

1 16 NCAC 06C .0372 - .0376 are repealed as published in 38:07 NCR 387–388 as follows:

2
3
4 **16 NCAC 06C .0372 DENYING A LICENSE APPLICATION OR SUSPENSION OR REVOCATION OF**
5 **A LICENSE ISSUED BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC**
6 **INSTRUCTION**
7 **16 NCAC 06C. 0373 REPORTING REQUIREMENTS FOR SUSPECTED CHILD ABUSE BY A**
8 **LOCAL EDUCATION AGENCY ADMINISTRATOR TO THE**
9 **SUPERINTENDENT OF PUBLIC INSTRUCTION**
10 **16 NCAC 06C .0374 INVESTIGATION REQUIREMENTS TO DETERMINE REASONABLE CAUSE**
11 **TO SUSPEND OR REVOKE AN EDUCATOR LICENSE**
12 **16 NCAC 06C .0375 VOLUNTARY SURRENDER OF AN EDUCATOR LICENSE**
13 **16 NCAC 06C .0376 REINSTATEMENT OR ISSUANCE OF A SUSPENDED, REVOKED, OR DENIED**
14 **LICENSE**
15

16 *History Note: Authority G.S. 115C-12; 115C-268.1; 116C-268.5; 115C-270.5; 115C-270.20; 115C-270.35;*
17 *115C-325; 115C-325.9; 115C-400;*
18 *Eff. October 1, 2020;*
19 *Temporary Repeal Eff. April 5, 2024;*
20 *Repealed Eff. July 1, 2024*

16 NCAC 06C .0601 is readopted with changes as published in ##### as follows:

**SECTION .0600 – ~~CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR NORTH CAROLINA~~
EDUCATORS STANDARDS OF PROFESSIONAL CONDUCT AND EDUCATOR DISCIPLINE**

16 NCAC 06C .0601 PURPOSE AND APPLICABILITY DEFINITIONS

~~The purpose of these Rules is to establish and uphold uniform standards of professional conduct for licensed professional educators throughout the State. These Rules shall be binding on every person licensed by the SBE, hereinafter referred to as "educator" or "professional educator," and the possible consequences of any willful breach shall include license suspension or revocation. The prohibition of certain conduct in these Rules shall not be interpreted as approval of conduct not specifically cited.~~

As used in this Section, the following definitions apply:

(1) "Child" means a person under the age of 16.

(2) "Convicted" or "conviction" means any of the following

(A) A plea of guilty.

(B) A plea of no contest, nolo contendere, or the equivalent.

(C) A verdict or finding of guilty by a jury, judge, magistrate, or other duly constituted adjudicatory body, tribunal, or official, either civilian or military.

(3) "License" means a professional educator license issued by the Department of Public Instruction ["DPI"] in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.

(4) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.

(5) "Respondent" means a person who currently holds a license or who has applied for a license.

(6) "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade 12 in any public school unit, or who has been enrolled in a public school unit within [6] [six] months of an alleged violation of these Standards.

History Note: Authority G.S. 115C-12(9); 115C-270.1; 115C-270.5; 115C-307;

Eff. April 1, 1998;

Temporary Amendment Eff. April 5, 2024. 2024;

Readoption Eff. July 1, 2025.

16 NCAC 06C .0602 is readopted with changes as published in ##### as follows:

16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT

~~(a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA.~~

This Rule establishes uniform Standards of Professional Conduct (“Standards”) for professional educators in North Carolina, which apply to all persons who hold a professional educator license issued pursuant to this Subchapter and Chapter 115C, Article 17E of the General Statutes. These Standards shall be the basis for reviewing the performance or professional educators by the State Board of Education (“SBE”). Violation of these Standards shall be grounds for disciplinary sanctions against a professional educator’s license as provided in this Section.

~~(b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited.~~

(1) ~~Generally recognized professional standards.~~ Recognized Professional Standards. The educator shall adhere to and practice the professional standards of all federal, state, and local governing ~~bodies.~~ bodies with public education oversight.

~~(2) — Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.~~

~~(2) —~~ Conduct with Students. The educator shall treat all students with respect and maintain appropriate professional boundaries with all students, regardless of whether that student is directly under the care or supervision of the educator. Specifically, the educator shall not engage in any of the following conduct toward or in the presence of a student:

(A) Use of profane, vulgar, or demeaning language.

(B) Intentional or reckless exposure of students to profane, vulgar, or sexually explicit material except as part of age-appropriate classroom instruction or other pedagogical practice.

(C) Solicitation, encouragement, or consummation of a romantic, physical, or sexual relationship with a student in any form, whether written, verbal, or physical. As used in this context, “solicitation” or “encouragement” shall include engaging in a pattern of flirtatious behavior; efforts to gain access to, or time alone with, a student with no clear educational or school-related objective; provision of individualized or specialized treatment, including tangible or monetary gifts, to a student that does not comply with generally recognized professional standards for educators; or any other behavior that could be perceived by a rational observer as excessively personal or intimate in the context of the educator-student relationship.

(D) Solicitation, encouragement, or consummation of sexual contact with a student.

- 1 (E) Sexual harassment, as defined in 34 C.F.R. 106.30(a).
- 2 (F) Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.
- 3 (3) Alcohol and Controlled Substances. The educator shall not be under the influence of, possess, use,
4 or consume an alcoholic beverage or a controlled substance, as defined in G.S. 90-95, on school
5 premises, at a school-sponsored activity, or when otherwise discharging the educator's professional
6 duties, unless the educator has a prescription from a licensed medical professional authorizing such
7 use. The educator shall not furnish alcoholic beverages or controlled substances to a student, except
8 for the administration of medication prescribed by a licensed medical professional in accordance
9 with the educator's professional duties.
- 10 (3) (4) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or
11 misrepresentation in the performance of the educator's professional duties, including the following:
- 12 (A) ~~statement~~ statements or representations of professional qualifications;
- 13 (B) application or recommendation for professional employment, promotion, or licensure;
- 14 (C) ~~application or recommendation~~ applications or recommendations for college or university
15 admission, scholarship, grant, academic award, or similar benefit;
- 16 (D) ~~representation~~ statements or representations of completion of college or staff development
17 credit;
- 18 (E) evaluation or grading of students or school personnel;
- 19 (F) submission of financial or program compliance reports submitted to state, federal, or other
20 governmental agencies;
- 21 (G) submission of information in the course of an official inquiry by the ~~employing LEA or the~~
22 ~~SBE related to facts of unprofessional misconduct, provided, however, SBE or the~~
23 ~~educator's employing PSU into allegations of professional misconduct, provided~~ that an
24 educator shall be given adequate notice of the allegations and may be represented by legal
25 counsel; and
- 26 (H) submission of information in the course of an investigation into school related criminal
27 activity by a law enforcement agency, child protective services, or any other agency with
28 the right authority to investigate, regarding school related criminal activity; provided,
29 ~~however, investigate, provided~~ that an educator ~~shall be entitled to decline to give evidence~~
30 may decline to provide information to law enforcement if such evidence ~~may tend to~~ could
31 incriminate the educator ~~as that term is defined by the Fifth Amendment to the U.S.~~
32 ~~Constitution.~~ in violation of the educator's rights under the United States Constitution or
33 North Carolina Constitution.
- 34 (5) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the
35 United States, or any other state or territory under the jurisdiction of the United States.
- 36 (4) (6) ~~Proper remunerative conduct.~~ Remunerative Conduct. The educator shall not solicit current students
37 or parents of students to purchase equipment, supplies, or services from the educator in a private

remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the ~~LEA; PSU,~~ nor shall it ~~apply to or~~ restrict the acceptance of gifts ~~or tokens of minimal value offered and accepted openly~~ from students, parents, or other persons in recognition or appreciation of ~~service;~~ the educator's professional service, provided the gift is given and received freely, openly, and without expectation of favor or advantage to the donor in return.

~~(5) — Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below:~~

~~(A) — any use of language that is considered profane, vulgar, or demeaning;~~

~~(B) — any sexual act;~~

~~(C) — any solicitation of a sexual act, whether written, verbal, or physical;~~

~~(D) — any act of child abuse, as defined by law;~~

~~(E) — any act of sexual harassment, as defined by law; and~~

~~(F) — any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any student.~~

~~(6) (7) Confidential information. Information.~~ The educator shall keep ~~in confidence~~ confidential all personally identifiable information regarding students or their family members that the educator has ~~been~~ obtained in the course of professional service, unless disclosure is required or permitted by law ~~or professional standards,~~ or is necessary for the personal safety of the student or others.

~~(7) (8) Rights of others. Others.~~ The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, ~~parent/legal parent or legal~~ guardian, or colleague.

~~(8) (9) Required reports. Reports.~~ The educator shall make all reports required by ~~G.S. 115C; Chapter 115C~~ of the General Statutes.

