

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

7

HOUSE BILL 91
Committee Substitute Favorable 2/23/21
Committee Substitute #2 Favorable 3/11/21
Senate Education/Higher Education Committee Substitute Adopted 7/21/21
Senate Finance Committee Substitute Adopted 7/22/21
Senate Education/Higher Education Committee Substitute Adopted 8/26/21
Seventh Edition Engrossed 9/8/21

Short Title: Accountability and Fair Play in Athletics. (Public)

Sponsors:

Referred to:

February 17, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRUCTURE OVERSIGHT OF PUBLIC HIGH SCHOOL
3 INTERSCHOLASTIC ATHLETIC ACTIVITIES TO ENSURE ACCOUNTABILITY AND
4 FAIR PLAY.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. REGULATION OF INTERSCHOLASTIC ATHLETIC ACTIVITIES**

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

10 "Article 29E.

11 "Interscholastic Athletic Activities.

12 "Part 1. Definitions.

13 **§ 115C-407.50. Definitions.**

14 The following definitions apply in this Article:

- 15 (1) Administering organization. – A nonprofit organization that has entered into
16 and is in compliance with a memorandum of understanding with the State
17 Board of Education to administer and enforce the adopted rules and
18 requirements of this Article for interscholastic athletic activities at the high
19 school level.
- 20 (2) Gameplay rules. – Rules adopted in accordance with this Article governing
21 oversight of the administration, classification, scheduling, and conduct of
22 interscholastic athletic activities.
- 23 (3) Parent. – The parent or legal guardian of a student participating or seeking to
24 participate in interscholastic athletic activities.
- 25 (4) Participating school. – A school serving any grade between six and 12 that
26 elects to offer interscholastic athletic activities.
- 27 (5) Penalty rules. – Rules adopted in accordance with this Article governing
28 infractions of student participation rules and gameplay rules.
- 29 (6) Student participation rules. – Rules adopted in accordance with this Article
30 governing student eligibility to participate in interscholastic athletic activities.



1 Student participation rules include both student participation and student
2 health and safety requirements.

3 "Part 2. Oversight of Interscholastic Athletic Activities.

4 **"§ 115C-407.55. Regulation of interscholastic athletic activities.**

5 (a) The State Board of Education shall adopt rules governing interscholastic athletic
6 activities conducted by public school units in accordance with the requirements of this Article.

7 (b) The State Board of Education may enter into a memorandum of understanding for a
8 term not to exceed four years with one or more nonprofit organizations to administer and enforce
9 the requirements of this Article and the rules adopted by the State Board for interscholastic
10 athletic activities at the high school level. A memorandum of understanding shall comply with
11 the requirements of this Article. If the State Board does not enter into a memorandum of
12 understanding, the State Board shall assign the administration of high school interscholastic
13 athletic activities to the Department of Public Instruction and establish fees sufficient to support
14 the administration of the program. In the event the Department of Public Instruction is assigned
15 to administer high school interscholastic athletic activities either (i) due to a termination of a
16 memorandum of understanding during any school year or (ii) following July 1 of any school year
17 due to the inability of the State Board to finalize negotiations for a memorandum of
18 understanding, the State Board may establish fees for that school year through emergency
19 rulemaking.

20 (c) The rules adopted by the State Board of Education for interscholastic athletic
21 activities at the middle school level shall be administered by the Department of Public
22 Instruction.

23 (d) The State Board of Education shall adopt student participation rules consistent with
24 the requirements of G.S. 115C-407.65 and G.S. 115C-407.70 that include at least the following:

- 25 (1) Academic standards.
- 26 (2) Enrollment requirements.
- 27 (3) Attendance requirements.
- 28 (4) Medical eligibility requirements.
- 29 (5) Recruiting limitations.
- 30 (6) Hardship exceptions.

