

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS35218-TC-35

Short Title: School Athletic Transparency. (Public)

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

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE OVERSIGHT OF HIGH SCHOOL INTERSCHOLASTIC ATHLETICS.  
3 The General Assembly of North Carolina enacts:

4  
5 **PART I. REVISE OVERSIGHT OF HIGH SCHOOL INTERSCHOLASTIC**  
6 **ATHLETICS**

7 **SECTION 1.(a)** Article 29E of Chapter 115C of the General Statutes reads as  
8 rewritten:

9 "Article 29E.

10 "High School Interscholastic Athletic Activities.

11 "Part 1. Definitions.

12 "**§ 115C-407.50. Definitions.**

13 The following definitions apply in this Article:

14 (1) Administering organization. – A nonprofit organization that has entered into  
15 and is in compliance with a memorandum of understanding with the State  
16 Board of Education to administer and enforce the adopted rules and  
17 requirements of this Article for interscholastic athletic activities at the high  
18 school level.

19 ...

20 (6) Parent. – The parent or legal guardian of a student participating or seeking to  
21 participate in interscholastic athletic activities.

22 (7) Participating school. – A high school that elects to offer interscholastic athletic  
23 activities.

24 "Part 2. Oversight of Interscholastic Athletic Activities.

25 "**§ 115C-407.55. Rules for high school interscholastic athletic activities.**

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

28 (1) Student participation rules. – These rules shall govern student eligibility to  
29 participate in interscholastic athletic ~~activities and activities.~~ The adoption of  
30 these rules shall not be delegated to an administering organization. The rules  
31 shall include, at a minimum, the following:

32 a. ~~academic standards,~~ Academic standards.

33 b. ~~enrollment—Enrollment and transfer requirements,—requirements,~~  
34 including the following:

35 1. A student who is not domiciled in a local school administrative  
36 unit but enrolls in that unit pursuant to G.S. 115C-366(d) shall



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- 1 not be eligible to participate in interscholastic athletic activities  
 2 in that unit if the student's enrollment in that unit is solely for  
 3 athletic participation purposes. A student determined to be  
 4 ineligible under this sub-sub-subdivision shall be ineligible to  
 5 participate in postseason play for one year following discovery  
 6 of the violation.
- 7 2. A student who receives priority enrollment as the child of a  
 8 full-time employee of a charter school pursuant to  
 9 G.S. 115C-218.45(f)(3) shall not be eligible to participate in  
 10 interscholastic athletics for that charter school if the Office of  
 11 Charter Schools determines that the parent's enrollment was a  
 12 fraudulent basis for the student's priority enrollment. A student  
 13 determined to be ineligible under this sub-sub-subdivision  
 14 shall be ineligible to participate in postseason play for one year  
 15 following discovery of the violation.
- 16 c. ~~attendance requirements.~~ Attendance requirements.  
 17 d. ~~medical-Medical eligibility requirements, requirements.~~  
 18 e. Biological participation requirements. The rule shall require at least  
 19 the following:
- 20 1. Interscholastic teams or sports shall be designated as one of the  
 21 following based on biological sex:
- 22 I. Males, men, or boys.  
 23 II. Females, women, or girls.  
 24 III. Coed or mixed.
- 25 2. Interscholastic athletic activities designated for females,  
 26 women, or girls shall not be open to students of the male sex.  
 27 3. Sex shall be recognized based solely on a person's reproductive  
 28 biology and genetics at birth.
- 29 f. ~~recruiting limitations.~~ Recruiting limitations.  
 30 g. ~~and hardship exceptions.~~ Hardship exceptions.
- 31 (2) Student health and safety rules. – These rules shall govern requirements to  
 32 ensure student health and safety during participation in interscholastic athletic  
 33 activities, including rules related to concussions and emergency action plans  
 34 as required by ~~G.S. 115C-12(23).~~G.S. 115C-407.57 and G.S. 115C-407.58.  
 35 The adoption of these rules shall not be delegated to an administering  
 36 organization.
- 37 (3) Penalty rules. – These rules shall establish a system of demerits for infractions  
 38 of ~~student participation rules and gameplay rules~~ which may result in  
 39 reprimands, probations, suspensions, forfeitures of contests, forfeitures of  
 40 titles, and ~~disqualifications.~~ disqualifications but shall not result in monetary  
 41 penalties of any kind. The State Board may by rule delegate the authority to  
 42 establish all or a portion of the penalty rules to an administering organization.
- 43 (4) Appeals rules. – These rules shall establish an appeals process that provides  
 44 due process to students, parents, and participating schools for enforcement of  
 45 rules that provides for rules. The adoption of these rules may not be delegated  
 46 to an administering organization. The rules shall require the following:
- 47 a. The Superintendent of Public Instruction shall appoint an independent  
 48 appeals ~~board,~~ board.
- 49 b. ~~notice~~ Notice of the infraction and the appeals process shall be  
 50 provided to the party that receives the ~~penalty,~~ penalty.

