

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**SENATE BILL 52
Second Edition Engrossed 3/7/23**

Short Title: Open Meetings/Administering Organizations. (Public)

Sponsors: Senators Sawyer, Johnson, and McInnis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 2, 2023

A BILL TO BE ENTITLED

AN ACT TO GRANT THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE FINAL AUTHORITY FOR HIGH SCHOOL INTERSCHOLASTIC ATHLETIC ELIGIBILITY APPEALS, AND TO PROVIDE THAT AN ADMINISTERING ORGANIZATION AS DEFINED IN G.S. 115C-407.50 IS A PUBLIC BODY SUBJECT TO THE PROVISIONS OF THE OPEN MEETINGS LAW.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-407.55 reads as rewritten:

"§ **115C-407.55. Rules for high school interscholastic athletic activities.**

The State Board of Education shall adopt rules governing high school interscholastic athletic activities conducted by public school units that include the following:

...

(4) Appeals rules. – These rules shall establish an appeals process for enforcement of rules that provides for an independent appeals board, notice of the infraction and the appeals process to the party that receives the penalty, and an opportunity to be heard before the independent appeals board. The rules shall also provide for a process for appeal of the independent appeals board's decision on application of eligibility rules to the Superintendent of Public Instruction, who shall make a final decision in any such appeal.

...."

SECTION 1.(b) This section is effective when it becomes law, and applies beginning with the 2024-2025 school year. The State Board of Education shall adopt rules to implement this section consistent with the requirements of Section 1.2 of this act.

SECTION 1.2(a) Notwithstanding G.S. 115C-407.55(4), as enacted by this act, from January 1, 2023, through June 30, 2024, the Superintendent of Public Instruction shall 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, as follows:

- (1) Appeals may be made to the Superintendent by any party affected by the ruling, including the student and student's parent.
- (2) Appeals shall be made in a form specified by the Superintendent and shall state with specificity the grounds for requesting review.
- (3) The Superintendent shall accept appeals for review in the discretion of the Superintendent.



1 (4) The Superintendent shall review the record in each appeal, and may, in the
2 discretion of the Superintendent, allow the parties to the appeal the
3 opportunity to present additional evidence.

4 (5) The decision of the Superintendent shall be the final decision on that appeal.

5 **SECTION 1.2(b)** This section is effective when it becomes law, and applies to all
6 final decision made by the independent appeals board between January 1, 2023 and June 30,
7 2024.

8 **SECTION 1.5.** G.S. 115C-407.60 is amended by adding a new subsection to read:

9 "(c) An administering organization is a public body for the purposes of Article 33C of
10 Chapter 143 of the General Statutes."

11 **SECTION 2.** G.S. 143-318.10(b) reads as rewritten:

12 "(b) As used in this Article, "public body" means any elected or appointed authority,
13 board, commission, committee, council, or other body of the State, or of one or more counties,
14 cities, school administrative units, constituent institutions of The University of North Carolina,
15 or other political subdivisions or public corporations in the State that (i) is composed of two or
16 more members and (ii) exercises or is authorized to exercise a legislative, policy-making,
17 quasi-judicial, administrative, or advisory function. In addition, "public body" ~~means the~~ means
18 the following:

19 (1) The governing board of a "public hospital" as defined in G.S. 159-39 and the
20 G.S. 159-39.

21 (2) The governing board of any nonprofit corporation to which a hospital facility
22 has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such
23 nonprofit corporation, and any nonprofit corporation owning the corporation
24 to which the hospital facility has been sold or conveyed.

25 (3) An administering organization as defined in G.S. 115C-407.50(1)."

26 **SECTION 3.** This act is effective when it becomes law.