31 (e) The State Board of Education shall either adopt gameplay rules or provide the
32 responsibility for adoption of gameplay rules to an administering organization through the
33 memorandum of understanding, consistent with the requirements of this subsection. Gameplay
34 rules shall include the following:

- 35 (1) Classification of all participating schools in the State into one of four athletic
36 divisions based solely on average daily membership.
- 37 (2) Classification of all participating schools in the State into conferences based
38 solely on geography, division classification, and average daily membership.
- 39 (3) Game rules, including rules specific to individual sports.
- 40 (4) Game administration.
- 41 (5) Coaching requirements.
- 42 (6) Officiating requirements.
- 43 (7) Sportsmanship requirements.
- 44 (8) Season and conference schedules and requirements, including the following:
 - 45 a. Preseason calendars and requirements.
 - 46 b. Regular season calendars and requirements.
 - 47 c. Postseason conference and State tournament calendars and
48 requirements. The rules shall limit all conference and State tournament
49 participation to participating schools.

50 (f) The State Board of Education shall either adopt penalty rules or provide the
51 responsibility for adoption of penalty rules to an administering organization through a

1 memorandum of understanding, consistent with the requirements of this section. The penalty
2 rules shall establish a system of demerits for infractions of student participation rules and
3 gameplay rules which may result in reprimands, probations, suspensions, forfeitures of contests,
4 forfeitures of titles, and disqualifications but shall not result in monetary penalties of any kind.

5 (g) The State Board of Education shall require an appeals process for enforcement of
6 rules that provides for an independent appeals board, notice of the infraction and the appeals
7 process to the party that receives the penalty, and an opportunity to be heard before the
8 independent appeals board. A student and that student's parent shall be allowed to appeal a
9 penalty resulting from the application of any rule that restricts an individual student from
10 participating in a season, game, or series of games, and shall be provided a written copy of the
11 rule that is the basis for the penalty. The independent appeals board shall be appointed by the
12 State Board of Education. The appeals process established by the State Board may be coordinated
13 by an administering organization subject to restrictions established in the memorandum of
14 understanding.

15 (h) The State Board of Education shall establish a mechanism for participating schools
16 to report intimidation or harassment of the participating school or its employees or students by
17 an administering organization.

18 **"§ 115C-407.60. Conduct of interscholastic athletic activities.**

19 (a) All public school units shall conduct middle school interscholastic athletic activities
20 in accordance with the rules adopted by the State Board of Education as administered by the
21 Department of Public Instruction.

22 (b) All public school units shall conduct high school interscholastic athletic activities in
23 accordance with the rules adopted by the State Board of Education and as administered and
24 enforced by either an administering organization that is in compliance with the memorandum of
25 understanding or the Department of Public Instruction. Public school units shall not be regulated
26 by any other entities for regular and postseason interscholastic athletics.

27 (c) Public school units shall purchase catastrophic insurance for interscholastic athletic
28 activities as provided in Part 2 of Article 31A of Chapter 58 of the General Statutes.

29 **"§ 115C-407.65. Rules on concussions and head injuries.**

30 (a) For the purpose of this section, a concussion is a traumatic brain injury caused by a
31 direct or indirect impact to the head that results in disruption of normal brain function which may
32 or may not result in loss of consciousness.

33 (b) With regard to middle schools and high schools, the State Board of Education shall
34 adopt rules that provide for the following:

35 (1) All coaches, school nurses, athletic directors, first responders, volunteers,
36 students who participate in interscholastic athletic activities, and the parents
37 of those students shall receive, on an annual basis, a concussion and head
38 injury information sheet. School employees, first responders, volunteers, and
39 students must sign the sheet and return it to the coach before they can
40 participate in interscholastic athletic activities, including tryouts, practices, or
41 competition. Parents must sign the sheet and return it to the coach before their
42 children can participate in any such interscholastic athletic activities. The
43 signed sheets shall be maintained in accordance with subsection (c) of this
44 section.