- 1                   c.     ~~and an~~An opportunity to be heard before the independent appeals  
2                   board.board shall be given to the entity that receives the penalty.
- 3                   d.     A student and that student's parent shall be allowed to appeal a penalty  
4                   resulting from the application of any rule that restricts an individual  
5                   student from participating in a season, game, or series of games, and  
6                   shall be provided a written copy of the rule that is the basis for the  
7                   penalty.
- 8                   (5)   Administrative rules. – These rules shall govern classifications of schools into  
9                   divisions and conferences, administration of games, and requirements for  
10                  coaching, officiating, sportsmanship, and scheduling of seasons. The State  
11                  Board may by rule delegate the authority to establish all or a portion of the  
12                  administrative rules to an administering organization. At a minimum,  
13                  administrative rules shall require the following:
- 14                  a.     Classification of all participating schools in the State into one of four  
15                  athletic divisions based solely on average daily membership. For  
16                  charter or nonpublic schools, the rules shall classify those schools into  
17                  the next largest conference than the school would be assigned to based  
18                  solely on average daily membership.
- 19                  b.     Classification of all participating schools in the State into conferences  
20                  based solely on geography, division classification, and average daily  
21                  membership.
- 22                  (6)   Gameplay rules. – These rules shall be adopted in accordance with the  
23                  requirements of the governing organization for each sport, including the  
24                  requirements of the National Federation of State High School Associations.  
25                  The State Board may by rule delegate the authority to establish all or a portion  
26                  of the gameplay rules to an administering organization.
- 27                  (7)   Fees. – These rules shall establish the fees and other amounts that may be  
28                  charged to a participating school for participation in interscholastic athletic  
29                  activities. ~~The State Board may by rule delegate the authority to establish all~~  
30                  ~~or a portion of the fees to an administering organization.~~ The adoption of these  
31                  rules shall not be delegated to an administering organization.
- 32                  (8)   Administering organization rules. – These rules shall require that to be  
33                  designated as an administering organization, a nonprofit must enter into and  
34                  remain compliant with a memorandum of understanding with the State Board.  
35                  The adoption of these rules shall not be delegated to an administering  
36                  organization. The rules shall also require the following:
- 37                  a.     The State Board may, by majority vote, invalidate any rule or  
38                  regulation adopted by the administering organization.
- 39                  b.     The administering organization be audited annually by a reputable  
40                  independent auditing firm, engage in open meetings as set out in the  
41                  memorandum of understanding, and provide the State Board access to  
42                  records of the administering organization, including financial  
43                  information, annual audit reports, and any matters related to or  
44                  impacting participating schools.
- 45                  c.     The administering organization shall enter into written agreements  
46                  with each participating school.
- 47                  d.     The memorandum of understanding shall incorporate by reference any  
48                  subsequent changes to rules or statutes made after the parties enter into  
49                  the memorandum.
- 50                  (9)   Reporting rules. – These rules shall establish a process for reporting issues or  
51                  concerns related to the administration of interscholastic athletic

1 ~~activities.~~activities, including intimidation or harassment of the participating  
2 school or its employees or students by an administering organization. The  
3 adoption of these rules may not be delegated to an administering organization.

4 "Part 3. Memorandum of Understanding.

5 **"§ 115C-407.60. Administration and enforcement of high school interscholastic athletic**  
6 **activity rules.**

7 (a) ~~The State Board of Education~~ Superintendent of Public Instruction may enter into a  
8 memorandum of understanding for a term of four years with one or more nonprofit organizations  
9 to administer and enforce the requirements of this Article and the rules adopted by the State  
10 Board for interscholastic athletic activities at the high school level. A memorandum of  
11 understanding shall include the requirements of G.S. 115C-407.61 and shall comply with the  
12 requirements of this Article. If the State Board by rule delegates the authority to establish certain  
13 rules to an administering organization, as provided in G.S. 115C-407.55, the administering  
14 organization shall not be required to comply with the requirements of Chapter 150B of the  
15 General Statutes in establishing those rules.

