

New issue of fair play, equity comes to light with NCHSAA

J.J. SMITH "In this corner" column Apr 3, 2019 Updated 18 hrs ago [0](#)

About this time three years ago, David Gentry wrote a letter to his fellow board members of the N.C. High School Athletic Association.

He ended it like this: "Overall, if fair play and equity are going to be listed among the core values of the NCHSAA, it's time we model that behavior by leveling the playing field."

Gentry's name carries plenty of weight. He is just seven wins away from breaking the state's all-time record for wins by a high school football coach – he currently has 406 career wins, trailing only Jack Holley (412) – and has led Murphy to eight state championships since 1983.

He was referring to action that needed to be taken when it comes to nontraditional schools in the state association, particularly when it comes to the smallest classification (1A).

Nontraditionals are defined as charter and magnet public schools and non-boarding parochial private schools located in metropolitan areas that don't necessarily adhere to strict district lines like traditional schools in rural, small towns.

These schools don't just win in some sports – they dominate, effectively eliminating any chance that a traditional program can even compete at the state championship level.

Three years later, the association is still dealing with this issue, and it's only gotten worse. But seemingly, out of nowhere, a new issue of fair play and equity has arisen.

Last week, Nick Stevens of HighSchoolOT.com reported on another letter – this one written to members of the state government.

Through its legal counsel, Haywood County Schools outlined its concerns over the policies and procedures of the NCHSAA.

The lawyers for Haywood County Schools pointed to the new alignment procedure that follows the 20-30-30-20 plan. The smallest 20 percent of schools go to the 1A classification, the next largest 30 percent go to the 2A classification, the next 30 percent to the 3A classification, and the largest 20 percent to the 4A classification.

The NCHSAA used to follow a 25-25-25-25 outline.

Haywood County has two schools in its district, Tuscola and Pisgah. According to the district, Tuscola is in an unfair position due to the new realignment procedure.

According to the letter, Pisgah is a 2A school with an average daily membership of 990, while Tuscola is a 3A school with an even smaller average daily membership of 974.

Tuscola is the smallest school in the Mountain Athletic Conference. North Henderson is the second smallest school in the league with an average daily membership of 1,066. The largest school is T.C. Roberson with an average daily membership of 1,644 – a total of 670 more students than Tuscola and a total that gives it a larger average

daily membership than 11 schools in the 4A classification.

“Specifically, our concern is that the manner, policies and procedures of the NCHSAA are having an adverse effect upon Tuscola High School in Haywood County, and in all probability, other schools across the state,” the letter reads. “The unfairness of the current alignment for competition is ‘self-evident.’ ”

The letter pointed out that statewide there are 13 other 2A schools larger than 3A Tuscola.

The district lawyers argue that association members made the realignment change without a formal voting process with recorded written votes.

Instead, at local and regional meetings, the association asked for a show of hands. No votes were tabulated. Tuscola and many other schools objected to the unfairness and inequity caused by this arbitrary classification. The lawyers question whether the entire membership across the state voted in favor of this change.

The change was made for the current realignment and voted on and approved by the NCHSAA Board of Directors.

Haywood County Schools’ concern is around a lack of an opportunity to appeal what it calls a lack of due process.

Tuscola has appealed twice to have its classification reconsidered and been denied by the NCHSAA on both occasions. A fact-to-face meeting with NCHSAA Commissioner Que Tucker was also denied, as was a procedure to file a formal grievance.

On Thursday, Tucker responded in a written statement.

"Since 1913, the North Carolina High School Athletic Association has served public and non-boarding parochial schools in our state," the statement read. "To this day, the association continues to work closely with the State Board of Education and Department of Public Instruction, partnering together to enrich the educational experiences of young people, particularly our student-athletes, through education-based athletics. It is disappointing when a local education agency (LEA), or even a member school, does not understand the history of the association and its close working relationship with the State Board of Education."

The NCHSAA was founded under the UNC system umbrella, but in 2010, it became a private nonprofit entity. Haywood County Schools questioned if the NCHSAAA has legal authority over its member schools on behalf of the state government given its private status.



"While the NCHSAA may maintain they are a private, nonprofit association, not held to the same requirements and standards for

government entities ensuring that decisions are not made in an arbitrary and capricious manner, and with due process protection; we firmly disagree ...” the letter from Haywood County Schools states.

They may have started something with this letter.

And this brings us back to the nontraditional issue.

The 20-30-30-20 realignment has shrunk the 1A classification and made nontraditional schools a larger share of 1A. And this means the smaller traditional 2A programs in the state are getting crushed playing up a division because small-enrollment charter schools have pushed them up.

They have a beef as well.

Even if the association moves back to the 25-25-25-25 realignment, small charters are going to continue to push smaller traditional programs up to the 2A classification. This problem will only continue in the future.

According to T. Keung Hui of the News and Observer, the number of charter schools in North Carolina has nearly doubled since a state cap was lifted in 2011, prompting a debate about whether it’s time to put a new limit on these nontraditional public schools.

The first group of 34 charter schools in North Carolina opened in 1997. Growth was slow until the new Republican majority in the state legislature lifted the 100-school limit in 2011. There are now 184 charter schools statewide with the number potentially rising to more than 200 schools this fall.

More and more of those schools will likely become members of the NCHSAA.

The NCHSAA is exploring ways to remedy the problem of nontraditionalists winning state championships at an alarming rate. This would make traditional 1A programs happy and solve one problem.

But smaller 2A programs, now and in the future, may be the next group to challenge what is going on when it comes to fair play and equity in the NCHSAA.

(Send comments or questions to jj@thenewstimes.com or follow him on Twitter @jjsmithccnt.)