

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS15398-LE-280A (05/03)

Short Title: Funds for Access to High School Sports.

(Public)

Sponsors: Senator Jacumin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT HOME SCHOOL, CHARTER SCHOOL, AND PRIVATE SCHOOL
3 STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS AND TO
4 APPROPRIATE FUNDS FOR THAT PURPOSE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-12(23) reads as rewritten:

7 "**§ 115C-12. Powers and duties of the Board generally.**

8 The general supervision and administration of the free public school system shall be vested
9 in the State Board of Education. The State Board of Education shall establish policy for the
10 system of free public schools, subject to laws enacted by the General Assembly. The powers
11 and duties of the State Board of Education are defined as follows:

12 ...

13 (23) Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. –
14 The State Board of Education may adopt rules governing interscholastic
15 athletic activities conducted by local boards of education, including
16 eligibility for student participation. Students attending home schools or other
17 nonpublic schools shall be permitted to participate in interscholastic athletic
18 activities in accordance with the requirements of G.S. 115C-566.1; students
19 attending charter schools shall be permitted to participate in interscholastic
20 athletic activities in accordance with the requirements of
21 G.S. 115C-238.29L. The State Board of Education may authorize a
22 designated organization to apply and enforce the Board's rules governing
23 participation in interscholastic athletic activities at the high school level."

24 **SECTION 2.** G.S. 115C-47(4) reads as rewritten:

25 "**§ 115C-47. Powers and duties generally.**

26 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
27 shall have the power or duty:

28 ...

29 (4) To Regulate Extracurricular Activities. – Local boards of education shall
30 make all rules and regulations necessary for the conducting of
31 extracurricular activities in the schools under their supervision, including a
32 program of athletics, where desired, without assuming liability therefore;
33 provided, that all interscholastic athletic activities shall be conducted in
34 accordance with rules and regulations prescribed by the State Board of
35 Education. Education, and that students attending home schools, other



1 nonpublic schools, or charter schools shall be permitted to participate in
2 interscholastic athletic activities in accordance with the requirements of
3 G.S. 115C-566.1 or G.S. 115C-238.29L, as appropriate."

4 **SECTION 3.** Article 39 of Chapter 115C of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 115C-566.1. Participation of home schooled and other nonpublic school students in**
7 **interscholastic athletics.**

8 (a) Eligibility. – To be eligible to participate in interscholastic public school athletics, a
9 home schooled or other nonpublic school student shall meet the residency criteria of
10 G.S. 115C-366(1) and shall participate only at the school to which the student would be
11 assigned by the local board of education if enrolled in public school.

12 (b) Compliance With Rules. – A home schooled or other nonpublic school student shall
13 comply with all rules and regulations established by the local board of education and the State
14 Board of Education, except that a home schooled or other nonpublic school student shall not be
15 required to meet school enrollment requirements. The home schooled or other nonpublic school
16 student shall meet the same standards of acceptance, behavior, and performance as required of
17 enrolled public school students participating in interscholastic athletics.

18 (c) Academic Progress. –

19 (1) Academic eligibility required for participation. – A student who has not met
20 established academic eligibility requirements for athletic participation shall
21 be ineligible to participate in interscholastic athletics until academic
22 eligibility is established.

23 (2) Assessment of academic progress. – A student shall demonstrate any
24 required academic eligibility in all subjects taken in the home school or other
25 nonpublic school by a method of evaluation agreed upon by the parent or
26 nonpublic school principal and the public school principal.

27 (d) Registration. – A home schooled or other nonpublic school student shall register
28 with the school his or her intent to participate in interscholastic athletics before the beginning
29 date of the season for the activity in which the student wishes to participate.

30 (e) Fees and Insurance. – A home schooled or other nonpublic school student shall be
31 required to pay any fees for participation required of enrolled public school students and shall
32 be required to purchase any supplemental insurance required of enrolled public school students
33 or as reasonably established for participation of home schooled or other nonpublic school
34 students."

35 **SECTION 4.** Chapter 115C of the General Statutes is amended by adding a new
36 section to read:

37 **"§ 115C-238.29L. Participation of charter school students in interscholastic athletics.**

38 (a) Eligibility. – To be eligible to participate in interscholastic public school athletics, a
39 charter school student shall meet the residency criteria of G.S. 115C-366(1) and shall
40 participate only at the non-charter public school to which the student would be assigned by the
41 local board of education if enrolled in a non-charter public school.

42 (b) Compliance With Rules. – A charter school student shall comply with all rules and
43 regulations established by the local board of education and the State Board of Education,
44 except that a charter school student shall not be required to meet school enrollment
45 requirements. The charter student shall meet the same standards of acceptance, behavior, and
46 performance as required of enrolled non-charter public school students participating in
47 interscholastic athletics.

48 (c) Academic Progress. –

49 (1) Academic eligibility required for participation. – A student who has not met
50 established academic eligibility requirements for athletic participation shall

1 be ineligible to participate in interscholastic athletics until academic
2 eligibility is established.

3 (2) Assessment of academic progress. – A student shall demonstrate any
4 required academic eligibility in all subjects taken in the charter school by a
5 method of evaluation agreed upon by the principals of the charter school and
6 the non-charter public school.

7 (d) Registration. – A charter school student shall register with the school his or her
8 intent to participate in interscholastic athletics before the beginning date of the season for the
9 activity in which the student wishes to participate.

10 (e) Fees and Insurance. – A charter school student shall be required to pay any fees for
11 participation required of enrolled non-charter public school students and shall be required to
12 purchase any supplemental insurance required of enrolled non-charter public school students or
13 as reasonably established for participation of charter school students."

14 **SECTION 5.** There is appropriated from the General Fund to the Department of
15 Public Instruction the sum of twenty-five thousand dollars (\$25,000) for the 2010-2011 fiscal
16 year. The Department shall use these funds to assist local boards of education in complying
17 with the provisions of this act.

18 **SECTION 6.** Section 5 of this act becomes effective July 1, 2010. The remainder
19 of this act is effective when it becomes law and applies beginning with the 2010-2011 school
20 year.