

HIGH SCHOOL SPORTS

# House passes new bill overnight that seeks to overhaul NCHSAA

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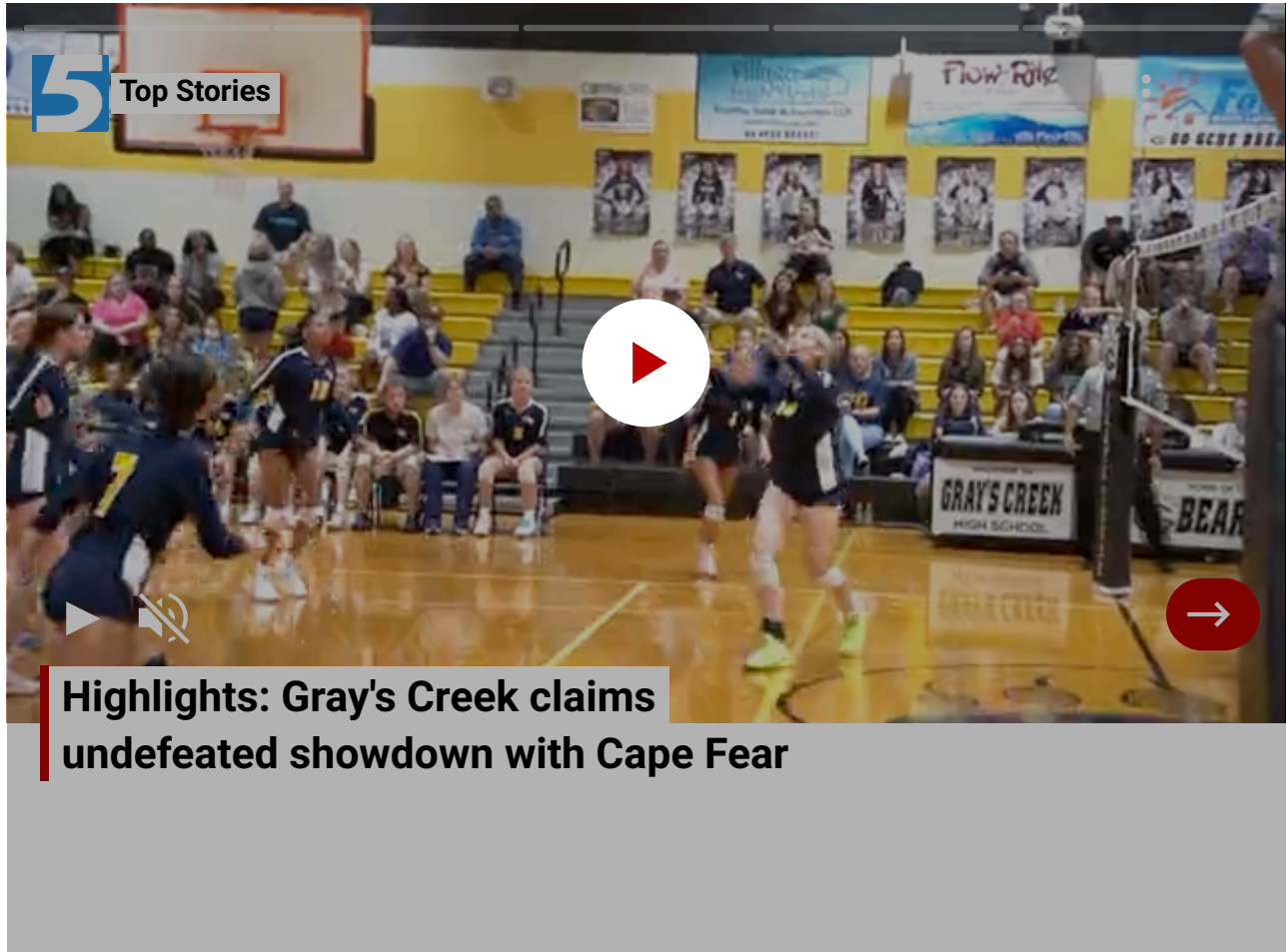
By **Nick Stevens**, HighSchoolOT managing editor



... of Representatives passed a new bill that targets the administration of high school sports in North Carolina.

If it becomes law, Senate Bill 452, which originally addressed insurance issues in the state, would take away much of the N.C. High School Athletic Association's authority and place it with the superintendent of public instruction and members of the North Carolina Board of Education — politically elected and appointed

positions. It could be taken up by the Senate as early as Friday morning.



The House passed SB 452 by a vote of 67-43. It was mostly along party lines, but two Democrats voted in favor of the bill – Rep. Shelly Willingham (D-Nash) and Rep. Michael H. Wray (D-Northampton).

Under the proposed legislation, all student participation rules would be set by the North Carolina Board of Education. These rules include academic standards, enrollment and transfer requirements, attendance requirements, medical eligibility requirements, "biological participation" requirements, recruiting limitations, hardship exceptions, and amateur status – which would include the ability for student-athletes to profit from their name, image, and likeness. None of these rules could be delegated to the NCHSAA.

