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New version of HB 91 released, NCHSAA Board of Directors will not oppose it

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By Nick Stevens, HighSchoolOT managing editor

RALEIGH, N.C. — [A new version of House Bill 91](#) was released on Tuesday afternoon during a State Senate session and the N.C. High School Athletic Association Board of Directors says it will not oppose the new bill.

After previous versions of HB 91 sought to abolish the N.C. High School Athletic Association and replace it with a government-run agency, the new bill would require the State Board of Education to adopt rules around high school sports. Once rules are adopted, the board can delegate day-to-day operations of high school

sports to one or more non-profit organization, such as the NCHSAA.

HB 91: Accountability and Fair Play in Athletics (Nov. 16, 2021)

The bill would require the State Board of Education to adopt rules around the following topics:

- **Student participation rules:** Eligibility, academic standards, enrollment requirements, transfers, attendance, medical eligibility, recruiting, and hardships.
- **Student health & safety rules:** Rules regarding safety of athletes during participation, including concussions and emergency action plans.
- **Penalty rules:** Create a system of demerits for rules violations. Consequences can include reprimands, probation, suspensions, forfeitures, vacated titles, and disqualifications. The State Board can delegate the authority to establish penalties to an administering organization.

- **Appeals rules:** Appeals process using independent appeals board.
- **Administrative rules:** Govern the classification of schools into divisions and conferences, administration of games, and requirements for coaching, officiating, sportsmanship, and scheduling of seasons. The State Board can delegate these rules to an administering organization.
- **Gameplay rules:** Rules in accordance with governing organizations for sports, including the NFHS. The State Board can delegate these rules to an administering organization.
- **Fees:** Establish fees and other amounts that can be charged to participating schools. The State Board can delegate these rules to an administering organization.
- **Administering organization rules:** To administer high school sports in North Carolina, a non-profit must enter into a memorandum of understanding with the State Board of Education and require:
 - The State Board may, by majority vote, invalidate any rule or regulation adopted by the administering

organization.

The administering organization must be audited annually, engage in open meetings, provide records to the State Board.

The administering organization shall enter into written agreements with each participating school.

The memorandum of understanding shall incorporate by reference any changes to rules or statutes made after the parties enter into the agreement.

- **Reporting rules:** Create a process for reporting issues or concerns about the administration of high school sports.

Once State Board of Education adopts rules, it may enter into a memorandum of understanding with one or more non-profit organizations for a term of four years. The State Auditor will have the authority to audit any non-profit that enters into an agreement with the State Board of Education. The State Board of Education will have the authority to abolish any rules adopted by a non-profit organization by a simple majority vote.

HB 91 also moves the responsibility of providing catastrophic

insurance to the Commissioner of Insurance, but the premiums would be paid by participating schools.

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NCHSAA Board of Directors President Bobby Wilkins, the principal at Hendersonville High School, says the board still believes legislation is not necessary, but said the board will not oppose the new version of the bill.

"The revised legislation allows the State Board of Education to reach a memorandum of understanding with a designated

organization for that organization to administer high school athletics. The State Board of Education has assured the NCHSAA that it will work with the Association to reach a memorandum of understanding with the NCHSAA. Considering the changes to the legislation, and assurances that the State Board of Education will partner with the NCHSAA so that we can continue to serve our member schools, the Board of Directors of the NCHSAA does not oppose the passage of House Bill 91 as revised," [Wilkins said in a written statement.](#)

NCHSAA Board of Directors statement on new version of HB 91

"The NCHSAA remains committed to negotiating a memorandum of understanding with the State Board of Education that will support and promote the development of high school athletics in our state in a positive manner."

The new version of HB 91 is the result of work done by a conference committee after the original version was passed in the Senate and rejected by the House. The bill is a compromise after discussions between lawmakers, the governor's office, the state board of education, and representatives from the NCHSAA.

Because the new version of HB 91 is a conference report, it will only require a single vote in the Senate and House before it goes to Gov. Roy Cooper, who will have to decide to sign it into law or veto it. The Senate is scheduled to vote on the bill on Wednesday.



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