



## Concerns Re: S159, Changes To Interscholastic Sports & S254, Access To Sports/Extracurr. Certain Students

### Issue:

Two bills have recently been introduced in the North Carolina General Assembly that could drastically change the way interscholastic athletics operate in public schools statewide, since if either becomes law, students who do not attend a particular school would be allowed to play on any of the school's athletic teams for the first time ever. [SENATE BILL 159](#) would allow students at a private school or home school that does not have an interscholastic athletics program in a given sport to participate in that sport at the "base public high school", or the high school closest to the base school if the base school does not offer the particular sport. In addition, if a public school did not have a certain sports team, a public high school student, presumably including a charter school student, could participate in that sport at the high school closest to the student's school which has that program. [SENATE BILL 254](#) is substantially similar to Senate Bill 159, but does not apply to private school students. The North Carolina Association of School Administrators (NCASA) opposes these bills and share the following concerns that have been raised by the North Carolina High School Athletic Association (NCHSAA):

- NCHSAA member schools have always observed the rule "a student must, at the time of any game in which he or she participates, be a regularly enrolled member of a school's student body." This would mean that students who don't attend a particular school could represent it in athletics.
- There has been no established "right" to play interscholastic athletics. That is why additional restrictions (grades, attendance, residence, etc) may accompany the privilege to play. Courts have consistently upheld this distinction between privilege and right.
- In recent years the NCHSAA has tightened standards for checking eligibility, especially residency. But the logistics of trying to determine eligibility for students not even enrolled at a school and are from a whole host of different schools could be mind-boggling. It is challenging enough for an athletic director to check eligibility for students at his or her school when the records are right there; this could mean trying to get attendance, academics and other information from a whole variety of schools, including home schools, just for one athletic team's eligibility
- Provisions of Senate Bill 159 would create major issues within a school system just among its public schools that are members of the NCHSAA. Those students at a school that doesn't have a specific team could now go to another school to play a certain sport, but would stay at their "base school" for the teams that the school does have. It would create the amazing scenario that "I play AGAINST a school in my county in one sport but play FOR that school in another sport."
- How are home-schooled students or students from other non-public schools accountable for residency, and how can schools or school systems check into the "red flags" of residency? For example, a student assignment office might actually do "in home" visits if there are concerns about the student/parent/legal custodian living where they indicate is their residence. Would the school system have the legal right to investigate or do an "in-home" visit if the student is not attending one of its schools?

- What about promotion standards, which are also a part of the NCHSAA requirements for eligibility? Would the student meet the standard at the school he or she is playing for (but does not attend) or the school he or she attends?
- There would be no incentive for these other schools to create or continue their own athletic programs; they can just let the public schools take on the added financial burden. That could result in a net drop in overall participation, since the public school would be able to have only so many players and teams.
- What effect does this have on school spirit, team loyalty, etc., when for the first time students who do not attend the school are now part of the team, even though they are not there to participate in classes, pep rallies, and all other parts of the life of the school?
- This could dramatically alter and upset the competitive balance; NCHSAA schools are classified into four different classes (1A, 2A, 3A, 4A) based on average daily membership at their school and play toward championships in those classifications. But now a school may be drawing from a much larger base (students from other schools); would classifications have to be altered to accommodate that?
- This could lead to recruiting at private schools or charter schools to get those student-athletes to participate at public schools.
- Coaches would feel an added pressure as a result of this, since he or she would be thinking: “I can only carry so many players, so do I cut a student that attends my school or do I cut a student from the other school?”
- How far can a school or athletic department go in asking for student records on a student that is not enrolled at their school? There could be issues related to age, first entry into 9th grade, residency (separated parents), etc. And how about NCHSAA felony policy? Usually the only person in the school that may know about a convicted felon is the principal. With an athlete who is not attending that school, the principal would not have all that student’s information.
- Does the student from another school also have to meet all the other school board policies that the school system has in place for their enrolled students when that home-schooled or private school student is at practice and/or games since this is a school activity? How can suspensions for violations of school board policy be applied? What about academic eligibility standards? How can you compare a home school or private school student’s academic eligibility if the home school or private school operates under different academic standards, testing, curriculum and accountability?
- What about insurance and liability questions; would the student-athletes be covered even though they are not actually students at the given school?

The bills additionally have provisions, substantially similar to the interscholastic athletics provisions outlined above, that would allow a high school student at a private school, home school, or charter school, to participate in extracurricular activities at a public high school if their school does not offer the particular extracurricular activity. NCASA opposes these provisions as well for many of the same reasons outlined above.

## **Solution:**

The North Carolina Association of School Administrators joins with the North Carolina High School Athletics Association in urging the General Assembly not to move forward with Senate Bill 159 or Senate Bill 254, which would cause great harm to public schools and the athletic programs that are such an important part of each individual school’s identity.

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