must include requirements for annual audits, written agreements with each participating school, and allow the SBE the power to invalidate rules adopted by the administering organization.
 - Reporting rules to establish a process for reporting issues or concerns related to administration of high school athletics.
- The SBE has the authority, for 180 days after the bill becomes law, to submit temporary rules for high school athletics.
 - An initial MOU must be in effect for 4 years, and can be renewed for a 4 year period. In no MOU is entered into by March 15, 2022, the SBE can designate DPI to administer high school athletics for the 2022-2023 school year.

EFFECTIVE DATE: Portions of HB 91 would become effective July 1, 2022, and the remainder of HB 91 would become effective when it becomes law. The rules and requirements for high school athletics would apply to public school units beginning with the 2022-2023 school year.

BACKGROUND: The Joint Legislative Commission on Governmental Operations, Subcommittee on Interscholastic Athletics met in April and May of 2021. Information on the Subcommittee meetings can be found [here](#).