45 (2) If a student participating in an interscholastic athletic activity exhibits signs
46 or symptoms consistent with concussion, the student shall be removed from
47 the activity at that time and shall not be allowed to return to play or practice
48 that day. The student shall not return to play or practice on a subsequent day
49 until the student is evaluated by and receives written clearance for such
50 participation from one of the following:

- 1 a. A physician licensed under Article 1 of Chapter 90 of the General
2 Statutes with training in concussion management.
3 b. A neuropsychologist licensed under Article 18A of Chapter 90 of the
4 General Statutes with training in concussion management and working
5 in consultation with a physician licensed under Article 1 of Chapter 90
6 of the General Statutes.
7 c. An athletic trainer licensed under Article 34 of Chapter 90 of the
8 General Statutes.
9 d. A physician assistant, consistent with the limitations of G.S. 90-18.1.
10 e. A nurse practitioner, consistent with the limitations of G.S. 90-18.2.
11 (c) Each middle and high school shall maintain complete and accurate records of its
12 compliance with the requirements of this section.

13 **"§ 115C-407.70. Emergency action plans.**

14 (a) With regard to middle schools and high schools, the State Board of Education shall
15 adopt a rule that requires each school to develop a venue-specific emergency action plan to deal
16 with serious injuries and acute medical conditions in which the condition of the patient may
17 deteriorate rapidly. The plan shall include a delineation of roles, methods of communication,
18 available emergency equipment, and access to and plan for emergency transport.

19 (b) The rule required by subsection (a) of this section shall require the plan to be at least
20 the following:

- 21 (1) In writing.
22 (2) Reviewed by an athletic trainer licensed in North Carolina.
23 (3) Approved by the principal of the school.
24 (4) Distributed to all appropriate personnel.
25 (5) Posted conspicuously at all venues.
26 (6) Reviewed and rehearsed annually by all licensed athletic trainers, first
27 responders, coaches, school nurses, athletic directors, and volunteers for
28 interscholastic athletic activities.

29 **"§ 115C-407.72. Enrollment and transfer restrictions.**

30 (a) The State Board of Education shall adopt rules related to enrollment and transfer of
31 students between public school units that include the following:

- 32 (1) A student who is not domiciled in a local school administrative unit but enrolls
33 in that unit pursuant to G.S. 115C-366(d) shall not be eligible to participate in
34 interscholastic athletics in that unit if the student's enrollment in that unit is
35 solely for athletic participation purposes.
36 (2) A student who receives priority enrollment as the child of a full-time
37 employee of a charter school pursuant to G.S. 115C-218.45(f)(3) shall not be
38 eligible to participate in interscholastic athletics for that charter school if the
39 Office of Charter Schools determines that the parent's employment was a
40 fraudulent basis for the student's priority enrollment.

41 (b) The State Board shall require that any school enrolling a student determined to be
42 ineligible as provided in subsection (a) of this section be ineligible to participate in postseason
43 play for one year following discovery of the violation.

44 "Part 3. Memorandum of Understanding.

45 **"§ 115C-407.75. Memorandum of understanding.**

46 (a) If the State Board of Education enters into a memorandum of understanding with a
47 nonprofit organization as provided in G.S. 115C-407.55(b), the memorandum shall require that
48 organization to do the following in accordance with the requirements of this Article to maintain
49 the authority to administer and enforce the requirements for high school interscholastic athletic
50 activities:

- 51 (1) Apply, enforce, and administer all rules adopted by the State Board.