~~(9) — Alcohol or controlled substance abuse. The educator shall not:~~

~~(A) — be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by G.S. 90-95, the Controlled Substances Act, without a prescription authorizing such use;~~

~~(B) — be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or~~

~~(C) — furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.~~

(10) ~~Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state.~~

(11) ~~(10) Public funds and property. Funds and Property.~~ The educator shall not misuse public funds or ~~property, funds of a school related organization, or colleague's funds.~~ property or any funds belonging to an organization affiliated with the school or PSU. The educator shall account for funds collected from students, colleagues, ~~or parents/legal guardians.~~ parents, or legal guardians of students. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(12) ~~(11) Scope of professional practice. Professional Practice.~~ The educator shall not perform any ~~act as an employee in a position~~ professional duty or function for which licensure is required by ~~the rules of the SBE or by G.S. 115C or the North Carolina General Statutes~~ this Chapter or by Chapter 115C of the General Statutes during any period in which the educator's license ~~has been~~ is suspended or revoked.

(8) ~~(12) Conduct related to ethical violations. Abuse of Authority.~~ The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that ~~tends to discourage, restrain, interfere with, coerce, or discriminate~~ discourages, restrains, coerces, interferes with, or discriminates against any subordinate or any licensee who in good faith ~~reports, discloses, divulges, reports~~ or otherwise brings to the attention of ~~an LEA, a PSU,~~ the SBE, or any other public agency authorized to take remedial action, any facts or information relative to the actual or suspected violation of any law or rule regulating the duties of persons serving in the public school system, including ~~but not limited to these Rules.~~ those established by this Section.

History Note: Authority G.S. ~~115C-295.3; 115C-12(9); 115C-270.5; 115C-307;~~
Eff. May 1, 1998;
Temporary Amendment Eff. June 6, 2024;
Readoption Eff. July 1, 2025.

1 16 NCAC 06G .603 is adopted with changes as published in ### as follows:

2
3 **16 NCAC 06C .0603 INVESTIGATION OF ALLEGED MISCONDUCT BY A LICENSED**
4 **PROFESSIONAL EDUCATOR OR LICENSE APPLICANT**

5 (a) Upon receipt of allegations and substantiating information regarding a respondent that would provide cause for
6 imposing disciplinary sanctions on a licensee or denying an application for a license under Rule .0604 of this Section,
7 the Superintendent of Public Instruction ("~~Superintendent~~") shall investigate the allegations to determine if such action
8 is warranted. The Superintendent shall investigate allegations or information from any source in a position to provide
9 such information, including a PSU, State agency, court or other tribunal, or other credible person or institution. The
10 Superintendent shall also consider information disclosed by a license applicant in the application.

11 (b) The Superintendent is authorized to utilize the power conferred upon the State Board of Education ("~~SBE~~") under
12 G.S. 115C-270.35(e), including the power to subpoena documents, secure witness testimony, or hire investigators, for
13 the purpose of conducting investigations under this Rule.

14 (c) If the Superintendent finds cause to impose disciplinary sanctions on a licensee or deny a license application for
15 any of the reasons described in Rule .0604 of this Section, the Superintendent shall prepare a proposed order containing
16 findings of fact, conclusions of law, and the proposed sanction(s) or denial.

17 (d) The Superintendent shall provide the respondent with a copy of the proposed order and notify the respondent that
18 the proposed sanctions or denial described in the order shall become final unless the respondent commences an
19 administrative proceeding under Chapter 150B, Article 3 of the General Statutes within 60 days of the notice. The
20 Superintendent shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE,
21 and the 60-day time limitation shall commence on the date of electronic delivery or placement of the notice in an
22 official depository of the United States Postal Service, whichever is earlier, in accordance with G.S. 150B-23(f).

23 (e) If the respondent commences administrative proceedings, the SBE shall stay the proposed order until receipt of a
24 final decision or order under G.S. 150B-34. If the respondent does not commence proceedings within the 60-day time
25 limitation, the proposed order shall become final, and the Superintendent shall take all necessary actions to enforce
26 the order.

27
28 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;*
29 *Temporary Adoption Eff. April 5, 2024;*
30 *Eff. July 1, 2025.*

1 16 NCAC 06C .0604 is adopted as published in 38:07 NCR 391 as follows:

2
3 **16 NCAC 06C .0604 DENYING A LICENSE OR SANCTIONING A LICENSEE**

4 (a) The State Board of Education ("SBE") may, following an investigation in accordance with Rule .0603 of this
5 Section, impose disciplinary sanctions on a person who holds a license issued by the Department of Public Instruction
6 or deny an application for any such license if the SBE finds, by a preponderance of the evidence, that the respondent
7 has done any of the following:

8 (1) Engaged in fraud, material misrepresentation, or concealment in an application for the license.

9 (2) Become ineligible for the license due to changes or corrections in the license documentation.

10 (3) Been convicted of a crime in any state, federal, or territorial court of the United States, including
11 military tribunals.

12 (4) Been dismissed by a local board of education, pursuant to G.S. 115C-325(e)(1) or 115C-325.4, or
13 by the governing body of any other PSU.

14 (5) Resigned from employment with a PSU without thirty calendar days' notice, except with the prior
15 consent of the local superintendent.

16 (6) Had a professional educator license or other occupational license revoked or suspended in North
17 Carolina or another state due to a finding of misconduct by the relevant occupational licensing board
18 or agency.

19 (7) Failed to report suspected child abuse in accordance with G.S. 115C-400 or other suspicion of
20 professional misconduct by a licensed employee in accordance with Rule .0608 of this Section.

21 (8) Violated the Testing Code of Ethics, codified at 16 NCAC 06D .0311.

22 (9) Engaged in any other illegal, unethical, or lascivious conduct, or otherwise violated the Standards
23 of Professional Conduct as described in Rule .0602 of this Section.

24 (b) When deciding whether to impose disciplinary sanctions or deny an application for a license, the SBE shall
25 consider the following factors:

26 (1) The existence of a reasonable and adverse relationship between the underlying misconduct and the
27 ability of the respondent to perform the respondent's professional duties as an educator.

28 (2) The severity of the misconduct.

29 (3) The impact of the misconduct on students, other educators, and the school community.

30 (4) The respondent's degree of culpability in the misconduct.

31 (5) The degree of remorse exhibited by the respondent for the misconduct.

32 (6) Any evidence of reformed behavior on the part of the respondent.

33 (7) Subsequent incidents of misconduct by the respondent or the probability of future misconduct.

34 (c) If the SBE determines that sanctions against a current licensee are warranted, it shall impose sanctions in
35 accordance with Rule .0605 of this Section.

1 *History Note:* *Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-270.5; 115C-270.30; 115C-270.35;*
2 *150B-22; 150B-23;*
3 *Temporary Adoption Eff. April 5, 2024;*
4 *Eff. July 1, 2025.*

1 16 NCAC 06C .0605 is adopted with changes as published in ##### as follows:

2
3 **16 NCAC 06C .0605 DISCIPLINARY SANCTIONS**

4 (a) Upon finding of a basis for imposing disciplinary sanctions against a respondent under Rule .0604 following an
5 investigation under Rule .0603 of this Section, the State Board of Education ("~~SBE~~") may impose any of the following
6 sanctions:

- 7 (1) Written Warning;
8 (2) Written Reprimand;
9 (3) Suspension for a Defined Term; or
10 (4) Revocation.

11 (b) In addition to one of the sanctions listed in Paragraph (a), the SBE may impose additional conditions upon a
12 respondent—including requirements that the respondent complete additional continuing education credits beyond
13 those required by G.S. 115C-270.30, community service hours, or other activities—if the purpose of the condition is
14 remedial, relevant to the misconduct giving rise to the sanction, and designed to reduce the possibility of recidivism.

15 (c) Notwithstanding Rule .0603 of this Section or Paragraph (a) of this Rule, the SBE shall summarily suspend the
16 license of a respondent if the SBE finds that the public health, safety, or welfare requires emergency action and
17 incorporates those findings in the order prepared in accordance with Rule .0603 of this Section. A finding that a
18 respondent has been charged in the General Court of Justice with any crime, the conviction for which would result in
19 automatic revocation of the respondent's license under G.S. 115C-270.35(b), shall be considered prima facie evidence
20 in satisfaction of this Paragraph. Following the summary suspension, the SBE shall promptly commence a disciplinary
21 investigation and proceedings in accordance with Rules .0603 and .0604 of this Section.

22 (d) The Department of Public Instruction ("~~DPI~~") shall, upon expiration of the 60-day time limitation described in
23 ~~Rule .0603(e) of this Section, 16 NCAC 06C .0603(e),~~ publish the sanction and a brief description of the basis for the
24 sanction on its website and report it to the National Association of State Directors of Teacher Education and
25 Certification, except that this requirement shall not apply to a Written Warning. DPI shall not disclose any information
26 related to the sanction that is considered confidential under Chapter 115C, Article 21A of the General Statutes or is
27 otherwise protected from disclosure under State or federal law.

28
29 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-3; 150B-22; 150B-23;*
30 *Temporary Adoption Eff. April 5, 2024;*
31 *Eff. July 1, 2025.*
32
33

1 16 NCAC 06G. 0606 is adopted with changes as published in #### as follows:

2
3 **16 NCAC 06C .0606 VOLUNTARY SURRENDER OF A LICENSE**

4 (a) An individual licensed under Chapter 115C, Article 17E of the General Statutes may notify the State Board of
5 Education in writing of the individual's intention to voluntarily surrender the individual's license to the SBE.