16 (a1) The State Auditor is authorized to conduct audits of any administering organization  
17 in the same manner as for State agencies in accordance with Article 5A of Chapter 147 of the  
18 General Statutes, if the State Auditor deems an audit necessary.

19 (b) If the ~~State Board~~ Superintendent is unable to enter into a memorandum of  
20 understanding, the State Board shall assign the administration of high school interscholastic  
21 athletic activities to the ~~Department~~ Superintendent of Public Instruction and establish fees  
22 sufficient to support the administration of the program.

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

25 **"§ 115C-407.61. Memorandum of understanding requirements.**

26 (a) If the Superintendent of Public Instruction enters into a memorandum of  
27 understanding with a nonprofit organization as provided in G.S. 115C-407.60, the memorandum  
28 shall require that organization to do the following in accordance with the requirements of this  
29 Article to maintain the authority to administer and enforce the requirements for high school  
30 interscholastic athletic activities:

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

32 (2) If delegated by the State Board, adopt, apply, enforce, and administer  
33 administrative rules, gameplay rules, and penalty rules. A rule shall not be  
34 adopted by an administering organization until the organization has provided  
35 for publication of the proposed rule on the organization's website and provided  
36 the opportunity to the public for notice and comment on the rule. All adopted  
37 rules shall be provided within 15 days to the Superintendent for review. If the  
38 Superintendent determines that the rule adopted by an administering  
39 organization is unenforceable, the Superintendent shall notify the State Board  
40 and the administering organization shall not enforce the rule. Upon notice  
41 from the Superintendent, the State Board may either require the administering  
42 organization to revise the rule and resubmit it to the Superintendent or may  
43 rescind the delegation of authority and adopt a rule by emergency rule.

44 (3) Make publicly available at no cost on the administering organization's website  
45 the following:

46 a. The organization's handbook for participating schools.

47 b. All student participation rules.

48 c. All gameplay rules.

49 d. Information on the appeals process, including specific information on  
50 how to make an appeal.

- 1           (4)   Agree to adopt requirements for membership of the nonprofit board that  
2           require equal representation on the board from each educational district  
3           established as provided in G.S. 115C-65.
- 4           (5)   Adopt an ethics policy that requires board members to avoid conflicts of  
5           interest and the appearance of impropriety.
- 6           (6)   Agree to adopt procedures for its operations that are comparable to those of  
7           Chapter 132 of the General Statutes, the Public Records Law, and provide for  
8           enforcement by the Superintendent. The procedures may provide for the  
9           confidentiality of personnel files comparable to Article 7 of Chapter 126 of  
10           the General Statutes.
- 11          (7)   Apply the standards established by the federal Family Educational Rights and  
12           Privacy Act, 20 U.S.C. § 1232g, to all student records containing personally  
13           identifiable information in the possession of the administering organization.  
14           The administering organization shall be authorized to display and share  
15           student information designated by a participating school as directory  
16           information unless the participating school indicates that a parent has opted  
17           out of disclosure of that information. Other than directory information, all  
18           student records containing personally identifiable information held by the  
19           administering organization are not public records and should not be released  
20           under procedures adopted in accordance with subdivision (6) of this  
21           subsection.
- 22          (8)   Enter into contracts with participating schools as to the monetary requirements  
23           for participation, including the payment of reasonable annual fees by  
24           participating schools as needed to support the duties of the administering  
25           association. Annual fees may vary based on the division to which the school  
26           is assigned. All fees shall be in compliance with the State Board's fee rules.
- 27          (9)   Agree to reduce annual fees to participating schools by a minimum of twenty  
28           percent (20%) when the total fund balance for the administering organization  
29           is two hundred fifty percent (250%) of the administering organization's total  
30           expenses from the prior fiscal year. The administering organization may  
31           increase annual fees to participating schools, consistent with the State Board's  
32           rules on fees, when the total fund balance is one hundred fifty percent (150%)  
33           of the organization's total expenses from the prior fiscal year.
- 34          (10)   Agree to retain no more than thirty-three percent (33%) of the net proceeds of  
35           any State tournament game.
- 36          (11)   Agree to be audited annually by a reputable independent auditing firm and to  
37           be audited by the State Auditor pursuant to Article 5A of Chapter 147 of the  
38           General Statutes, if the State Auditor deems an audit necessary.
- 39          (12)   Agree to not engage in any of the following activities:
- 40           a.    Solicit grant funding and sponsorships from third-party organizations,  
41            other than for State tournament games.
- 42           b.    Provide grants to schools regulated by the administering organization.
- 43           c.    Provide scholarships to players, except when funded by  
44            donor-directed funds.
- 45           d.    Designate the use of specific or preferred vendors or require the use of  
46            any single-source or vendor specific contracts.
- 47           e.    Retain a percentage of gate receipts for games other than State  
48            tournament games.
- 49           f.    Regulate or control the intellectual property of schools, including team  
50            logos, mascots, and audio or video of any game other than the State  
51            tournament games.

