



# SENATE BILL 52: Open Meetings/Administering Organizations.

2023-2024 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	March 8, 2023
<b>Introduced by:</b>	Sens. Sawyer, Johnson, McInnis	<b>Prepared by:</b>	Kristen L. Harris
<b>Analysis of:</b>	Second Edition		Staff Attorney

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**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 to comply with North Carolina's open meetings laws.*

### CURRENT LAW AND BACKGROUND:

#### Article 29E (High School Interscholastic Athletic Activities) in Chapter 115C (Elementary and Secondary Education) of the General Statutes

G.S. 115C-407.55 requires the State Board of Education to establish rules for an independent appeals board to review rules violation decisions of the administering organization. Under the State Board of Education rules, the decision of the independent appeals board is final. 16 NCAC 06E .0204

An administering organization is "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." G.S. 115C-407.50

G.S. 115C-407.55 requires an administering organization to enter into and remain compliant with a memorandum of understanding (MOU) with the State Board of Education (SBE) 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.

G.S. 115C-407.60 allows the SBE to enter into a MOU for a term of four years with one or more nonprofit organizations.

S.L. 2021-184 required the SBE to negotiate an initial MOU by March 15, 2022, to be in effect for four years. The MOU may be renewed for another four years.

#### Article 33C (Meetings of Public Bodies) of Chapter 143 (State Departments, Institutions, and Commissions) of the General Statutes

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.

"Public body" means 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

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(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

"Public body" also means the governing board of a "public hospital" as defined in G.S. 159-39 and governing board of any 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. G.S. 143-318.10

## **BILL ANALYSIS:**

**Sections 1(a) and (b)** would create an appeals process of the independent appeals board's decision on application on eligibility rules to the Superintendent of Public Instruction, who would make the final decision on any appeal. This section would be effective when it becomes law, and apply beginning with the 2024-2025 school year. The State Board of Education shall adopt rules to implement this section consistent with the requirements of this Section.

**Sections 1.2(a) and (b)** from January 1, 2023, through June 30, 2024, would authorize the Superintendent of Public Instruction to make final decisions in any appeal of 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. This section would be effective when it becomes law, and apply to all final decisions made by the independent appeals board between January 1, 2023 and June 30, 2024.

**Sections 1.5 and 2** would define an administering organization as a public body for purposes of North Carolina's open meetings law.

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