6 (b) The SBE may accept the voluntary surrender of a license in lieu of pursuing revocation of the license if, following
7 an investigation in accordance with Rule .0603 of this Section, the SBE determines that the surrender of the license
8 will not compromise public safety. The Superintendent of Public Instruction shall prepare a proposed order containing
9 findings of fact and conclusions of law demonstrating that circumstances exist that would justify pursuing revocation
10 of the respondent's license. The Superintendent shall provide the respondent with a copy of the proposed order and
11 notify the respondent that the respondent's license will be revoked within 10 days of the notice. The Superintendent
12 shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE.

13 (c) The Department of Public Instruction ("~~DPI~~") shall, upon expiration of the 10-day time limitation described in
14 Paragraph (b), publish the revocation and a brief description of the basis for the revocation on its website and report
15 it to the National Association of State Directors of Teacher Education and Certification. DPI shall not disclose any
16 information related to the revocation that is considered confidential under Chapter 115C, Article 21A of the General
17 Statutes or is otherwise protected from disclosure under State or federal law.

18
19
20 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;*
21 *Temporary Adoption Eff. April 5, 2024;*
22 *Eff. July 1, 2025.*

1 16 NCAC 06C .0607 is adopted with changes as published in 38:07 NCR 392 as follows:

2
3 **16 NCAC 06C .0607 REINSTATEMENT OF OR RECONSIDERATION FOR A LICENSE**

4 (a) ~~A respondent~~ An individual whose license has been revoked or whose application for a license has been denied
5 under this Section may ~~seek~~ petition for reinstatement of the revoked license or reconsideration of the license
6 application no sooner than 12 months after the effective date of the revocation or denial.

7 (b) The ~~respondent~~ petitioner shall submit a ~~request~~ petition to the State Board of Education in writing that includes
8 a statement describing why the circumstances that led to the revocation or denial do not or no longer justify prohibiting
9 the respondent from holding a license.

10 (c) The SBE may deny the ~~request~~, petition, grant the ~~request~~, petition, or grant the ~~request~~ petition on a probationary
11 basis. If the SBE grants the ~~request~~ petition on a probationary basis, the ~~respondent's~~ petitioner's license status shall
12 be subject to review by the SBE one year from the date that the license is granted, and the ~~respondent~~ petitioner shall
13 comply with any conditions the SBE may impose.

14
15 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;*
16 *Temporary Adoption Eff. April 5, 2024;*
17 *Eff. July 1, 2025.*
18

1 16 NCAC 06C .0608 is adopted as published in 38:07 NCR 392–393 as follows:

2
3 **16 NCAC 06C .0608 REPORTING REQUIREMENTS FOR PSU ADMINISTRATORS**

4 (a) For purposes of this Rule, the following definitions apply:

5 (1) "Administrator" means a superintendent, associate superintendent, assistant superintendent,
6 personnel administrator, principal, school director, or head of school employed by a PSU.

7 (2) "Misconduct" means either:

8 (A) Conduct that justifies automatic revocation of a license under G.S. 115C-270.35(b);

9 (B) Conduct that has resulted in a criminal charge or indictment for any of the crimes listed in
10 G.S. 115C-270.35(b); or

11 (C) Conduct involving the physical or sexual abuse of a child or a student. "Physical abuse"
12 means the infliction of physical injury other than by accident or in self-defense. "Sexual
13 abuse" means any sexual contact with a child or student, regardless of the presence or
14 absence of consent.

15 (b) In addition to any duty to report suspected child abuse under G.S. 115C-400 or other provision of law, any
16 administrator who knows, has reason to believe, or has actual notice of a complaint that a professional educator
17 licensed under Chapter 115C, Article 17E of the General Statutes has engaged in misconduct, as defined in Part (a)(2)
18 of this Rule, that results in the suspension without pay, termination of employment, non-renewal of the employment
19 contract, or resignation of the educator shall report the misconduct in writing to the State Board of Education within
20 five calendar days of the dismissal, suspension, nonrenewal, or acceptance of the educator's resignation by the
21 governing body of the PSU or its authorized designee. If an educator resigns within 30 days of a complaint for
22 misconduct or during an ongoing investigation of a complaint, the alleged misconduct is presumed to have resulted in
23 the resignation.

24 (c) If a PSU governing body or its authorized designee demotes, dismisses, declines to renew the employment contract
25 of, or accepts the resignation of a professional educator licensed under Chapter 115C, Article 17E of the General
26 Statutes as a result of conduct that is not covered by Paragraph (b) of this Rule but that may otherwise justify
27 disciplinary sanctions against the educator under Rule .0604 of this Section, an administrator for the PSU shall report
28 the conduct in writing to the SBE within 30 calendar days of the demotion, dismissal, nonrenewal, or acceptance of
29 the educator's resignation by the governing body of the PSU or its authorized designee.

30 (d) If one administrator submits a single report on behalf of the PSU pursuant to the requirements of this Rule, that
31 report shall satisfy the reporting obligations of all administrators who may have reporting obligations under this Rule
32 or under G.S. 115C-326.20.

33 (e) If a PSU terminates the employment of an educator, does not renew the educator's contract, or accepts the educator's
34 resignation for any reason that may require a report under this Rule, an administrator for the PSU shall notify the
35 educator of the reporting requirement upon separation from employment.

36 (f) In accordance with G.S. 115C-13 and notwithstanding Chapter 115C, Article 21A of the General Statutes, local
37 boards of education and their officers and employees shall provide to the SBE or the Superintendent of Public

1 Instruction, upon request, all personnel records and other investigative records associated with any educator reported
2 to the SBE pursuant to this Rule. This provision does not apply to communications between an attorney and the local
3 board or its officers or employees that is subject to attorney-client privilege.

4
5 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 115C-326.20; 150B-22;*
6 *150B-23;*
7 *Temporary Adoption Eff. April 5, 2024;*
8 *Eff. July 1, 2025.*
9
10

16 NCAC 06E .0201 is adopted with changes as published in 39:07 NCR 393–394 as follows:

SECTION .0200 - ~~SCHOOL ATHLETICS AND SPORTS MEDICINE~~ INTERSCHOLASTIC ATHLETICS

16 NCAC 06E .0201 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Administering organization" is defined in G.S. 115C-407.50(1).
- (2) "Aggrieved party" means a student, coach, participating school, PSU, or other party that is directly and adversely affected by a final decision of a rule ~~administrator~~ administrator, including a determination of ineligibility under Rule .0207 of this Section, a penalty imposed under Rule .0209 of this Section, or a finding of undue influence or a recruiting violation under Rule .0210 of this Section. If a student is affected, the student's parent or legal guardian ~~shall be allowed to~~ may appeal the final decision pursuant to Rule .0215 of this Section.
- (3) "Bona fide purpose" means a purpose not primarily related to participation in interscholastic athletics.
- (4) "Final decision" means a written decision of a rule administrator regarding the application or enforcement of rules under this Section to a set of facts or circumstances. A ruling by a referee or official enforcing gameplay rules during an athletic competition shall be deemed a final decision upon exhaustion of any available mechanisms for review under the rule administrator's internal policies and procedures.
- (5) "Immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or step-sibling. The term applies to any such relationship whether by blood, adoption, or marriage.
- ~~(5)(6)~~ "Initial entry" means:
 - (A) a student's first day of attendance at a participating school in which the student is enrolled as recorded by that school; or
 - (B) the first day on which a student practices or otherwise participates as a member of an interscholastic athletics team at a participating school.
- ~~(6)(7)~~ "Interscholastic athletics" or "interscholastic athletic activity" means any extracurricular athletic activity that:
 - (A) involves students in any Grades 6 through 12;
 - (B) is sponsored by an individual school, PSU, or administering organization; and
 - (C) includes students from more than one school or PSU.
- ~~(7)(8)~~ "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
- ~~(8)(9)~~ "NFHS" means the National Federation of State High School Associations.

~~(9)~~(10) "Parent" is defined in G.S. 115C-407.50(6).

~~(10)~~(11) "Participating school" means a middle school, junior high school, or high school that elects to participate in interscholastic athletic activities.

~~(11)~~(12) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-making authority at a school, if there is no principal.

~~(12)~~(13) "Rule administrator" means any of the following:

(A) An administering organization, when administering and enforcing the rules provided by this Section at the high school level.

(B) A local superintendent or his or her authorized designee, when administering and enforcing the rules provided by this Section at the middle and junior high school level.

(C) The Superintendent of Public Instruction, if necessary pursuant to 16 NCAC 06E .0204(e).

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Eff. July 1, 1986;
Exp. Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.
Temporary Adoption Eff. July 1, 2024;
Eff. July 1, 2025.

