

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1410**

Short Title: Funds for Access to High School Sports. (Public)

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Sponsors: Senators Jacumin; and Tillman.

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Referred to: Education/Higher Education.

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May 26, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT HOME SCHOOL, CHARTER SCHOOL, AND PRIVATE SCHOOL  
3 STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS AND TO  
4 APPROPRIATE FUNDS FOR THAT PURPOSE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-12(23) reads as rewritten:

7 "**§ 115C-12. Powers and duties of the Board generally.**

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

12 ...

13 (23) Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. –  
14 The State Board of Education may adopt rules governing interscholastic  
15 athletic activities conducted by local boards of education, including  
16 eligibility for student participation. Students attending home schools or other  
17 nonpublic schools shall be permitted to participate in interscholastic athletic  
18 activities in accordance with the requirements of G.S. 115C-566.1; students  
19 attending charter schools shall be permitted to participate in interscholastic  
20 athletic activities in accordance with the requirements of  
21 G.S. 115C-238.29L. The State Board of Education may authorize a  
22 designated organization to apply and enforce the Board's rules governing  
23 participation in interscholastic athletic activities at the high school level."

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

25 "**§ 115C-47. Powers and duties generally.**

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

28 ...

29 (4) To Regulate Extracurricular Activities. – Local boards of education shall  
30 make all rules and regulations necessary for the conducting of  
31 extracurricular activities in the schools under their supervision, including a  
32 program of athletics, where desired, without assuming liability therefore;  
33 provided, that all interscholastic athletic activities shall be conducted in  
34 accordance with rules and regulations prescribed by the State Board of  
35 ~~Education.~~ Education, and that students attending home schools, other  
36 nonpublic schools, or charter schools shall be permitted to participate in



1 interscholastic athletic activities in accordance with the requirements of  
2 G.S. 115C-566.1 or G.S. 115C-238.29L, as appropriate."

3 **SECTION 3.** Article 39 of Chapter 115C of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 115C-566.1. Participation of home schooled and other nonpublic school students in**  
6 **interscholastic athletics.**

7 (a) Eligibility. – To be eligible to participate in interscholastic public school athletics, a  
8 home schooled or other nonpublic school student shall meet the residency criteria of  
9 G.S. 115C-366(1) and shall participate only at the school to which the student would be  
10 assigned by the local board of education if enrolled in public school.

11 (b) Compliance With Rules. – A home schooled or other nonpublic school student shall  
12 comply with all rules and regulations established by the local board of education and the State  
13 Board of Education, except that a home schooled or other nonpublic school student shall not be  
14 required to meet school enrollment requirements. The home schooled or other nonpublic school  
15 student shall meet the same standards of acceptance, behavior, and performance as required of  
16 enrolled public school students participating in interscholastic athletics.

17 (c) Academic Progress. –

18 (1) Academic eligibility required for participation. – A student who has not met  
19 established academic eligibility requirements for athletic participation shall  
20 be ineligible to participate in interscholastic athletics until academic  
21 eligibility is established.

22 (2) Assessment of academic progress. – A student shall demonstrate any  
23 required academic eligibility in all subjects taken in the home school or other  
24 nonpublic school by a method of evaluation agreed upon by the parent or  
25 nonpublic school principal and the public school principal.

26 (d) Registration. – A home schooled or other nonpublic school student shall register  
27 with the school his or her intent to participate in interscholastic athletics before the beginning  
28 date of the season for the activity in which the student wishes to participate.

29 (e) Fees and Insurance. – A home schooled or other nonpublic school student shall be  
30 required to pay any fees for participation required of enrolled public school students and shall  
31 be required to purchase any supplemental insurance required of enrolled public school students  
32 or as reasonably established for participation of home schooled or other nonpublic school  
33 students."

34 **SECTION 4.** Chapter 115C of the General Statutes is amended by adding a new  
35 section to read:

36 **"§ 115C-238.29L. Participation of charter school students in interscholastic athletics.**

37 (a) Eligibility. – To be eligible to participate in interscholastic public school athletics, a  
38 charter school student shall meet the residency criteria of G.S. 115C-366(1) and shall  
39 participate only at the non-charter public school to which the student would be assigned by the  
40 local board of education if enrolled in a non-charter public school.

41 (b) Compliance With Rules. – A charter school student shall comply with all rules and  
42 regulations established by the local board of education and the State Board of Education,  
43 except that a charter school student shall not be required to meet school enrollment  
44 requirements. The charter student shall meet the same standards of acceptance, behavior, and  
45 performance as required of enrolled non-charter public school students participating in  
46 interscholastic athletics.

47 (c) Academic Progress. –

48 (1) Academic eligibility required for participation. – A student who has not met  
49 established academic eligibility requirements for athletic participation shall  
50 be ineligible to participate in interscholastic athletics until academic  
51 eligibility is established.

1           (2)   Assessment of academic progress. – A student shall demonstrate any  
2                   required academic eligibility in all subjects taken in the charter school by a  
3                   method of evaluation agreed upon by the principals of the charter school and  
4                   the non-charter public school.

5           (d)   Registration. – A charter school student shall register with the school his or her  
6                   intent to participate in interscholastic athletics before the beginning date of the season for the  
7                   activity in which the student wishes to participate.

8           (e)   Fees and Insurance. – A charter school student shall be required to pay any fees for  
9                   participation required of enrolled non-charter public school students and shall be required to  
10                  purchase any supplemental insurance required of enrolled non-charter public school students or  
11                  as reasonably established for participation of charter school students."

12                   **SECTION 5.** There is appropriated from the General Fund to the Department of  
13 Public Instruction the sum of twenty-five thousand dollars (\$25,000) for the 2010-2011 fiscal  
14 year. The Department shall use these funds to assist local boards of education in complying  
15 with the provisions of this act.

16                   **SECTION 6.** Section 5 of this act becomes effective July 1, 2010. The remainder  
17 of this act is effective when it becomes law and applies beginning with the 2010-2011 school  
18 year.