

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 152

Short Title: Access to Sports/Extracurr. for All Students. (Public)

Sponsors: Senators Hise, Daniel, and Sanderson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 25, 2021

A BILL TO BE ENTITLED

AN ACT TO PERMIT STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE SCHOOL, OR HOME SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS PROGRAM IN A GIVEN SPORT OR PARTICULAR EXTRACURRICULAR ACTIVITY TO PARTICIPATE IN THAT ACTIVITY AT A PUBLIC HIGH SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12 reads as rewritten:

"§ 115C-12. Powers and duties of the Board generally.

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(23a) Permit Certain Students to Participate in Interscholastic Athletics Programs. – The State Board of Education shall adopt rules governing high school students who attend schools that do not have interscholastic athletics programs in any given sport as follows:

a. A public high school student may participate in the sport at the public high school closest to the student's school that has a program in that sport, subject to the terms and conditions applicable to a regularly enrolled member of that high school's student body, except that the high school may charge a reasonable fee for participation to a student who is not enrolled in the high school as established by the local board of education in accordance with G.S. 115C-47(6).

b. A private school or home school student may participate in the sport at the base public high school for the student's address, subject to the terms and conditions applicable to a regularly enrolled member of that high school's student body. If the student's base public high school does not have a program in that sport, the student may participate in the sport at the public high school closest to the student's base public high school that has a program in that sport, subject to the terms and conditions applicable to a regularly enrolled member of that high school's student body. In any of the circumstances under this sub-subdivision, the public high school may charge a reasonable fee for participation to a student who is not enrolled in the high school as



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1 established by the local board of education in accordance with
 2 G.S. 115C-47(6).

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4 **SECTION 2.** G.S. 115C-47 reads as rewritten:

5 **"§ 115C-47. Powers and duties generally.**

6 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
 7 shall have the power or duty:

8 ...

9 (4) To Regulate Extracurricular Activities. – Local boards of education shall
 10 make all rules and regulations necessary for the conducting of extracurricular
 11 activities in the schools under their supervision, including a program of
 12 athletics, where desired, without assuming liability therefor; provided, that all
 13 interscholastic athletic activities shall be conducted in accordance with rules
 14 and regulations prescribed by the State Board of Education. The local board
 15 of education's rules and regulations shall include that a high school student
 16 who attends a home school or private school that does not offer a particular
 17 extracurricular activity shall be permitted to participate in the extracurricular
 18 activity at the base public high school for the student's address or, if the base
 19 school does not offer the activity, at the public high school offering that
 20 activity closest to the student's base public high school. A public high school
 21 student shall be permitted to participate in an extracurricular activity not
 22 offered at the student's school at a public high school offering the activity that
 23 is closest to the student's school. The terms and conditions applicable to a
 24 student regularly enrolled at the public high school shall also apply to students
 25 who participate in an extracurricular activity at the high school as provided by
 26 this subdivision, except that the public high school may charge a reasonable
 27 fee for participation to a student who is not enrolled in the high school as
 28 established by the local board of education in accordance with subdivision (6)
 29 of this section.

30 ...

31 (6) To Regulate Fees, Charges and Solicitations. – Local boards of education shall
 32 adopt rules and regulations governing solicitations of, sales to, and
 33 fund-raising activities conducted by, the students and faculty members in
 34 schools under their jurisdiction, and no fees, charges, or costs shall be
 35 collected from students and school personnel without approval of the board of
 36 education as recorded in the minutes of said board; provided, this subdivision
 37 shall not apply to such textbooks fees as are determined and established by the
 38 State Board of Education. The local board of education shall publish a
 39 schedule of fees, charges, and solicitations approved by the local ~~board~~ board,
 40 including fees established to allow students not enrolled in a particular public
 41 high school to participate in sports and other extracurricular activities, on the
 42 local school administrative unit's Web site by October 15 of each school year
 43 and, if the schedule is subsequently revised, within 30 days following the
 44 revision.

45"

46 **SECTION 3.** This act is effective when it becomes law and applies beginning with
 47 the 2021-2022 school year.