



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 52: Open Meetings/Administering Organizations.

2023-2024 General Assembly

<b>Committee:</b>	House Education - K-12	<b>Date:</b>	March 14, 2023
<b>Introduced by:</b>	Sens. Sawyer, Johnson, McInnis	<b>Prepared by:</b>	Kara McCraw* Staff Attorney
<b>Analysis of:</b>	Second Edition		

**OVERVIEW:** Senate Bill 52 would grant the Superintendent of Public Instruction the final authority for high school interscholastic athletic eligibility appeals and require an administering organization for high school interscholastic athletics to comply with North Carolina's open meetings laws.

### CURRENT LAW AND BACKGROUND:

Under Article 29E of Chapter 115C of the General Statutes, the State Board of Education (SBE) is required to establish rules for high school interscholastic athletics. The SBE is authorized to enter into a memorandum of understanding (MOU) with a nonprofit to administer and enforce those rules, called an administering organization. An administering organization must remain compliant with the MOU and engage in open meetings as set out in the MOU. Under 16 NCAC 06E.0204, an administering organization must broadcast the meetings of its membership and board of directors in a manner that is announced on its website and which may be viewed electronically by any member of the public.

Appeals of decisions under those rules must be made to an independent appeals board established by the SBE. Under the SBE rules, the decision of the independent appeals board is final. 16 NCAC 06E .0204

G.S. 143-318.10 requires a meeting of a public body to be open to the public, and any person be entitled to attend. A public body is defined as any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. G.S. 143-318.10 It also includes the governing board of a public hospital, governing board of a nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation which the hospital facility has been sold or conveyed.

### BILL ANALYSIS:

**Sections 1 and 1.2** would create a new appeals process for eligibility rule decisions for high school interscholastic athletics:

- From January 1, 2023 to June 30, 2024, the Superintendent of Public Instruction would be authorized to make final decisions in any appeal of an eligibility rule determination made by the independent appeals board, beginning with final decisions of the board made on or after January 1, 2023, under certain circumstances.
- Beginning with the 2024-2025 school year, the SBE would be required to adopt a rule providing for an appeals process of the independent appeals board's decisions on eligibility rules to the

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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Superintendent of Public Instruction, who would make the final decision on any appeal, consistent with the process used in Spring 2023 and the 2023-2024 school year.

**Sections 1.5 and 2** would define an administering organization as a public body for purposes of North Carolina's open meetings law, and require administering organizations to comply with the statutory open meetings requirements for public bodies.

**EFFECTIVE DATE:** This act is effective when it becomes law.

*\*This summary was substantially contributed to by Kristen Harris, Staff Attorney.*