1 16 NCAC 06E .0204 is amended with changes as published in 39:07 NCR 394–397 as follows:

2
3 **16 NCAC 06E .0204 ~~INTERSCHOLASTIC ATHLETICS AND ADMINISTERING ORGANIATIONS FOR~~**
4 **~~HIGH SCHOOL ATHLETICS~~ ADMINISTRATION OF INTERSCHOLASTIC**
5 **ATHLETICS**

6 (a) Definitions:

7 (1) ~~"Administering organization" is defined in G.S. 115C 407.50(1).~~

8 (2) ~~"Participating school" is defined in G.S. 115C 407.50(7).~~

9 (3) ~~"Public school unit" (PSU) is defined in G.S. 115C 5(7a).~~

10 (b) ~~PSUs are authorized to determine whether and to what extent students in grades 6 through 12 may participate in~~
11 ~~interscholastic athletics, provided students in grade 6 are not eligible to participate in tackle football. This Rule shall not~~
12 ~~apply to charter school athletic programs in kindergarten through grade 8.~~

13 (c) ~~To participate in public school interscholastic athletics, a student shall meet the following requirements:~~

14 (1) ~~A student who attends a school supervised by a local board of education shall only participate in the~~
15 ~~school to which the student is assigned under G.S. 115C 366. A student enrolled in a charter, regional,~~
16 ~~statewide public school, or school operated by the University of North Carolina, shall meet all the~~
17 ~~enrollment criteria for that school and attend that school. If a student is over the age requirements for~~
18 ~~the school the student attends, the student may participate at the school to which the student would be~~
19 ~~assigned or attend at the next higher grade level.~~

20 (2) ~~A student shall meet the age requirements at each grade level to participate. PSUs shall determine the~~
21 ~~age of participating students based on a preponderance of the evidence known to them. A student~~
22 ~~ineligible to participate at one grade level due to age shall be eligible to participate at the next higher~~
23 ~~grade level only, provided no student shall be eligible to participate at the middle school level for a~~
24 ~~period lasting longer than six consecutive semesters, beginning with the student's entry into grade 6,~~
25 ~~and no student shall be eligible to participate at the high school level for more than eight consecutive~~
26 ~~semesters, beginning with the student's first entry into grade 9 or participation on a high school team,~~
27 ~~whichever occurs first.~~

28 (A) ~~A student shall not participate on a grade 6, 7, or 8 team if the student becomes 15 years of~~
29 ~~age on or before August 31 of that school year.~~

30 (B) ~~A student shall not participate on a grade 9 through 12 team if the student becomes 19 years~~
31 ~~of age on or before August 31 of that school year.~~

32 (d) ~~To be eligible to participate during any semester in grades 6, 7, or 8, the student shall have passed at least one less~~
33 ~~course than the number of required core courses the prior semester and meet promotion standards established by the PSU,~~
34 ~~provided a student who is promoted from grade 5 to grade 6 shall be deemed to have satisfied the requirement set forth~~
35 ~~in this Paragraph to participate in the first semester of grade 6. To be eligible to compete during any semester in grades 9~~
36 ~~through 12, the student shall have passed at least five courses (or the equivalent for non-traditional school schedules) the~~
37 ~~prior semester and meet promotion standards established by the PSU, provided a student who is promoted from grade 8~~
38 ~~to grade 9 shall be deemed to have satisfied the requirement set forth in this Paragraph to participate in the first semester~~
39 ~~of grade 9.~~

(e) ~~To be eligible to participate, a student shall receive a medical examination every 395 days by a licensed physician, nurse practitioner, or physician assistant, subject to the provisions of G.S. 90-9.1, G.S. 90-9.2, G.S. 90-9.3, G.S. 90-18.1, and G.S. 90-18.2.~~

(f) ~~A student shall not participate in interscholastic athletics after any of the following:~~

- ~~(1) — graduation, except that the student may continue to participate in playoff and state championship contests in spring sports after graduation;~~
- ~~(2) — signing a professional athletic contract, except that the student may continue to participate in any sport for which the student has not signed a professional contract;~~
- ~~(3) — receiving remuneration as a participant in an athletic contest, except that the student may accept a gift, merchandise, trophy, or other thing of value, provided:
 - ~~(A) — the value does not exceed two hundred fifty dollars (\$250.00) per student per sports season;~~
 - ~~(B) — the item is totally consumable and nontransferable, or labeled in a permanent manner, for example, monogrammed or engraved items; and~~
 - ~~(C) — the item is approved by the student's principal and superintendent; or~~~~
- ~~(4) — participating on an all star team or in an all star game that is not sanctioned by the administering organization of which the student's school is a member, provided the student shall be ineligible only for the specific sport involved.~~

(g) ~~Each PSU shall require the principal of a school that participates in interscholastic athletics to sign and date a list of eligible students for each sport. The PSU shall maintain copy of the most current list in the principal's office and the office of the superintendent.~~

(h) ~~A PSU shall impose at least the following penalties on a student, coach, or school official in grades 6 through 12 who is ejected from an interscholastic athletic contest:~~

- ~~(1) — for the first offense, the person shall be reprimanded and suspended from participating in the next game at that level of play (varsity or junior varsity);~~
- ~~(2) — for a second offense, the person shall be placed on probation and suspended from participating in for the next two games at that level of play (varsity or junior varsity);~~
- ~~(3) — for a third offense, the person shall be suspended for one calendar year; and~~
- ~~(4) — a coach who is suspended shall not coach any team for any grade level during the period of suspension.~~

~~Penalties are cumulative from sport to sport and from sport season to sport season. If no member of the school's coaching staff is present to assume an ejected coach's duties, the contest shall be terminated by a forfeit.~~

~~(i) (a) PSUs The governing body of a PSU may allow high schools under their its jurisdiction to belong to an administering organization designated by the State Board of Education. Superintendent of Public Instruction.~~

~~(j) (b) An administering organization that has entered into a memorandum of understanding with the State Board of Education Superintendent for the purpose of administering interscholastic athletics under this Rule Section shall apply and enforce all of the requirements of this Rule. Section. An administering organization shall provide training and resources to ensure that all students, parents, and PSU personnel involved in the administration of interscholastic athletics understand and comply with the provisions of this Section.~~

~~(k) (c) The If the Superintendent enters a memorandum of understanding with one or more administering organizations consistent with G.S. 115C-407.61, the State Board of Education shall delegate to an administering~~

~~organization~~ the administering organization(s) its authority over participating schools that are members of the administering organization to:

(1) ~~waive any student eligibility requirement contained in this Rule, if it finds in a particular case that the requirement fails to promote academic progress, health, safety, and fair play, or it works an undue hardship on a student who has lost eligibility due to circumstances that made participation impossible such as prolonged illness or injury or if a waiver is necessary to reasonably accommodate a student's disability, as required under the Americans with Disabilities Act, U.S.C. 1201 et seq.;~~

(1) Apply and enforce student participation rules, as established in Rule .0207 of this Section.

(2) Waive any student participation rule as applied to a specific student, in accordance with [Rule .0207(k) of this Section.] [16 NCAC 06E .0207(k).]

(3) Apply and enforce student health and safety requirements, as established in Rule .0205 of this Section.

(2) (4) ~~adopt, Adopt,~~ apply, and enforce penalty ~~rules~~ rules, as defined in G.S. ~~115C-407.55(3)~~ 115C-407.55(3), that establish a system of demerits that includes reprimands, probations, suspensions, forfeitures of contests, forfeitures of titles, and ~~disqualifications; disqualifications, consistent with Rule .0209 of this Section.~~

(3) (5) ~~adopt, Adopt,~~ apply, and enforce administrative rules, as defined in G.S. ~~115C-407.55(5); 115C-407.55(5).~~

(4) (6) ~~adopt, Adopt,~~ apply, and enforce gameplay rules, as defined in G.S. ~~115C-407.55(6); 115C-407.55(6).~~

(5) (7) ~~establish and collect~~ Collect from all its members a uniform membership fee of either:

(A) one thousand dollars (\$1,000) for each participating school, or

(B) one dollar (\$1.00) for each student enrolled in a participating school.

(4) (d) An administering organization shall:

(1) ~~enter~~ Enter into a memorandum of ~~understanding~~ understanding, consistent with the requirements of G.S. 115C-407.55(8) and 115C-407.61, with the ~~State Board of Education Superintendent~~ no later than March 15 prior to the ~~academic start of the school~~ year in which it is to begin administering interscholastic athletics and no later than ~~the~~ March 15 before the expiration of an existing memorandum of understanding;

(2) ~~submit~~ Submit an audit report signed by an independent certified public accountant or accounting firm, which is in good standing with the North Carolina State Board of Certified Public Accountant Examiners and performs no other tasks or functions for the administering organization besides the annual audit, to the State Board of Education no later than March 15 each year;

(3) ~~broadcast~~ Broadcast the meetings of its membership and board of directors in a manner that is announced on its website and which may be viewed electronically by any member of the public;

1 (4) ~~provide~~ Provide to the State Board of Education within 30 days any requested organizational
2 records, such ~~as,~~ as financial information, annual audit reports, and any matters related to or
3 impacting participating schools;

4 (5) ~~enter~~ Enter into written agreements with PSUs that allow their eligible schools to participate in
5 interscholastic athletics, which agreements shall include an explanation of the fees to be charged,
6 the obligations of the PSU and participating schools, penalties for the violation of this Rule Section
7 that may be imposed, and an explanation of the process to ~~contest or appeal adverse decisions; and~~
8 file an appeal pursuant to Rule .0215 of this Section; and

9 (6) ~~publish~~ Publish the organization's rules through a link on the home page of its website.