- 1 (2) If delegated by the State Board, adopt, apply, enforce, and administer
2 gameplay rules and penalty rules. A rule shall not be adopted by an
3 administering organization until the organization has provided for publication
4 of the proposed rule on the organization's website and provided the
5 opportunity to the public for notice and comment on the rule. The State Board
6 by majority vote may deem any rule adopted by an administering organization
7 unenforceable.
- 8 (3) Make publicly available at no cost on the administering organization's website
9 the following:
- 10 a. The organization's handbook for participating schools.
11 b. All student participation rules.
12 c. All gameplay rules.
13 d. Information on the appeals process, including specific information on
14 how to make an initial and final appeal.
- 15 (4) Agree to adopt requirements for membership of the nonprofit board that
16 require equal representation on the board from each educational district
17 established as provided in G.S. 115C-65.
- 18 (5) Adopt an ethics policy that requires board members to avoid conflicts of
19 interests and the appearance of impropriety.
- 20 (6) Agree to adopt procedures for its operations that are comparable to those of
21 Article 33C of Chapter 143 of the General Statutes, the Open Meetings Law,
22 and Chapter 132 of the General Statutes, the Public Records Law, and provide
23 for enforcement by the State Board. The procedures may provide for the
24 confidentiality of personnel files comparable to Article 7 of Chapter 126 of
25 the General Statutes.
- 26 (7) Apply the standards established by the federal Family Educational Rights and
27 Privacy Act, 20 U.S.C. § 1232g, to all student records containing personally
28 identifiable information in the possession of the administering organization.
29 The administering organization shall be authorized to display and share
30 student information designated by a participating school as directory
31 information unless the participating school indicates that a parent has opted
32 out of disclosure of that information. Other than directory information, all
33 student records containing personally identifiable information held by the
34 administering organization are not public records and should not be released
35 under procedures adopted in accordance with subdivision (6) of this
36 subsection.
- 37 (8) Enter into contracts with participating schools as to the monetary requirements
38 for participation, including the payment of reasonable annual fees by
39 participating schools as needed to support the duties of the administering
40 association. Annual fees may vary based on the division to which the school
41 is assigned.
- 42 (9) Agree to reduce annual fees to participating schools by a minimum of twenty
43 percent (20%) when the total fund balance for the administering organization
44 is two hundred fifty percent (250%) of the administering organization's total
45 expenses from the prior fiscal year. The administering organization may
46 increase annual fees to participating schools when the total fund balance is
47 one hundred fifty percent (150%) of the organization's total expenses from the
48 prior fiscal year.
- 49 (10) Agree to retain no more than thirty-three percent (33%) of the net proceeds of
50 any State tournament game.

- 1 (11) Agree to be audited annually by the State Auditor pursuant to Article 5A of
2 Chapter 147 of the General Statutes.
- 3 (12) Agree to not engage in any of the following activities:
- 4 a. Solicit grant funding and sponsorships from third-party organizations,
5 other than for State tournament games.
- 6 b. Provide grants to schools regulated by the administering organization.
- 7 c. Provide scholarships to players, except when funded by
8 donor-directed funds.
- 9 d. Designate the use of specific or preferred vendors.
- 10 e. Retain a percentage of gate receipts for games other than State
11 tournament games.
- 12 f. Regulate or control the intellectual property of schools, including team
13 logos, mascots, and audio or video of any game other than the State
14 tournament games.
- 15 g. Restrict the recording of audio or video at a State tournament game by
16 any parent of a student participating in the game or any employee of
17 the school participating in the game.
- 18 h. Retain any portion of receipts collected from ticket sales, concessions,
19 or sale of merchandise by a participating school.
- 20 i. Retaliate against participating schools, or the employees or students of
21 those schools, for reporting to the administering organization, the State
22 Board, or any other government entity on any of the following topics.
23 For the purposes of this sub-subdivision, "retaliate" does not include
24 the application of a penalty rule that is appealable to an independent
25 appeals board.
- 26 1. Violations of laws or rules.
- 27 2. Fraud.
- 28 3. Misappropriation of resources.
- 29 4. Substantial and specific danger to student or employee health
30 and safety.
- 31 5. Gross mismanagement or abuse of authority.
- 32 j. Prohibit or restrict a participating school from scheduling a
33 non-conference game during the regular season, or take any portion of
34 ticket sales from those games.
- 35 (13) Report annually by December 1 to the State Board of Education on the
36 following:
- 37 a. Activities during the prior school year and recommendations and
38 findings regarding improvement of high school interscholastic
39 athletics.
- 40 b. A copy of the most recent audit conducted by the State Auditor.
- 41 c. A schedule of current fees charged to participating schools.
- 42 d. The amount of fees and gate receipts collected.
- 43 e. The current fund balance for the administering organization.

