

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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SENATE BILL 541

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

April 3, 2019

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



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

3 "§ 115C-47. Powers and duties generally.

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

6 ...

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

28 ...

29 (6) To Regulate Fees, Charges and Solicitations. – Local boards of education shall
30 adopt rules and regulations governing solicitations of, sales to, and
31 fund-raising activities conducted by, the students and faculty members in
32 schools under their jurisdiction, and no fees, charges, or costs shall be
33 collected from students and school personnel without approval of the board of
34 education as recorded in the minutes of said board; provided, this subdivision
35 shall not apply to such textbooks fees as are determined and established by the
36 State Board of Education. All schedules of fees, charges and solicitations
37 approved by local boards of ~~education~~ education, including fees established
38 to allow students not enrolled in a particular public high school to participate
39 in sports and other extracurricular activities, shall be reported to the
40 Superintendent of Public Instruction.

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42 SECTION 3. This act is effective when it becomes law and applies beginning with
43 the 2019-2020 school year.