10 ~~(m) State Board of Education will appoint an appeals board to hear and act upon appeals from final decisions of an~~
11 ~~administering organization, or from the Department of Public Instruction if necessary pursuant to G.S. 115C-~~
12 ~~407.60(b), regarding student eligibility, penalties, fees imposed, retaliation, or discrimination. Panels of no fewer than~~
13 ~~three members of the appeals board may hear and decide matters on behalf of the board. A PSU aggrieved by a final~~
14 ~~decision of the administering organization may file an appeal with the State Board of Education's Office of General~~
15 ~~Counsel within five days after receipt of the administering organization's final decision.~~
16 ~~The final decision shall be mailed to the Superintendent or board of trustees of the PSU.~~

17 (1) ~~— The administering organization's final decision shall contain:~~

18 (A) ~~— findings of fact;~~

19 (B) ~~— conclusions of law, including citation to any rules related to the decision;~~

20 (C) ~~— a description of any penalties; and~~

21 (D) ~~— a statement that the PSU may file a notice of appeal within five days of receipt of the~~
22 ~~administering organization's decision by mailing the notice to the State Board of~~
23 ~~Education's Office of General Counsel, 301 S. Wilmington Street, Raleigh, N.C. 27601,~~
24 ~~and emailing a copy of the notice of appeal to Office of General for the State Board of~~
25 ~~Education.~~

26 (2) ~~— The PSU's appeal shall:~~

27 (A) ~~— be in writing;~~

28 (B) ~~— include a description of the facts of the dispute;~~

29 (C) ~~— include any evidence submitted to the administering organization; and~~

30 (D) ~~— present an argument explaining why the PSU believes the administering organization's~~
31 ~~final decision was not based on substantial evidence as defined in G.S. 150B-2(8c) or is~~
32 ~~affected by an error of law.~~

33 (3) ~~— The administering organization may file a response to the PSU's submissions within five days. The~~
34 ~~panel may shorten the time for filing the administering organization's response if the decision affects~~
35 ~~a student's or coach's eligibility to participate in an intervening athletic contest.~~

36 (4) ~~— All documents filed in the appeal shall be simultaneously served on all parties in the manner~~
37 ~~prescribed in G.S. 1A-1, Rule 5 of the North Carolina Rules of Civil Procedure.~~

1 ~~(5) Any hearing shall be recorded.~~

2 ~~(6) No later than 30 days after the State Board of Education's receipt of the appeal, a panel of the appeals~~
3 ~~board shall issue its decision. The panel shall affirm the administering organization's final decision~~
4 ~~unless a majority of the panel determines that the final decision is not supported by substantial~~
5 ~~evidence or is affected by an error of law.~~

6 ~~(7) The panel's decision shall be final.~~

7 ~~(a) The PSU that has jurisdiction over a school may impose penalties in addition to those required by an administering~~
8 ~~organization.~~

9 (e) In the event that the Superintendent is unable to enter a memorandum of understanding with one or more
10 administering organizations in accordance with this Rule, the SBE shall delegate all authority and responsibility
11 provided to an administering organization by this Section to the Superintendent.

12 (f) A PSU, participating school, PSU employee, or student seeking to report allegations of intimidation or harassment
13 by an administering organization shall file a report with the Superintendent. The report shall be in writing and include
14 a detailed description of the factual basis for the allegations.

15 (g) The Superintendent shall be responsible for general oversight of interscholastic athletic activities at participating
16 middle and junior high schools. The local superintendent or his or her authorized designees shall apply and enforce
17 the requirements of this Section for participating middle and junior high schools under the jurisdiction of a PSU. The
18 local superintendent or his or her authorized designee may also waive any student participation rule as applied to a
19 specific student enrolled at a middle or junior high school under the jurisdiction of the PSU, in accordance with Rule
20 .0207 of this Section.

21 (h) Any person or PSU seeking to inquire about or report a violation of any rule enforced by a rule administrator shall
22 direct the initial inquiry or report to the appropriate rule administrator in accordance with the policies and procedures
23 adopted by the rule administrator.

24 (i) For any question or dispute involving the enforcement of any interscholastic athletics rule provided by this Section,
25 other than a ruling by a referee or official enforcing gameplay rules during an athletic competition, the relevant rule
26 administrator shall render a final decision within 10 business days. The rule administrator's final decision shall contain:

27 (1) Findings of fact.

28 (2) Conclusions of law, including a citation to and copy of any rules related to the decision.

29 (3) A description of any penalties imposed.

30 (4) Instructions on how the aggrieved party may file a notice of appeal with the Superintendent and a
31 notice that the appeal must be filed within five days after receipt of the final decision.

32 (j) An aggrieved party seeking to appeal a final decision with the Superintendent shall do so in accordance with Rule
33 .0215 of this Section.

34 (k) Nothing in this Section shall be construed as restricting the independent authority of a PSU to further limit or
35 regulate student participation in interscholastic athletics or other extracurricular activities in accordance with local
36 policies adopted by the governing body of the PSU. Limitations or regulations imposed under local policies shall not
37 be subject to appeal under Rule .0215.

1 *History Note:* *Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50, 115C-407.55; 115C-407.60;*
2 *115C-407.65; 116-235(b);*
3 *Emergency Adoption Eff. August 20, 2019;*
4 *Eff. March 1, 2021;*
5 *Temporary Amendment Eff. July 1, 2022;*
6 *Amended Eff. July 1, 2023;*
7 *Temporary Amendment Eff. July 1, 2024;*
8 *Amended Eff. July 1, 2025.*

1 16 NCAC 06E .0205 is adopted with changes as published in 39:07 NCR 397–398 as follows:

2
3 **16 NCAC 06E .0205 STUDENT HEALTH AND SAFETY**

4 (a) For purposes of this Rule, a concussion is defined as a traumatic brain injury caused by a direct or indirect impact
5 to the head that results in disruption of normal brain function, which may or may not result in loss of consciousness.

6 (b) An administering organization shall, on an annual basis, provide a concussion and head injury information sheet
7 to all coaches, school nurses, athletic directors, first responders, volunteers, and students who participate
8 interscholastic athletic activities, and the parents or legal guardians of those students. The information shall include:

- 9 (1) The definitions and symptoms of concussions and head injuries;
10 (2) A description of the physiology and the potential short-term and long-term effects of concussions
11 and other head injuries;
12 (3) The medical return-to-play protocol for post-concussion participation in interscholastic athletic
13 activities; and
14 (4) Any other information deemed necessary by the PSU.

15 (c) School employees, first responders, volunteers, and students shall sign the information sheet and return it to the
16 coach before participating in interscholastic athletic activities, including tryouts, practices, or competition. Parents
17 shall sign the information sheet and return it to the coach before a child may participate in any such interscholastic
18 athletic activities. The signed sheets shall be maintained in accordance with ~~.0207(b) of this Section.~~ 16 NCAC 06E
19 .0207(b).

20 (d) If a student participating in an interscholastic athletic activity exhibits signs or symptoms consistent with
21 concussion, the student shall be removed from the activity at the time and shall not be allowed to return to play or
22 practice that day. A student removed from play for exhibiting signs or symptoms consistent with concussion shall not
23 return to play or practice on a subsequent day until the student is evaluated by and receives written clearance for such
24 participation from one of the following:

- 25 (1) A physician licensed under Chapter 90, Article 1 of the General Statutes with training in concussion
26 management;
27 (2) A neuropsychologist licensed under Chapter 90, Article 18A of the General Statutes with training
28 in concussion management and working in consultation with a physician licensed under Chapter 90,
29 Article 34 of the General Statutes;
30 (3) An athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
31 (4) A physician assistant, consistent with the limitations of G.S. 90-18.1; or
32 (5) A nurse practitioner, consistent with the limitations of G.S. 90-18.2.

33 (e) Each participating school shall develop a venue-specific emergency action plan to deal with serious injuries and
34 acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan must be:

- 35 (1) In writing;
36 (2) Reviewed by an athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
37 (3) Approved by the principal of the school;

- (4) Distributed to all appropriate personnel;
- (5) Posted conspicuously for community and parental awareness at all athletic-sponsored venues; and
- (6) Reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.

(f) Each participating school's emergency management plan shall include:

- (1) A delineation of roles;
- (2) Methods of communication;
- (3) Available emergency equipment; and
- (4) Access to and plan for emergency transport.

(g) Each school shall maintain complete and accurate records of its compliance with the requirements of this Rule.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.57; 115C-407.58; 115C-407.60;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Rule Exp. Eff. August 20, 2020;
Temporary Adoption Eff. July 1, 2024;
Eff. July 1, 2025.