In addition, the legislation lays out an appeals process that the NCHSAA would not be allowed to change. The superintendent of public instruction would be required to appoint an independent appeals board. When an infraction occurs, the person or entity who faces the penalty will have an opportunity to be heard by the appeals board. Individual students and their parents could initiate the appeals process.

"It gives a fair process, due process to be able to appeal that decision," said Rep. Destin Hall (R-Caldwell).

The board would also be responsible for rules around student health and safety, as well as determining the fees required for a school to participate in high school sports.

There are still some rules that the board could delegate to the NCHSAA if it chooses to, such as penalties for infractions. Penalties would not be allowed to include monetary fines though.

If the board chooses, it could allow the NCHSAA to make administrative rules about the number of classifications, divisions, and conference assignments; the administration of games; requirements for coaching, officiating, and sportsmanship; and the scheduling of seasons. The board would also have the

authority to delegate gameplay rules to the NCHSAA or the National Federation of State High School Associations, which is the national governing body of high school sports and sets gameplay rules nationally.

If the bill becomes law, it would go into effect for the 2024-2025 school year.

## **Changes to the agreement between the state & NCHSAA**

House Bill 91, [which was passed in 2021](#), required the NCHSAA to enter into a memorandum of understanding with the state Board of Education in order to continue administering high school sports in North Carolina. [That agreement was reached](#), and the two entities have completed one year of a four-year agreement.

The new legislation could change that agreement.

According to SB 452, the responsibility of entering into a memorandum of understanding with the NCHSAA would be taken from the board and placed with the state superintendent. If the superintendent is not able to reach an agreement with the NCHSAA or another organization, the superintendent would be in charge of administering high school athletics in the state.



## Legislators ask State Board of Education about implementation of new high school sports law

"Why does this bill give a lot more power to the superintendent of public instruction and take that power away from the State Board of Education?" asked Rep. Amos Quick (D-Guilford) in the House Rules Committee. Quick said he believes the NCHSAA has been a credible organization.

SB 452 also would require the NCHSAA to act as a public body, which includes following open meetings laws.

Rep. John Bell (R-Wayne) said legislators worked with the NCHSAA in the past to create the memorandum of understanding, which included transparency within the appeals process. Bell said it didn't go far enough though.

"That did not play out the way it was supposed to and we're still back at the same point we were over a year ago," Bell said.

The new legislation would require the NCHSAA comply with the following in any memorandum of understanding:

- Enforce all rules adopted by the state board without changes.
- NCHSAA cannot adopt a new rule unless it has published the proposed rule and provided opportunity for public comment. All new rules must be provided to the state superintendent within 15 days.
- NCHSAA handbook, student participation rules, gameplay rules, appeals process, and fees must be published for free on the NCHSAA website.
- Agree to adopt requirements for membership of the nonprofit board that require equal representation on the board from each education district and a member appointed by the state superintendent
- Adopt an ethics policy that requires board members to avoid conflicts of interest
- Enter into contracts with individual schools as to the monetary requirements for participation
- Agree to reduce annual fees to participating schools by a minimum of 20% when the total fund balance for the administering organization and any associated entity is 250% of the total expenses
- Agree to retain no more than 33% of the net proceeds of any state tournament game
- Agree to be audited annually

**NCHSAA would be prohibited from providing grants, scholarships**

In order to continue administering high school sports in North Carolina, the NCHSAA would have to agree to not do any of the following:

- Solicit grant funding and sponsorships
- Provide grants to schools
- Provide scholarships to players unless it is funded by donor-directed funds
- Designate preferred vendors
- Retain gate receipts for any non-state tournament games
- Regulate control of intellectual property of schools
- Restrict the recording of audio or video at a state tournament game by any parent of a student participating or any employee of a school participating
- Retain any portion of money collected from ticket sales, concessions, or sale of merchandise
- Retaliate against participating schools, employees, or students for reporting violations, fraud, misappropriation of resources, danger to health and safety, abuse of authority.
- Prohibit or restrict a participating school from scheduling a nonconference game during the regular season or take any portion of ticket seasons from those games.

## **New NCHSAA Foundation could be impacted**

The NCHSAA announced this month that it has [formed the NCHSAA Foundation](#), which is a separate entity that will be controlled by an outside board of trustees. It will be charged with managing and dispersing money from the NCHSAA Endowment Fund.

The creation of the foundation, which is modeled after many other state associations across the country, was aimed at providing more transparency into how endowment funds are used. It separated endowment funds from the normal expenses and revenue of the NCHSAA.

SB 452 would not allow the NCHSAA to establish, control, or receive funds from an "associated entity" unless it agreed to an annual audit, agreed not to participate in any of the prohibited activities listed above, and did not receive any NCHSAA funds or money from state tournament games.

This could mean the NCHSAA Foundation's role is limited before it even gets started. Some of the primary goals of the NCHSAA Foundation was to provide grants to schools, scholarships to players, and raise money from corporate sponsors.

*This is a developing story. It will be updated.*



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