- 1                   g.     Restrict the recording of audio or video at a State tournament game by  
2                   any parent of a student participating in the game or any employee of  
3                   the school participating in the game.
- 4                   h.     Retain any portion of receipts collected from ticket sales, concessions,  
5                   or sale of merchandise by a participating school.
- 6                   i.     Retaliate against participating schools, or the employees or students of  
7                   those schools, for reporting to the administering organization, the State  
8                   Board, or any other government entity on any of the following topics.  
9                   For the purposes of this sub-subdivision, "retaliate" does not include  
10                  the application of a penalty rule that is appealable to an independent  
11                  appeals board.
- 12                  1.     Violations of laws or rules.  
13                  2.     Fraud.  
14                  3.     Misappropriation of resources.  
15                  4.     Substantial and specific danger to student or employee health  
16                  and safety.  
17                  5.     Gross mismanagement or abuse of authority.
- 18                  j.     Prohibit or restrict a participating school from scheduling a  
19                  nonconference game during the regular season or take any portion of  
20                  ticket seasons from those games.
- 21                  (13) Report annually by December 1 to the Superintendent of Public Instruction  
22                  and the State Board of Education on the following:
- 23                  a.     Activities during the prior school year and recommendations and  
24                  findings regarding improvement of high school interscholastic  
25                  athletics.
- 26                  b.     A copy of both the most recent annual audit conducted by the  
27                  independent auditing firm and any audit conducted by the State  
28                  Auditor.
- 29                  c.     A schedule of current fees charged to participating schools.  
30                  d.     The amount of fees and gate receipts collected.  
31                  e.     The current fund balance for the administering organization.

32                  (b) The Superintendent may terminate any memorandum of understanding for  
33                  noncompliance with this Article or the terms of the memorandum of understanding. In the event  
34                  of termination of a memorandum of understanding, the nonprofit organization shall return to each  
35                  participating school a pro rata share of the funds paid by that school for the year as provided in  
36                  the participating school's contract with the organization.

37                  "Part 4. Public School Unit Conduct of Interscholastic Athletic Activities.

38                  "**§ 115C-407.65. Conduct of high school interscholastic athletic activities by public school**  
39                  **units.**

40                  (a) All public school units with participating schools shall conduct high school  
41 interscholastic athletic activities in accordance with the rules adopted by the State Board of  
42 Education and as administered and enforced by either an administering organization that is in  
43 compliance with the memorandum of understanding or the ~~Department~~ Superintendent of Public  
44 Instruction. Public school units shall not be regulated by any other entities for regular and  
45 postseason high school interscholastic athletics.

46                  (b) Participating schools shall purchase catastrophic insurance for high school  
47 interscholastic athletic activities as provided in Part 2 of Article 31A of Chapter 58 of the General  
48 Statutes.

49                  "**§ 115C-407.70. Middle school interscholastic athletic activities.**

50                  (a) The State Board of Education shall adopt rules governing middle school  
51                  interscholastic athletic activities conducted by public school units consistent with the

1 requirements of G.S.115C-407.55 for student participation rules, student health and safety rules,  
 2 penalty rules, appeals rules, administrative rules, gameplay rules, fee rules, and reporting rules.

3 (b) The rules adopted by the State Board of Education for interscholastic athletic  
 4 activities at the middle school level shall be administered by the Superintendent of Public  
 5 Instruction.

6 (c) All public school units with schools that participate in middle school interscholastic  
 7 athletics shall conduct middle school interscholastic athletic activities in accordance with the  
 8 rules adopted by the State Board of Education and as administered and enforced by the  
 9 Superintendent of Public Instruction.

10 "Part 5. Public School Unit Reports.

11 "§ 115C-407.75. Public school units annual interscholastic athletic reports.

12 (a) Each public school unit with one or more participating schools shall annually report  
 13 by June 15 the following information to the Superintendent of Public Instruction and the State  
 14 Board of Education:

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

17 a. Administering association fees.