1 16 NCAC 06E .0206 amended as published in 39:07 NCR 398 as follows:

2
3 **16 NCAC 06E .0206 ATHLETIC TRAINERS**

4 (a) Each ~~Local Education Agency (LEA)~~ PSU shall designate for each participating high school within its jurisdiction
5 either a licensed athletic trainer who is qualified pursuant to ~~Article 34 of Chapter 90~~ Chapter 90, Article 34 of the
6 General Statutes of North Carolina or a first responder. These persons may be employed on a full-time or part-time
7 basis or may serve as a volunteer.

8 (b) If not a licensed athletic trainer, a first responder shall:

- 9 (1) ~~have completed and continue to~~ Complete and maintain certification in cardiopulmonary
10 resuscitation as certified by an organization such as the American Red Cross or the American Heart
11 Association;
12 (2) ~~have completed and continue to~~ Complete and maintain certification in first aid as certified by an
13 organization such as the American Red Cross or the American Heart Association;
14 (3) ~~have completed and continue to~~ Complete and maintain training in concussion management as
15 offered by an organization such as the ~~National Federation of State High School Associations~~
16 ~~(NFHS); NFHS;~~
17 (4) ~~have completed and continue to~~ Complete and maintain continuing education in injury prevention
18 and management as offered by an organization such as the ~~National Federation of State High School~~
19 ~~Associations (NFHS); NFHS;~~ and
20 (5) ~~complete~~ Complete 10 hours total of staff development each school year specific to first aid and
21 injury recognition and prevention. The 10 hours may include hours necessary for recertifications or
22 renewals.

23 (c) The licensed athletic trainer or first responder shall not have concurrent coaching responsibilities during the time
24 in which the person is working as a licensed athletic trainer or first responder.

25 (d) A licensed athletic trainer or first responder shall attend all ~~football games and practices,~~ practices and games for
26 football and all matches and tournaments for wrestling, unless excused by the local superintendent due to emergency.

27 (e) Each ~~LEA~~ PSU shall monitor the school athletic trainer's or first responder's compliance with this Rule.

28
29 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
30 *115C-407.65; 116-235(b);*
31 *Emergency Adoption Eff. August 20, 2019;*
32 *Eff. March 1, 2021;*
33 *Temporary Amendment Eff. July 1, 2024;*
34 *Amended Eff. July 1, 2025.*

1 16 NCAC 06E .0207 is adopted with changes as published in 39:07 NCR 398–401 as follows:

2
3 **16 NCAC 06E .0207 STUDENT PARTICIPATION RULES**

4 (a) A student shall not participate in interscholastic athletics on behalf of a North Carolina public school unless the
5 student has satisfied the eligibility requirements set forth in this Rule. PSUs are authorized to determine whether and
6 to what extent students under their jurisdiction may participate in interscholastic athletics, not inconsistent with the
7 requirements of this Rule.

8 (b) Each PSU shall require the principal of a participating school to sign and date a list of eligible students for each
9 sport. The PSU shall maintain a copy of the most current list in the principal's office and the office of the local
10 superintendent.

11 (c) Residency Requirements

12 (1) For purposes of this Rule, a student's primary residence shall be determined as follows:

13 (A) If both of the student's parents live together, the residence of both parents.

14 (B) If the student's parents are separated or divorced, the residence of the parent to whom a
15 court of competent jurisdiction has awarded primary custody of the student. If no custody
16 order has been entered, the student and the student's parents shall designate one parent's
17 residence as the primary residence and communicate that designation to the participating
18 school prior to participation in interscholastic athletic activities. The designated primary
19 residence shall be one that would otherwise render the student eligible to attend that school
20 in accordance with state law and the policies of the governing body of the PSU.

21 (C) If the student has only one living parent, the residence of that parent.

22 (D) If a student lives with an individual to whom a court of competent jurisdiction has awarded
23 legal guardianship of the student, the residence of that individual.

24 (E) If a student has been emancipated in accordance with Chapter 7B, Article 35 of the General
25 Statutes, the student's residence at the time of emancipation.

26 (F) If a student is a foreign national participating in a foreign exchange program authorized by
27 federal and state law, the residence to which the student is assigned by the program or host
28 PSU.

29 (2) A student shall not participate in interscholastic athletics following a change in primary residence
30 unless the change was made for a bona fide purpose and with the intent that it be permanent. The
31 relevant administering organization shall resolve, by a preponderance of the evidence, any disputes
32 regarding a high school student's primary residence or whether a change in a student's primary
33 residence was for a bona fide purpose.

34 (3) Notwithstanding Subparagraph (2) and absent a transfer between participating schools as provided
35 in Paragraph (e), a student shall be eligible to participate in interscholastic athletics on behalf of a
36 participating school in which the student is enrolled if the student has attended any school within
37 the jurisdiction of the same PSU as the participating school for the two preceding semesters.

1 (d) Enrollment Requirements

- 2 (1) A student enrolled in a school supervised by a local board of education shall only participate in
3 interscholastic athletics on behalf of the school to which the student is assigned under G.S. 115C-
4 366.
- 5 (2) A student enrolled in a charter school, regional school, or school operated by the University of North
6 Carolina shall meet all the enrollment criteria for that school and attend that school. A student who
7 attends a school described in this Subparagraph shall not participate in interscholastic athletics on
8 behalf of that school unless the student's primary residence is within either:
- 9 (A) the county in which the school is located, or
10 (B) twenty-five miles of the school as determined by ~~an administering organization~~ the
11 relevant rule administrator.
- 12 (3) A local board of education may by policy allow a person who is enrolled in Grade 6 through 12 in
13 a home school, as defined in G.S. 115C-563(a), and whose primary residence is within the board's
14 jurisdiction to participate in interscholastic athletics on behalf of a participating school under the
15 board's jurisdiction, provided that the board either agrees to cover any such person whom it allows
16 to participate under its catastrophic athletic accident insurance policy or verifies that the person is
17 independently covered by catastrophic accident insurance.

18 (e) Transfer Requirements

- 19 (1) After a student's initial entry into Grade 9, and absent a change in residence for a bona fide purpose
20 as provided in Paragraph (c) of this Rule:
- 21 (A) A student who transfers from one participating school to another participating school
22 within the same PSU shall not participate in interscholastic athletics for 365 calendar days
23 following the student's enrollment in the new school, unless the governing body of the PSU
24 has adopted a policy allowing immediate eligibility for students who are assigned by the
25 PSU to a different school within the same PSU.
- 26 (B) A student who transfers from a participating school in one PSU to a participating school in
27 a different PSU shall not participate in interscholastic athletics for 365 calendar days
28 following the student's enrollment in the new school, unless the governing bodies of both
29 PSUs agree that the transfer was for a bona fide purpose.
- 30 (C) If the governing bodies of the PSU disagree that ~~the~~ a transfer by a high school student was
31 for a bona fide purpose, the relevant administering organization shall resolve the dispute
32 by a preponderance of the evidence.
- 33 (2) After a student's initial entry into Grade 9, if a student transfers to a new school within 365 calendar
34 days after that school hires a coach for an interscholastic athletics team who was previously
35 employed as a coach for an equivalent sport by the school from which the student is transferring,
36 the student shall be ineligible to participate in interscholastic athletics for that sport for 365 calendar
37 days following the student's enrollment in the new school. An administering organization may waive

1 this restriction for a high school student if it determines by a preponderance of the evidence that the
2 student's transfer was for a bona fide purpose.

3 (3) A student who receives priority enrollment as the child of a full-time employee of a charter school
4 pursuant to G.S. 115C-218.45(f)(3) shall not be eligible to participate in interscholastic athletics for
5 that charter school if the Department of Public Instruction determines that the parent's employment
6 was a fraudulent basis for the student's priority enrollment. A student determined to be ineligible
7 under this Subparagraph shall be ineligible to participate in interscholastic athletics for 365 calendar
8 days following discovery of the violation.

9 (4) For purposes of this Paragraph, if a student transfers from a public school to a nonpublic school,
10 including a home school as defined in G.S. 115C-563(a), and within 365 calendar days transfers to
11 a different public school, the transfer from the nonpublic school shall be treated as a transfer from a
12 public school.

13 (5) A student who transfers to the North Carolina School of Science and Mathematics is exempt from
14 the requirements of this Paragraph upon initial entry into that school.

15 (6) No student shall participate in more than one season of interscholastic athletics per year in the same
16 sport, regardless of the school on behalf of which the student participated.

17 (f) Scholastic Requirements

18 (1) To be eligible to participate in interscholastic athletics, a student must be in good academic standing.
19 For purposes of this Rule, a student shall be deemed to be in good academic standing under the
20 following circumstances:

21 (A) The student attended at least 85 percent of the total number of instructional days in the PSU
22 during the previous semester;

23 (B) The student passed at least 70 percent of the courses taken in the preceding semester; and

24 (C) The student is making sufficient progress toward meeting the academic and curricular
25 requirements of the PSU and the State Board of Education to be promoted to the next grade
26 level or to graduate within the next calendar year.

27 (2) For the purpose of determining good academic standing during the fall semester, a student may
28 count any course that the student passed in a summer school session toward the total number of
29 courses passed in the preceding spring semester. The summer school course shall not affect the total
30 number of courses attempted in the preceding spring semester.