44 (b) The State Board may terminate any memorandum of understanding for
45 noncompliance with this Article or the terms of the memorandum of understanding. In the event
46 of termination of a memorandum of understanding, the nonprofit organization shall return to each
47 participating school a pro rata share of the funds paid by that school for the year as provided in
48 the participating school's contract with the organization.

49 (c) The State Auditor is authorized to conduct audits of any administering organization
50 in the same manner as for State agencies in accordance with Article 5A of Chapter 147 of the
51 General Statutes.

"Part 4. Public School Unit Reports.

"§ 115C-407.80. Public school units annual interscholastic athletic reports.

(a) Each public school unit with one or more participating schools shall annually report the following information for the three school years completed prior to July 15 to the State Board of Education:

(1) The total dollar amount spent on interscholastic athletic activities, by the following categories:

- a. Administering association fees.
- b. Salaries or stipends for coaches and faculties for duties associated solely with interscholastic athletics.
- c. Capital costs, including new construction, repair and renovation, and maintenance costs for existing athletic facilities.
- d. Uniform and equipment costs.
- e. Travel and transportation costs.
- f. Officiating costs.
- g. Other identified costs.

(2) The total dollar amount received from interscholastic athletic activities, including funds held in special funds of individual schools, by the following categories:

- a. Gate receipts.
- b. Concession sales.
- c. Merchandise sales or sales of items directly related to interscholastic athletics, including apparel and audiovisual materials.
- d. Student fees.
- e. Monetary and in-kind contributions from third-party organizations.
- f. State or local funding expended on capital costs for athletics facilities.
- g. Other identified sources of funds.

(b) The State Board shall provide a summary of the reports by public school units and a copy of each public school unit report to the Joint Legislative Education Oversight Committee no later than October 15 annually."

SECTION 1.(b) The State Board of Education shall review and adopt new or revised emergency rules on interscholastic athletics for use in the 2021-2022 school year in accordance with the requirements of Article 29E of Chapter 115C of the General Statutes, as enacted by this act, no later than October 15, 2021. For the 2021-2022 school year only, the State Board and public school units shall not require students to meet any academic requirements for participation and shall provide for hardship waivers for age eligibility requirements in recognition of the impacts of COVID-19 on students during the 2020-2021 school year. For the 2021-2022 school year, no changes shall be made to existing divisions and conferences. Notwithstanding G.S. 150B-21.1A, no findings of need shall be required for an emergency rule adopted for the 2021-2022 school year, an emergency rule adopted as provided in this subsection shall be effective until June 30, 2022, and the State Board of Education shall not be required to adopt temporary rules to replace an emergency rule for use in the 2021-2022 school year. The State Board shall submit all emergency rules in accordance with the requirements in 26 NCAC 02C.

SECTION 1.(c) The State Board of Education shall adopt new or revised permanent rules for use in the 2022-2023 and following school years.

SECTION 1.(d) Notwithstanding G.S. 115C-407.55, a memorandum of understanding entered into during the 2021-2022 school year by the State Board of Education with an administering organization shall terminate no later than June 30, 2023.

SECTION 1.(e) The State Board of Education shall not authorize any nonprofit organization to apply and enforce the Board's rules for participation in interscholastic athletic

1 activities during the 2021-2022 school year or thereafter except by a memorandum of
2 understanding in accordance with this act.

3 **SECTION 1.(f)** If the State Board of Education enters into a memorandum of
4 understanding with the organization currently authorized to apply and enforce the State Board's
5 rules governing participation in high school interscholastic athletic activities, for the 2021-2022
6 school year, a condition of the memorandum shall be that the organization waive collection of
7 all fees for participating schools for the 2021-2022 school year, except for fees associated with
8 postseason conference games, in recognition of decreased access to interscholastic sports for
9 participating schools in the 2020-2021 school year due to COVID-19.