18 b. Salaries or stipends for coaches and faculties for duties associated  
 19 solely with interscholastic athletics.

20 c. Capital costs, including new construction, repair and renovation, and  
 21 maintenance costs for existing athletic facilities.

22 d. Uniform and equipment costs.

23 e. Travel and transportation costs.

24 f. Officiating costs.

25 g. Other identified costs.

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

29 a. Gate receipts.

30 b. Concession sales.

31 c. Merchandise sales or sales of items directly related to interscholastic  
 32 athletics, including apparel and audiovisual materials.

33 d. Student fees.

34 e. Monetary and in-kind contributions from third-party organizations.

35 f. State or local funding expended on capital costs for athletic facilities.

36 g. Other identified sources of funds.

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

40 **SECTION 1.(b)** G.S. 143-318.10(b) reads as rewritten:

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

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

50 (2) The governing board of any nonprofit corporation to which a hospital facility  
 51 has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such

1 nonprofit corporation, and any nonprofit corporation owning the corporation  
2 to which the hospital facility has been sold or conveyed.

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

4 **SECTION 1.(c)** In accordance with the requirement that the memorandum of  
5 understanding incorporate by reference subsequent changes to statutes made after the parties  
6 enter into the memorandum of understanding, the Superintendent of Public Instruction shall be  
7 substituted for the State Board of Education in any memorandum of understanding existing as of  
8 the date this act becomes law.

9  
10 **PART II. RECODIFICATION AND REORGANIZATION OF CURRENT**  
11 **INTERSCHOLASTIC ATHLETICS STATUTES**

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

13 "(23) Power to Adopt Rules for Interscholastic Athletic Activities. – The State  
14 Board of Education shall adopt rules governing interscholastic athletic  
15 activities conducted by ~~local boards of education, public school units,~~  
16 including eligibility for student participation, in accordance with ~~this~~  
17 ~~subdivision and~~ Article 29E of this Chapter. ~~With regard to middle schools~~  
18 ~~and high schools, the rules shall provide for the following:~~

19 a. ~~All coaches, school nurses, athletic directors, first responders,~~  
20 ~~volunteers, students who participate in interscholastic athletic~~  
21 ~~activities, and the parents of those students shall receive, on an annual~~  
22 ~~basis, a concussion and head injury information sheet. School~~  
23 ~~employees, first responders, volunteers, and students must sign the~~  
24 ~~sheet and return it to the coach before they can participate in~~  
25 ~~interscholastic athletic activities, including tryouts, practices, or~~  
26 ~~competition. Parents must sign the sheet and return it to the coach~~  
27 ~~before their children can participate in any such interscholastic athletic~~  
28 ~~activities. The signed sheets shall be maintained in accordance with~~  
29 ~~sub-subdivision d. of this subdivision.~~

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

34 b. ~~If a student participating in an interscholastic athletic activity exhibits~~  
35 ~~signs or symptoms consistent with concussion, the student shall be~~  
36 ~~removed from the activity at that time and shall not be allowed to~~  
37 ~~return to play or practice that day. The student shall not return to play~~  
38 ~~or practice on a subsequent day until the student is evaluated by and~~  
39 ~~receives written clearance for such participation from (i) a physician~~  
40 ~~licensed under Article 1 of Chapter 90 of the General Statutes with~~  
41 ~~training in concussion management, (ii) a neuropsychologist licensed~~  
42 ~~under Article 18A of Chapter 90 of the General Statutes with training~~  
43 ~~in concussion management and working in consultation with a~~  
44 ~~physician licensed under Article 1 of Chapter 90 of the General~~  
45 ~~Statutes, (iii) an athletic trainer licensed under Article 34 of Chapter~~  
46 ~~90 of the General Statutes, (iv) a physician assistant, consistent with~~  
47 ~~the limitations of G.S. 90-18.1, or (v) a nurse practitioner, consistent~~  
48 ~~with the limitations of G.S. 90-18.2.~~

49 e. ~~Each school shall develop a venue specific emergency action plan to~~  
50 ~~deal with serious injuries and acute medical conditions in which the~~  
51 ~~condition of the patient may deteriorate rapidly. The plan shall include~~



~~a delineation of roles, methods of communication, available emergency equipment, and access to and plan for emergency transport. This plan must be (i) in writing, (ii) reviewed by an athletic trainer licensed in North Carolina, (iii) approved by the principal of the school, (iv) distributed to all appropriate personnel, (v) posted conspicuously at all venues, and (vi) reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.~~