31 (3) A student who is promoted from Grade 5 to Grade 6 shall be deemed to have satisfied the
32 requirements set forth in this Paragraph to participate in the first semester of Grade 6.

33 (4) A student who is promoted from Grade 8 to Grade 9 shall be deemed to have satisfied the
34 requirements set forth in this Paragraph to participate in the first semester of Grade 9.

35 (g) Age Requirements

36 (1) Each PSU shall determine the age of a student participating in interscholastic athletics based on a
37 preponderance of the evidence known to the PSU.

- (2) A student who is ineligible to participate at one grade level due to age shall be eligible to participate at the next higher grade level only, provided that a student:
- (A) Shall be eligible to participate at the middle school level for no more than six consecutive semesters, beginning with the student's initial entry into Grade 6.
 - (B) Shall be eligible to participate at the high school level for no more than eight consecutive semesters, beginning with the student's initial entry into Grade 9.
 - (C) Shall not participate on a middle school team if the student becomes 15 years of age before August 31 of that school year.
 - (D) Shall not participate on a junior high school team if the student becomes 16 years of age on or before August 31 of that school year.
 - (E) Shall not participate on a high school team if the student becomes 19 years of age on or before August 31 of that school year.
- (3) A student in Grade 6 shall not participate in tackle football.
- (h) Biological Requirements. All students participating in interscholastic athletics shall comply with the biological participation requirements as provided in G.S. 115C-407.59.
- (i) Medical Requirements. To be eligible to participate in interscholastic athletics, a student shall receive a medical examination every 395 days by a licensed physician, nurse practitioner, or physician assistant, subject to the provisions of Chapter 90 of the General Statutes.
- (j) A student shall not participate in interscholastic athletics after pleading guilty or "no contest" to, or being convicted of, a felony under the laws of North Carolina, the United States, or any other state. Prior to deeming the student ineligible, ~~an administering organization~~ the relevant rule administrator shall obtain a certified copy of a criminal record reflecting the conviction and verify that the student is the same individual identified in the criminal record.
- (k) ~~An administering organization~~ A rule administrator shall, in an individual student's case, waive any eligibility requirement contained in this Rule if it finds by a preponderance of the evidence that enforcing the requirement:
- (1) fails to promote academic progress, health, safety, and fair play;
 - (2) works an undue hardship on a student who has lost eligibility due to circumstances that made participation impossible, such as prolonged illness or injury; or
 - (3) prevents the reasonable accommodation of a student's disability, as required by the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., or the Individuals with Disabilities in Education Act, 20 U.S.C. 1400 et seq.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024;
Eff. July 1, 2025.

1 16 NCAC 06E .0208 is adopted as published in 39:07 NCR 401 as follows:

2
3 **16 NCAC 06E .0208 AMATEUR RULES**

4 (a) A student shall not participate in interscholastic athletics after any of the following:

- 5 (1) Graduation, except that the student may continue to participate in playoff and state championship
6 contests in spring sports after graduation.
7 (2) Signing a professional athletic contract, except that the student may continue to participate in any
8 sport for which the student has not signed a professional contract.
9 (3) Receiving remuneration as a participant in an athletic contest, except that the student may accept a
10 gift, merchandise, or other thing of value, provided that:
11 (A) The value does not exceed two hundred-fifty dollars (\$250.00) per student per season;
12 (B) The item is totally consumable and nontransferable, or labeled in a permanent manner (e.g.,
13 an engraved or monogrammed item); and
14 (C) The item is approved by the principal of the student's school and the local superintendent.
15 (4) Participating on an all-star team or in all-star game or bowl game that is not sanctioned by the
16 administering organization of which the student's school is a member, provided that the student
17 shall be ineligible only for that sport.
18 (5) Entering into an NIL agreement, unless the student has complied with the requirements of Rule
19 .0211 of this Section.

20 (b) A student shall not be deemed ineligible under this Rule for any of the following:

- 21 (1) Payment by an administering organization, PSU, or athletic booster club affiliated with the student's
22 school or PSU for essential expenses arising from a specific interscholastic athletic contest in which
23 the student participates. Essential expenses shall include the reasonable cost of meals, lodging, and
24 transportation.
25 (2) Receipt of a nominal, standard fee or salary for instructing, supervising, or officiating an organized
26 youth sports program, recreational activities, playground, or camp, whether or not affiliated with a
27 PSU.
28 (3) Receipt of an Operation Gold Grant from the United States Olympic Committee.

29
30
31 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
32 *115C-407.65; 116-235(b)*
33 *Temporary Rule Eff. July 1, 2024;*
34 *Eff. July 1, 2025.*

1 16 NCAC 06E .0209 is adopted with changes as published in 39:07 NCR 401 as follows:

2
3 **16 NCAC 06E .0209 PENALTY RULES**

4 (a) A rule administrator shall impose at least the following penalties on a student, coach, or school official in Grades
5 6 through 12 who is ejected from an interscholastic athletic contest:

6 (1) for the first offense, the person shall be reprimanded and suspended from participating in the next
7 game; game in that sport;

8 (2) for a second offense, the person shall be placed on probation and suspended from participating in
9 the next two games; game in that sport;

10 (3) for a third offense, the person shall be suspended from participation in interscholastic athletics for
11 one calendar year;

12 (4) a coach who is suspended shall not coach any team for any grade level during the period of
13 suspension.

14 (b) Penalties shall be cumulative from sport to sport and from sport season to sport season. If no member of the
15 participating school's coaching staff is present to assume the duties of a head coach who has been ejected from an
16 interscholastic athletic contest, the contest shall be terminated by forfeit.

17 (c) The PSU that has jurisdiction over a participating school may impose penalties in addition to those imposed by
18 an administering organization.

19
20 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
21 *115C-407.65; 116-235(b);*
22 *Temporary Adoption Eff. July 1, 2024;*
23 *Eff. July 1, 2025.*

16 NCAC 06E .0210 is adopted with changes as published in 39:07 NCR 401–402 as follows:

16 NCAC 06E .0210 LIMITATIONS ON RECRUITING AND UNDUE INFLUENCE

(a) No student, coach, professional educator, or other employee of a PSU or administering organization shall subject a student to undue influence for the purpose of inducing or causing the student to transfer from one participating school to another to participate in interscholastic athletics on behalf of the receiving school.

(b) For purposes of this Rule, "undue influence" means communication or conduct undertaken for the purpose and intent of soliciting or encouraging a student to enroll in a participating school, including the following:

- (1) Initiating or arranging communication or contact in any form, including letters, email, or phone calls, with the student or ~~a member of the student's family~~, an immediate family member of the student.
- (2) Visiting or entertaining the student or ~~a member of the student's family~~, an immediate family member of the student.
- (3) Providing or arranging for transportation for the student or ~~member of the student's family~~, an immediate family member of the student to visit a participating school or meet with anyone associated with the participating school.
- (4) Communicating to a student or ~~a member of the student's family~~, an immediate family member of the student, either implicitly or explicitly, that a participating school's athletic program or sports team is superior to that of another participating school, or that it would be advantageous for the student to participate in athletics at a specific participating school. Such communication may be oral, written, or audiovisual in format.

(c) A party alleging undue influence shall direct the initial inquiry or report to the appropriate administering organization in accordance with the procedures adopted by the administering organization. The party alleging undue influence bears the burden of proving undue influence by a preponderance of the evidence.

(d) If the administering organization finds by a preponderance of the evidence that the accused party has engaged in undue influence, the administering organization shall impose penalties consistent with its regulations and with Rule .0209 of this Section.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);

Temporary Adoption Eff. July 1, 2024;

Eff. ~~Jan. 1,~~ July 1, 2025.

16 NCAC 06E .0211 is adopted with changes as published in 39:07 NCR 402–403 as follows:

16 NCAC 06E .0211 NAME, IMAGE, AND LIKENESS

(a) As used in this ~~Section~~, Section:

- (1) Compensation means anything of value to the student or an immediate family member of the student, including cash, in-kind gifts, discounts, and other tangible benefits.
- (2) ~~the phrase “name, “Name, image, or likeness” or “NIL” shall refer to~~ means the use of a student’s name, image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family member of the student. ~~Compensation is defined as anything of value to the student or an immediate family member of the student, including cash, in-kind gifts, discounts, and other tangible benefits.~~
- (3) “NIL agreement” means any formal agreement or contract to use a student’s name, image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family member of the student.
- (4) “School administrators” includes the principal and athletic director of the student’s school, the local superintendent, the chairperson of the PSU governing body, and the head coach of any sport in which the student participates during the terms of an NIL agreement.

(b) A student participating in interscholastic athletics may enter an NIL agreement ~~to use the student’s name, image, or likeness (hereinafter “NIL agreement”)~~ subject to the following restrictions:

- (1) The NIL agreement shall not condition the receipt, type, or extent of any compensation ~~to the student~~ on the extent or quality of the student’s athletic performance.
- (2) If the student is under 18 years of age, the student’s parent or legal guardian shall be a party to the NIL agreement.
- (3) The NIL agreement shall hold the following parties harmless from any liability related to, or arising from the NIL agreement:
 - (A) The governing body of the PSU in which the student is enrolled, as well as its officers and employees.
 - (B) Any administering organization with which the PSU is affiliated, as well as its officers and employees.
 - (C) The State Board of Education and the Department of Public Instruction, as well as their officers and employees.
- (4) The NIL agreement shall otherwise comply with state and federal law.