10 **SECTION 1.(g)** The State Board of Education, in consultation with any
11 administering organization, shall study and make findings and recommendations on the
12 following issues and report on its findings and recommendations to the Joint Legislative
13 Education Oversight Committee by April 1, 2022:

14 (1) Whether an administering organization should be responsible for overseeing
15 the conduct of middle school interscholastic athletics for public school units.
16 The State Board shall include in its deliberations an examination of the
17 potential costs to public school units for oversight of middle school
18 interscholastic athletics by an administering organization. The State Board
19 shall establish workgroups of athletic directors, principals, and coaches
20 employed by schools serving students in grades six through eight and parents
21 of students in grades six through eight to provide input on this
22 recommendation.

23 (2) Factors that should be considered in (i) home school students' participation in
24 interscholastic athletics, including how to address insurance and liability
25 issues for those students while participating in interscholastic athletics, (ii)
26 cooperative innovative high school students' participation in interscholastic
27 athletics, and (iii) nonpublic schools. The State Board shall establish
28 workgroups of athletic directors, principals, and parents of students in home
29 schools, cooperative innovative high schools, and nonpublic schools to
30 provide input on this recommendation.

31 **SECTION 1.(h)** Notwithstanding the requirements of G.S. 115C-407.80, as enacted
32 by this act, all public school units shall submit the first annual interscholastic athletic report to
33 the State Board of Education no later than July 15, 2023, and shall include data from the
34 2018-2019, 2019-2020, 2020-2021, 2021-2022, and 2022-2023 school years.

35 **SECTION 1.(i)** This section is effective when it becomes law. Subsection (a) of this
36 section applies beginning with interscholastic athletic competitions occurring on or after October
37 15, 2021.

38 **PART II. CONFORMING CHANGES**

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

40 "~~(23)~~ Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. –
41 The In accordance with Article 29E of this Chapter, the State Board of
42 Education shall adopt rules governing interscholastic athletic activities
43 conducted by local boards of education, including eligibility for student
44 participation. With regard to middle schools and high schools, the rules shall
45 provide for the following: public school units.

46 a. All coaches, school nurses, athletic directors, first responders,
47 volunteers, students who participate in interscholastic athletic
48 activities, and the parents of those students shall receive, on an annual
49 basis, a concussion and head injury information sheet. School
50 employees, first responders, volunteers, and students must sign the
51

1 ~~sheet and return it to the coach before they can participate in~~
2 ~~interscholastic athletic activities, including tryouts, practices, or~~
3 ~~competition. Parents must sign the sheet and return it to the coach~~
4 ~~before their children can participate in any such interscholastic athletic~~
5 ~~activities. The signed sheets shall be maintained in accordance with~~
6 ~~sub-subdivision d. of this subdivision.~~

7 ~~For the purpose of this subdivision, a concussion is a traumatic~~
8 ~~brain injury caused by a direct or indirect impact to the head that~~
9 ~~results in disruption of normal brain function, which may or may not~~
10 ~~result in loss of consciousness.~~

11 ~~b. If a student participating in an interscholastic athletic activity exhibits~~
12 ~~signs or symptoms consistent with concussion, the student shall be~~
13 ~~removed from the activity at that time and shall not be allowed to~~
14 ~~return to play or practice that day. The student shall not return to play~~
15 ~~or practice on a subsequent day until the student is evaluated by and~~
16 ~~receives written clearance for such participation from (i) a physician~~
17 ~~licensed under Article 1 of Chapter 90 of the General Statutes with~~
18 ~~training in concussion management, (ii) a neuropsychologist licensed~~
19 ~~under Article 18A of Chapter 90 of the General Statutes with training~~
20 ~~in concussion management and working in consultation with a~~
21 ~~physician licensed under Article 1 of Chapter 90 of the General~~
22 ~~Statutes, (iii) an athletic trainer licensed under Article 34 of Chapter~~
23 ~~90 of the General Statutes, (iv) a physician assistant, consistent with~~
24 ~~the limitations of G.S. 90-18.1, or (v) a nurse practitioner, consistent~~
25 ~~with the limitations of G.S. 90-18.2.~~