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

**SECTION 2.(b)** Part 2 of Article 29E of Chapter 115C of the General Statutes, as enacted by this act, is amended by adding a new section to read:

**"§ 115C-407.57. Rules on concussions and head injuries.**

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

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

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

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

a. A physician licensed under Article 1 of Chapter 90 of the General Statutes with training in concussion management.

b. A neuropsychologist licensed under Article 18A of Chapter 90 of the General Statutes with training in concussion management and working in consultation with a physician licensed under Article 1 of Chapter 90 of the General Statutes.

c. An athletic trainer licensed under Article 34 of Chapter 90 of the General Statutes.

d. A physician assistant, consistent with the limitations of G.S. 90-18.1.

e. A nurse practitioner, consistent with the limitations of G.S. 90-18.2.

(c) Each middle and high school shall maintain complete and accurate records of its compliance with the requirements of this section."

**SECTION 2.(c)** Part 2 of Article 29E of Chapter 115C of the General Statutes, as enacted by this act, is amended by adding a new section to read:

**"§ 115C-407.58. Emergency action plans.**

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

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

8             (1)     In writing.

9             (2)     Reviewed by an athletic trainer licensed in North Carolina.

10            (3)     Approved by the principal of the school.

11            (4)     Distributed to all appropriate personnel.

12            (5)     Posted conspicuously at all venues.

13            (6)     Reviewed and rehearsed annually by all licensed athletic trainers, first  
14 responders, coaches, school nurses, athletic directors, and volunteers for  
15 interscholastic athletic activities."

### 17 **PART III. IMPLEMENTATION**

18       **SECTION 3.(a)** The State Board of Education shall review and adopt new or revised  
19 emergency rules on interscholastic athletics for use in the 2023-2024 school year in accordance  
20 with the requirements of Article 29E of Chapter 115C of the General Statutes, as enacted by this  
21 act, no later than August 1, 2023. Notwithstanding G.S. 150B-21.1A, no findings of need shall  
22 be required for an emergency rule adopted for the 2023-2024 school year, an emergency rule  
23 adopted as provided in this subsection shall be effective until June 30, 2024, and the State Board  
24 of Education shall not be required to adopt temporary rules to replace an emergency rule for use  
25 in the 2023-2024 school year. The State Board shall submit all emergency rules in accordance  
26 with the requirements in 26 NCAC 02C.

27       **SECTION 3.(b)** The State Board of Education shall adopt new or revised permanent  
28 rules for use beginning with the 2024-2025 school year and thereafter.

29       **SECTION 3.(c)** The Superintendent of Public Instruction, in consultation with any  
30 administering organization, shall study and make findings and recommendations on the  
31 following issues and report on its findings and recommendations to the Joint Legislative  
32 Education Oversight Committee by April 1, 2024:

33             (1)     Whether an administering organization should be responsible for overseeing  
34 the conduct of middle school interscholastic athletics for public school units.  
35 The Superintendent shall include in the deliberations an examination of the  
36 potential costs to public school units for oversight of middle school  
37 interscholastic athletics by an administering organization. The Superintendent  
38 shall establish workgroups of athletic directors, principals, and coaches  
39 employed by schools serving students in grades six through eight and parents  
40 of students in grades six through eight to provide input on this  
41 recommendation.

42             (2)     Factors that should be considered in (i) home school students' participation in  
43 interscholastic athletics, including how to address insurance and liability  
44 issues for those students while participating in interscholastic athletics, (ii)  
45 cooperative innovative high school students' participation in interscholastic  
46 athletics, and (iii) nonpublic schools. The Superintendent shall establish  
47 workgroups of athletic directors, principals, and parents of students in home  
48 schools, cooperative innovative high schools, and nonpublic schools to  
49 provide input on this recommendation.

50       **SECTION 3.(d)** Notwithstanding the requirements of G.S. 115C-407.75, as enacted  
51 by this act, all public school units shall submit the first annual interscholastic athletic report to

1 the Superintendent of Public Instruction and the State Board of Education no later than July 15,  
2 2024, and shall include data from the 2019-2020, 2020-2021, 2021-2022, 2022-2023, and  
3 2023-2024 school years.

4 **SECTION 3.(e)** This act is effective when it becomes law. Sections 1 and 2 of this  
5 act apply beginning with the 2023-2024 school year and thereafter.