~~(c) Prior to a student’s entry into an NIL agreement:~~ The student shall disclose the NIL agreement to school administrators in accordance with the following procedures:

- (1) The No later than 10 business days prior to the execution of a proposed NIL agreement or an amendment to an existing NIL agreement, the student shall provide a complete and unredacted copy of the proposed NIL agreement or amendment to principal and athletic director of the student’s

1 ~~school, the local superintendent, the chairperson of the PSU governing body, and the head coach of~~
2 ~~any sport in which the student participates during the terms of the NIL agreement. school~~
3 ~~administrators.~~

4 (2) ~~The~~ No later than five business days after the execution or amendment of the NIL agreement, the
5 student shall provide a complete and unredacted copy of the executed NIL agreement or amendment
6 to school administrators.

7 (d) No later than 10 business days prior to a student's entry into an NIL agreement, the student shall complete the NIL
8 education course offered by the NFHS. If the student is under 18 years of age, the student's parent or legal guardian
9 shall also complete the course. Those persons required to complete the course shall provide the relevant administering
10 organization school administrators with a certificate of completion from the NFHS.

11 ~~(d)~~ (e) A student participating in interscholastic athletics may enter into an NIL agreement to use the student's name,
12 image, or likeness in any of the following ways:

- 13 (1) Public appearances or commercials.
- 14 (2) Autograph signings.
- 15 (3) Athletic camps and clinics.
- 16 (4) Sale of non-fungible tokens ("NFTs").
- 17 (5) Product or service endorsements.
- 18 (6) Promotional activities, including in-person events and social media advertisements.

19 (7) Any other commercial activities that are intended to promote a product or service offered by,
20 increase the profits of, or otherwise generate financial benefits for a party to the NIL agreement
21 from the use of the student's name, image, or likeness.

22 ~~(e)~~ (f) No student engaged in an NIL agreement-related activity shall do any of the following:

- 23 (1) Make any reference to a school, PSU, conference, or administering organization.
- 24 (2) Receive compensation for the use of intellectual property of any school, PSU, conference,
25 administering organization, or the NFHS. Intellectual property includes the name, uniform, mascot,
26 mark, or logo of the entity that owns the intellectual property.
- 27 (3) Appear in the uniform of the student's school or the school's sports team, or otherwise display the
28 intellectual property of any school, PSU, conference, administering organization, or the NFHS.

29 ~~(f)~~ (g) No student shall endorse or promote the goods or services of any third-party entity with which the student has
30 entered an NIL agreement during interscholastic athletic competition or other school-based activities or events. This
31 restriction applies to the wearing of apparel displaying the mark, logo, brand, or other identifying insignia of the third-
32 party entity, unless it is part of the standard uniform for the school or sport.

33 ~~(g)~~ (h) No student participating in interscholastic athletics shall enter into an NIL agreement or otherwise use the
34 student's name, image, or likeness to promote any of the following:

- 35 (1) An adult establishment, as defined in G.S. 14-202.10(2), or adult entertainment services.
- 36 (2) Alcohol or alcoholic products.
- 37 (3) Tobacco, vaping or other electronic smoking devices, or other nicotine products.

- (4) Cannabis or cannabis products.
- (5) Controlled substances, as defined in G.S. 90-87(5).
- (6) Opioids or prescription pharmaceuticals.
- (7) Weapons, firearms, or ammunition.
- (8) Casinos or gambling, including sports betting.
- (9) Activities that would disrupt the operations of a school or PSU.

~~(h)~~ (i) The ~~school~~ athletic director of a participating school shall submit a current copy of any executed or amended NIL agreement involving a student at the school to any administering organizations of which the student's school is a member within 30 days of the disclosure of the executed or amended NIL agreement by the ~~student or disclosure of any amendment to an existing NIL agreement.~~ student. The administering organization shall maintain accurate records of all NIL agreements received and provide a summary report of all NIL agreements to the State Board of Education no later than June 30 of each year.

~~(j)~~ (j) No athletic director, coach, other employee of a PSU, representative of an athletic booster club, or representative of an NIL collective shall use the promise of an NIL agreement to recruit a student to attend a specific participating school or participate in a specific sport. No athletic director, coach, other employee of a PSU, representative of an athletic booster club, or representative of an NIL collective shall act as a student's agent or marketing representative or otherwise facilitate an NIL agreement between a student and a third party. If the relevant administering organization finds a violation of this Paragraph by a preponderance of the evidence, the administering organization shall impose penalties consistent with its regulations and with Rule .0209 of this Section.

~~(k)~~ (k) This rule shall apply to any NIL agreement that a student or the student's parent or legal guardian execute during the time the student is enrolled in a PSU, even if the benefits of said agreement do not accrue to the student or an immediate family member of the student until after the student has graduated.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Eff. July 1, 2025.

1 16 NCAC 06E .0215 is adopted with changes as published in 39:07 NCR 403 as follows:

2
3 **16 NCAC 06E .0215 APPEALS**

4 (a) The Superintendent of Public Instruction shall appoint an independent interscholastic athletics appeals board
5 ("appeals board") to hear and act upon appeals from the final decision of a rule administrator regarding student
6 eligibility to participate in interscholastic athletics; violations of limitations on recruiting or undue influence; penalties
7 or fees imposed on students, coaches, or participating schools; or other enforcement of rules provided by this Section.

8 (b) An aggrieved party may file an appeal with the Superintendent within five days after receipt of the final decision
9 by completing an appeal form provided by the Superintendent. The aggrieved party shall submit the following
10 information required by the form:

11 (1) The name of the aggrieved party's participating school and PSU.

12 (2) The name, address, and phone number of the aggrieved party. If the aggrieved party is a school or
13 PSU, the aggrieved party shall also provide the name, address, phone number, and title of an
14 employee who will serve as the official representative of the school or PSU during the appeal.

15 (3) The names, email addresses, and phone numbers of the principal and local superintendent.

16 (3) The names of any students affected by the final decision and the sports in which the student
17 participates.

18 (4) A description of the facts underlying the final decision.

19 (5) A description of the final decision, the date it was issued, and the name, email, and phone number
20 of the rule administrator or staff member thereof who issued the final decision.

21 (6) An argument explaining why the aggrieved party believes the rule administrator's final decision was
22 ~~not based on substantial evidence or was affected by an error of law.~~ was erroneous for one or both
23 of the reasons provided in Paragraph (g).

24 (7) If applicable, the date of any imminent interscholastic athletic activity that the final decision may
25 affect.

26 (8) Any relevant documents or other evidence that the aggrieved party deems relevant to the appeal and
27 that the aggrieved party provided to the rule administrator for consideration prior to the final
28 decision.

29 (c) Panels of no fewer than three members of the appeals board may hear and decide matters on behalf of the appeals
30 board. The panel may conduct a live hearing in person or via teleconference. Any hearing so conducted shall be
31 recorded.

32 (d) The rule administrator may file a response to the aggrieved party's submissions within five days. The panel may
33 shorten the time for filing the rule administrator's response if the decision affects a student's or coach's eligibility to
34 participate in an intervening interscholastic athletic activity.

35 (e) All parties shall simultaneously provide copies of all records submitted as part of the appeal to the other parties
36 involved. If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the documents
37 and forms to the local superintendent and principal with jurisdiction over the aggrieved party.

(f) No later than 30 days after the Superintendent's receipt of the appeal, the panel shall issue its judgment.

~~(g) The panel shall affirm the rule administrator's final decision unless a majority of the panel determines that the final decision is not supported by substantial evidence, as defined in G.S. 150B-2(8c), or is affected by an error of law, either:~~

~~(1) Erroneously applies SBE rules or other applicable laws; or~~

~~(2) Is not supported by the evidence, based on the following standards of review:~~

~~(A) For a ruling by a referee or official enforcing gameplay rules during an athletic competition, the panel shall affirm the referee or official's ruling and uphold the resulting penalty unless the aggrieved party presents clear and convincing evidence to contradict the ruling.~~

~~(B) For a final decision of a rule administrator regarding the application of any other SBE rule, the panel shall affirm the final decision unless the aggrieved party demonstrates that the final decision was not supported by substantial evidence, as defined in G.S. 150B-2(8c).~~

~~(h)~~ The panel may also remand the final decision to the rule administrator for reconsideration in light of new information or evidence that was not provided to the rule administrator prior to its final decision, if there is an intervening change in any relevant law, or if the panel determines that additional information is necessary to inform its judgment. The panel shall not consider information or evidence presented that was not presented to the rule administrator in the first instance.

~~(h)~~ ~~(i)~~ The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a penalty imposed by the rule administrator pending the judgment of the appeals board.

~~(h)~~ ~~(j)~~ The panel's judgment shall be conclusive and not subject to further appeal.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024;
Eff. July 1, 2025.