26 ~~e. Each school shall develop a venue specific emergency action plan to~~
27 ~~deal with serious injuries and acute medical conditions in which the~~
28 ~~condition of the patient may deteriorate rapidly. The plan shall include~~
29 ~~a delineation of roles, methods of communication, available~~
30 ~~emergency equipment, and access to and plan for emergency transport.~~
31 ~~This plan must be (i) in writing, (ii) reviewed by an athletic trainer~~
32 ~~licensed in North Carolina, (iii) approved by the principal of the~~
33 ~~school, (iv) distributed to all appropriate personnel, (v) posted~~
34 ~~conspicuously at all venues, and (vi) reviewed and rehearsed annually~~
35 ~~by all licensed athletic trainers, first responders, coaches, school~~
36 ~~nurses, athletic directors, and volunteers for interscholastic athletic~~
37 ~~activities.~~

38 ~~d. Each school shall maintain complete and accurate records of its~~
39 ~~compliance with the requirements of this subdivision pertaining to~~
40 ~~head injuries.~~

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

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

45 "(4) To Regulate Extracurricular Activities. – Local boards of education shall
46 make all rules and regulations necessary for the conducting of extracurricular
47 activities in the schools under their supervision, including a program of
48 athletics, where desired, without assuming liability therefor; provided, that all
49 interscholastic athletic activities shall be conducted in accordance with rules
50 ~~and regulations prescribed adopted~~ by the State Board of
51 ~~Education.~~Education, in accordance with Article 29E of this Chapter."

1 SECTION 2.(b1) G.S. 115C-218(c)(3) is amended by adding a new sub-subdivision
2 to read:

3 "e2. Investigate fraudulent priority enrollments under G.S. 115C-218.45
4 and report findings to the State Board of Education."

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

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

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

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

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

16 SECTION 2.(f) This section becomes effective October 15, 2021.

17
18 **PART III. STUDENT-ATHLETIC CATASTROPHIC INSURANCE COVERAGE**
19 **PROVIDED THROUGH THE DEPARTMENT OF INSURANCE**

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

21 "Article 31A.

22 "State Insurance ~~of for~~ Public Education Property. ~~Education.~~

23 "Part 1. Public Education Property.

24 **"§ 58-31A-1. Definitions.**

25 The following definitions shall apply in this ~~Article:~~ Part:

- 26 (1) Insurable hazards. – A minimum list of perils, risks, or hazards which must be
27 insured against loss, which includes the following: fire, lightning, windstorm,
28 hail, explosion, aircraft or vehicles, riot or civil commotion, smoke,
29 vandalism, sprinkler leakage, sinkhole collapse, volcanic action, falling
30 objects, weight of snow, ice or sleet, or water damage.
- 31 (2) Public education board. – A local board of education of a local school
32 administrative unit, as defined in G.S. 115C-5(5), a board of trustees of a
33 regional school, as defined in G.S. 115C-238.63, or a board of trustees of a
34 community college, as defined in G.S. 115D-12.
- 35 (3) Public education property. – Property owned by a local board of education, a
36 regional school board of directors, or a community college board of trustees.

37 ...

38 "Part 2. Student-Athletic Catastrophic Insurance.

39 **"§ 58-31A-60. Catastrophic insurance for covered activities.**

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

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

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

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

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

49 (b) The Commissioner of Insurance shall have the duty to offer catastrophic insurance
50 coverage for covered persons to participating schools for covered activities.

1 (c) Premiums for catastrophic insurance for covered activities shall be paid by each
2 participating school in accordance with rates fixed by the Commissioner, and the Commissioner
3 may purchase from insurers admitted to do business in North Carolina such insurance as may be
4 necessary."

5

6 **PART IV. EFFECTIVE DATE**

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