

'Dark day' for high school sports: NCHSAA blasts proposed law that would strip association's authority

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TRANSPARENCY — Three state Senators — Vickie Sawyer (R-Iredell), Todd Johnson (R-Union) and Tom McInnis (R-Moore) — said Senate Bill 452 “increases accountability and transparency” for the NCHSAA.

If a controversial new bill becomes law, it would change how high school sports in North Carolina is governed.

The proposed legislation, which has passed both the state House of Representatives and Senate, would strip the North Carolina High School Athletic Association (NCHSAA) of much of its authority and grant power to the superintendent of public instruction and members of the North Carolina Board of Education.

Senate Bill 452 initially only included insurance issues but was amended to include NCHSAA language and passed the House by a 67-43 vote just after midnight last Friday. The state Senate passed it 43-0 later that morning.



The bill now goes to N.C. Gov. Roy Cooper for consideration. The governor has three options: he can sign it into law, veto the bill or allow it to become law without his signature after 10 days.

With supermajorities in the House and Senate, however, Republicans could override a gubernatorial veto. If the bill becomes law, it will go into effect for the 2024-2025 school year.

Legislation shifts power from NCHSAA

Among several changes, the bill places the superintendent of public instruction in charge of appeals processes. S.B. 452 requires the superintendent to appoint an independent appeals board when an infraction occurs. Individual students and their parents could initiate the appeals process, too.

The proposed legislation also states that all student participation rules,

including enrollment and transfer requirements, “biological participation” requirements and amateur status (including name, image, and likeness, or NIL deals) would now be set by the North Carolina Board of Education — not the NCHSAA.

The legislation allows the state board of education to delegate some responsibilities to the NCHSAA, including administrative rules about the number of classifications, divisions and conference assignments, 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.

Going back on a deal?

The new bill would alter a memorandum of understanding between the NCHSAA and the state board of education enacted in 2021. The memorandum allowed the NCHSAA to continue administering prep sports over four years, but only one of those four years has passed.

Under the proposed law, 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 cannot reach an agreement with the NCHSAA, the superintendent would be in charge of administering high school athletics in the state.

If any new memorandum of understanding were reached, the NCHSAA would be

required to enforce all rules adopted by the state board without changes, provide an opportunity for public comment on new rules and adopt an ethics policy that requires board members to avoid conflicts of interest.

There are also several new fiscal rules, including requiring the NCHSAA to agree to reduce annual fees to participating schools, agree to retain no more than 33% of the net proceeds of any state tournament game, agree to be audited annually and be prohibited from providing grants and scholarships.

And if the NCHSAA sought to continue administering high school sports, it would agree to not solicit grant funding and sponsorships, retain gate receipts for any non-state tournament games and retain any portion of money collected from ticket sales, concessions or sale of merchandise.

Legislators say bill increases transparency

Three state Senators — Vickie Sawyer (R-Iredell), Todd Johnson (R-Union) and Tom McInnis (R-Moore) — said the bill “increases accountability and transparency for a private organization tasked with administering our children’s athletic experiences,” Sen. Sawyer said in a Friday news release.



“S.B. 636 is a culmination of three years of efforts to gain access to materials, financial records and policies related to how high school athletics are governed. The bill provides much needed transparency and accountability in our public high school athletic system and removes the ability of a private organization to unilaterally make life changing decisions for our student athletes,” the news release read.

“Internal documents obtained from the N.C. High School Athletic Association show it has failed to maintain transparency in the decision-making process, sought to remove parents and students from the process and wants to shield their endowments from public scrutiny.

“SB 636 includes commonsense requirements and rules to be met and followed. It prohibits intimidation and harassment by the private organization, particularly in the appeals process. Unnecessary and exorbitant fees will be limited. The bill requires the administration and enforcement of consistent rules for high school athletic activities. The Superintendent of Public Instruction will enter a memorandum of understanding with the private organization with annual reporting requirements, audits, and oversight,” the news release read.

The association responds

Just nine hours after the state House passed the bill, the NCHSAA sent a statewide email response.

“The Association neither supports the bill nor the manner in which our elected officials have attempted to force it through,” the statement read.

The memorandum of understanding between the NCHSAA and state board of education was supposed to be in place for four years. The proposed legislation ends that memorandum three years early.

“The NCHSAA has operated in good faith with the state legislators and the North Carolina Board of Education in accordance with the Memorandum of Understanding that was signed in 2022 and has received no such correspondence to the contrary. In fact, the staff and NCHSAA Board Members have worked closely with the leadership team of the state board of education in recent weeks to discuss changes to the current eligibility rules,” the statement read.

NCHSAA Commissioner Que Tucker called it a “dark day” for high school sports in North Carolina.

“This was a blindside tackle, and I am sorely disappointed in the actions of our state legislators. Any statement that would suggest that we have not honored our end of the current Memorandum of Understanding is grossly inaccurate,” Tucker said. “We have seen other state associations dismantled by their state legislatures, and ultimately, legislators don’t know what they don’t know. The

NCHSAA is not just an office in Chapel Hill, it is the 436 schools that make up its membership. This bill, should it become law, silences the voices of those schools.”

While the NCHSAA has “the utmost respect” for the Department of Public Instruction and the State Board of Education, the statement went on to say it acknowledged that both entities were already burdened by their respective duties without adding high school sports.

“The NCHSAA has a dedicated, full-time staff devoted only to the guardianship of interscholastic athletic competition, including several certified athletic administrators and former public school employees. With the support of a board of directors, which consists of superintendents, principals, athletic directors and coaches from every region and every classification in North Carolina, the NCHSAA believes that it has assembled the best possible team to administer high school sports in our state,” the NCHSAA said.

Allies come to NCHSAA’s defense

Following the NCHSAA’s email statement, the North Carolina Athletic Directors Association (NCADA) released a statement in support of the NCHSAA on social media.

“The NCHSAA comprises superintendents, principals, athletic directors and coaches at member schools. These individuals are the most qualified to determine who should represent their interests regarding the governance and regulation of education-based interscholastic high school athletics, not the State Superintendent or the Board of Education members,” the statement read.

The NCADA board's statement also said the legislation inserts "unnecessary" politics into high school sports.

"This legislation is specifically designed to remove these most qualified individuals from the process that determines who represents them in matters related to high school athletics," the NCADA said. "Further, it injects unnecessary politicization into an organization that has seen its members successfully govern their affairs while working to benefit the student-athletes and schools of our state for more than 100 years."

The North Carolina Coaches Association has also released a statement on social media supporting the NCHSAA: "The North Carolina Coaches Association stands with and supports the NCHSAA. We firmly believe that the NCHSAA is the best organization for the administration and regulation of high school athletics in the State of North Carolina."

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