

1 16 NCAC 06E .0204 is amended with changes as published in 37:02 NCR 209 as follows::

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3 **16 NCAC 06E .0204      INTERSCHOLASTIC ATHLETICS AND ADMINISTERING ORGANIZATIONS**  
4 **FOR HIGH SCHOOL ATHLETICS**

5 (a) ~~Local Education Agencies (LEAs)~~Definitions:

6       (1)     "Administering organization" is defined in G.S. 115C-407.50(1).

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

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

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

13 (b)(c) ~~In order to qualify for participation~~To participate in public school interscholastic athletics, a student shall meet  
14 the following requirements:

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

22       (2)     ~~The~~A student shall meet the age requirements at each grade level to participate. The principalPSUs  
23 shall have determine the age of participating students based on a preponderance of the evidence of  
24 the legal birth date of the student known to them. A student ~~who is~~ineligible to participate at one  
25 grade level due to age ~~is~~shall be eligible to participate at the next higher grade level ~~only.~~  
26 ~~However, only, provided~~ no student isshall be eligible to participate at the middle school level for a  
27 period lasting longer than six consecutive semesters, beginning with the student's entry into ~~sixth~~  
28 ~~grade-grade 6, and~~ None student shall be eligible to participate at the high school level for more  
29 than eight consecutive semesters, beginning with the student's first entry into grade ~~nine~~9 or  
30 participation on a high school team, whichever occurs first.

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

33       (B)     A student shall not participate on a ~~ninth~~grade 9 through 12 ~~junior high school~~team if the  
34 student becomes ~~16~~19 years of age on or before August 31 of that school year.

35       (C)     ~~A student is eligible to participate in high school athletic contests during a school year if~~  
36 ~~the student does not reach his or her 19th birthday on or before August 31 of that school~~  
37 ~~year.~~

1 ~~(e)~~(d) To be eligible to ~~compete~~participate during any semester in grades 6, 7, ~~and~~ 8, the student shall have passed  
2 at least one less course than the number of required core courses the ~~immediate~~-prior semester and meet promotion  
3 standards established by the LEA-PSU, provided a student who is promoted from grade 5 to grade 6 shall be deemed  
4 to have satisfied the requirement set forth in this Paragraph to participate in the first semester of grade 6. To be eligible  
5 to compete during any semester in grades ~~9-12~~9 through 12, the student shall have passed at least five courses (or the  
6 equivalent for non-traditional school schedules) the ~~immediate~~-prior semester and meet promotion standards  
7 established by the LEA. ~~Regardless of the school organization pattern, PSU, provided a student who is promoted from~~  
8 ~~the fifth grade to the sixth grade automatically meets the courses passed requirement for the first semester of the sixth~~  
9 ~~grade. Regardless of the school organization pattern,~~ a student who is promoted from ~~the eighth grade~~ 8 to ~~the ninth~~  
10 ~~grade~~ 9 ~~automatically meets the courses passed requirement for the first semester of the ninth grade~~ shall be deemed  
11 to have satisfied the requirement set forth in this Paragraph to participate in the first semester of grade 9.

12 ~~(d)~~(e) ~~The~~To be eligible to participate, a student shall receive a medical examination ~~each year~~every 395 days by a  
13 licensed physician, nurse practitioner, or physician assistant, subject to the provisions of G.S. ~~90-990-9.1~~, G.S. 90-9.2,  
14 G.S. 90-9.3, G.S. 90-18.1, and G.S. 90-18.2.

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

- 16 (1) ~~graduation;~~ graduation, except that the student may continue to participate in playoff and state  
17 championship contests in spring sports after graduation;
- 18 ~~(2)~~ becoming eligible to graduate;
- 19 ~~(3)~~(2) signing a professional athletic ~~contact;~~contract, except that the student may continue to participate  
20 in any sport for which the student has not signed a professional contract;
- 21 ~~(4)~~(3) receiving remuneration as a participant in an athletic ~~contest, or~~contest, except that the student may  
22 accept a gift, merchandise, trophy, or other thing of value, provided:
  - 23 (A) the value does not exceed two hundred fifty dollars (\$250.00) per student per sports season;
  - 24 (B) the item is totally consumable and nontransferable, or labeled in a permanent manner, for  
25 example, monogrammed or engraved items; and
  - 26 (C) the item is approved by the student's principal and superintendent; or
- 27 ~~(5)~~(4) participating on an all-star team or in an all-star game that is not sanctioned by the  
28 association~~administering organization~~ of which the student's school is a ~~member. The~~member,  
29 provided the student is ~~shall be~~ ineligible only for the specific sport involved.

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

33 ~~(g)~~(h) ~~Any~~A PSU shall impose at least the following penalties on a student, ~~student athlete,~~ coach, or school official  
34 in grades ~~6-12~~6 through 12 who is ejected from ~~any~~an interscholastic athletic contest ~~shall at least be penalized as~~  
35 follows:

- 1 (1) for the first offense, the person shall be reprimanded and suspended from participating infor the next  
2 game at that level of play (varsity or junior varsity); ~~varsity) and for any intervening games at either~~  
3 ~~level;~~
- 4 (2) for a second offense, the person shall be placed on probation and suspended from participating in  
5 for the next two games at that level of play (varsity or junior varsity); ~~varsity) and for any intervening~~  
6 ~~games at either level;~~
- 7 (3) for a third offense, the person shall be suspended for one calendar year; and
- 8 (4) a coach who is suspended ~~at any level of grades 6-12 (middle school, junior high or high school)~~  
9 shall not coach any team for in any other grade level ~~in grades 6-12~~ during the period of suspension.

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

12 ~~(h)(i)~~ LEAs PSUs may allow their schools to belong to ~~the North Carolina High School Athletic Association~~  
13 ~~(NCHSAA), which has established as a minimum the rules adopted by the SBE. an administering organization~~  
14 ~~designated by the State Board of Education. The NCHSAA~~

15 (j) An administering organization that has entered into a memorandum of understanding with the State Board of  
16 Education for the purpose of administering interscholastic athletics under this Rule ~~must~~ shall apply and enforce all  
17 of the requirements of this Rule.

18 (k) The State Board of Education ~~may~~ shall delegate to an administering organization its authority over participating  
19 schools to:

- 20 (1) waive any student eligibility requirement contained in this Rule, ~~except the age requirement,~~ if it  
21 finds in a particular case that the ~~rule~~ requirement fails to ~~accomplish its purpose~~ promote academic  
22 progress, health, safety, and fair play, or it works an undue hardship on a student who has lost  
23 eligibility due to circumstances that made participation impossible such as prolonged illness or  
24 ~~injury. The NCHSAA may enforce penalties for the violation of this Rule at the high school level.~~  
25 injury or if a waiver is necessary to reasonably accommodate a student's disability, as required under  
26 the Americans with Disabilities Act, U.S.C. § 1201 et seq.;
- 27 (2) adopt, apply, and enforce penalty rules as defined in G.S. 115C-407.55(3) that establish a system of  
28 demerits that includes reprimands, probations, suspensions, forfeitures of contests, forfeitures of  
29 titles, and disqualifications;
- 30 (3) adopt, apply, and enforce administrative rules, as defined in G.S. 115C-407.55(5);
- 31 (4) adopt, apply, and enforce gameplay rules, as defined in G.S. 115C-407.55(6); and
- 32 (5) establish and collect from all its members a uniform membership fee of either:
  - 33 (A) one thousand dollars (\$1,000) for each participating school, or
  - 34 (B) one dollar (\$1.00) for each student enrolled in a participating school.

35 (l) An administering organization shall:

- 1 (1) enter into a memorandum of understanding with the State Board of Education no later than March  
2 15 prior to the academic year in which it is to begin administering interscholastic athletics and no  
3 later than the March 15 before the expiration of an existing memorandum of understanding;
- 4 (2) [be audited by a reputable independent auditing firm and] submit the an audit report signed by an  
5 independent certified public accountant or accounting firm in good standing with the North Carolina  
6 State Board of Certified Public Accountant Examiners to the State Board of Education no later than  
7 March 15 each year;
- 8 (3) broadcast the meetings of its membership and board of directors in a manner that is announced on  
9 its website and which may be viewed electronically by any member of the public;
- 10 (4) provide to the State Board of Education within 30 days any requested organizational records, such  
11 as, financial information, annual audit reports, and any matters related to or impacting participating  
12 schools;
- 13 (5) enter into written agreements with PSUs that allow their eligible schools to participate in  
14 interscholastic sports, which agreements shall include an explanation of the fees to be charged, the  
15 obligations of the PSU and participating schools, penalties for the violation of this Rule at the high  
16 school level that may be imposed, and an explanation of the process to contest or appeal adverse  
17 decisions; and
- 18 (6) publish the organization's rules through a link on the home page of its website.

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

- 26 (1) The administering organization's final decision shall contain:
  - 27 A. findings of fact;
  - 28 B. conclusions of law, including citation to any rules related to the decision;
  - 29 C. a description of any penalties; and
  - 30 D. a statement that the PSU may file a notice of appeal within five days of receipt of the  
31 administering organization's decision by mailing the notice to the State Board of  
32 Education's Office of General Counsel, 301 S. Wilmington Street, Raleigh, N.C. 27601,  
33 and emailing a copy of the notice of appeal to Office of General for the State Board of  
34 Education.
- 35 (2) The PSU's appeal shall:
  - 36 A. be in writing;
  - 37 B. include a description of the facts of the dispute;

- 1 C. include any evidence submitted to the administering organization; and  
2 D. present an argument explaining why the PSU believes the administering organization's  
3 final decision was not based on substantial evidence as defined in G.S. 150B-2(8c) or is  
4 affected by an error of law.

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

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

10 (5) Any hearing shall be recorded.

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

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

16 ~~(i)(n)~~ The LEAPSU that has jurisdiction over the high-a school may impose ~~additional penalties~~ penalties in addition  
17 to those ~~[imposed-]~~ required by an administering organization. ~~[If there is no administering organization governing a~~  
18 ~~group of schools, a PSU LEAs or conferences may adopt and impose penalties at the middle and junior high school~~  
19 ~~levels for schools under its jurisdiction.]~~

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21 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50, 115C-407.55; 115C-407.60;*  
22 *115C-407.65; 116-235(b);*  
23 *Emergency Adoption Eff. August 20, 2019;*  
24 *Amended Eff. March 1, 2021;*  
25 *Temporary Amendment Eff. July 1, 2022*  
26 *Amended Eff. July 1, 2023.*  
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