

# Interscholastic Athletics Update

*Brad Alford, Director for the Office of Athletics*

# **SBE Policies on Interscholastic Athletics (ATHL Policy Series)**

# Background

- S.L. 2023-133 required the SBE to adopt new rules for interscholastic athletics.
- The SBE adopted permanent rules for the 2025-2026 school year and beyond on January 9, 2025.
- The SBE approved conforming changes to its ATHL policies, including renumbering several policies, on May 1, 2025.
- New rules and policies take effect July 1, 2025.

# Overview of Policy Amendments

# Revised Policy Codes

- **ATHL - 001 (Interscholastic Athletics)**
- **ATHL - 002 (Administration of Interscholastic Athletics)**
- *ATHL - 003 & 004 (Reserved)*
- **ATHL - 005 (Student Participation Rules)**
- *ATHL - 006 (Reserved)*
- **ATHL - 007 (Amateur Rules)**
- **ATHL - 008 (NIL)**
- **ATHL - 009 (Limitations on Recruiting and Undue Influence)**

# Revised Policy Codes

- *ATHL - 010 & 011 (Reserved)*
- ATHL - 012 (Penalties)
- ATHL - 013 (Appeals)
- *ATHL - 014 (Reserved)*
- ATHL - 015 (Student Health and Safety)
- ATHL - 016 (Athletic Trainers)

# ATHL-001

## (Interscholastic Athletics)

- Conforming Changes
  - Adds definition for “immediate family member” as used in policies on NIL and recruiting.
  - Adds definition of “final decision” to streamline other policies.
  - Adds “rule administrator” as a comprehensive term to include any entity enforcing SBE rules.
- New Policy Statement

# ATHL-002

## (Administration of Interscholastic Athletics)

- Conforming Changes
  - Re-orders paragraphs for more logical flow.
  - Adds requirements for what must be included in a final decision from a rule administrator (relocated from appeals policy).
  - Clarifies authority of PSUs to further limit or restrict participation in athletics under local policies.



# ATHL-007

## (Amateur Rules)

- Conforming Changes
  - Removes NIL provision (moved to new SBE Policy ATHL-008).
  - Provides that receipt of a grant from the U.S. Olympic Committee does not affect eligibility.

# ATHL-008

## (Name, Image, and Likeness)

- New Policy (to reflect new rule)
- Conforming Changes
  - Establishes requirement that notice to school administrators and completion of NFHS must happen at least 10 days in advance.
  - Requires submission of final signed copy of NIL agreement to school administrators.

# ATHL-013

## (Appeals)

- Conforming Changes
  - Clarifies role of appeals panel.
  - Establishes two standards of review for final decisions that result in a penalty:
    - Rulings by officials or referees enforcing game play rules will be upheld unless the aggrieved party presents **clear and convincing evidence** of error.
    - All other final decisions will be upheld unless they are not supported by **substantial evidence**.

# ATHL-013

## (Appeals)

- Clarifies jurisdiction of appeals board.
- Allows Superintendent or designee to dismiss an appeal under certain circumstances, including lack of jurisdiction or missing the appeal deadline.

# ATHL-016

## (Athletic Trainers)

- Conforming Changes
  - Requires athletic trainers at wrestling matches in addition to football practices and games.
- Recommendation to have athletic trainers or first responders at other athletic events.

# Points of Emphasis

# ATHL-001

## (Interscholastic Athletics)

- “Rule Administrator”
  - An administering organization, when administering and enforcing the rules at the high school level.
    - NCHSAA
    - CAA4SC
  - A local superintendent of his or her authorized designee, when administering enforcing the rules at the middle and junior high school level.

# ATHL-001

## (Interscholastic Athletics)

- “Final Decision”
  - A written decision of a rule administrator regarding the application or enforcement of rules under SBE policies on interscholastic athletics to a set of facts or circumstances.
  - A ruling by a referee or official enforcing gameplay rules during an athletic competition, as recorded by the referee or official in the game record maintained by the rule administrator, that results in the ejection or suspension of a player or coach shall be deemed a final decision upon exhaustion of any available mechanisms for review under the rule administrator’s internal policies and procedures.



# ATHL-002

## (Administration of Interscholastic Athletics)

- For any question or dispute involving the enforcement of any SBE policy governing interscholastic athletics, other than a ruling by a referee or official enforcing gameplay rules during an athletic competition, the relevant rule administrator shall render a final decision within 10 business days. The rule administrator's final decision shall contain:
  - Findings of fact.
  - Conclusions of law, including a citation to and copy of any rules related to the decision.
  - A description of any penalties imposed.
  - Instructions on how the aggrieved party may file a notice of appeal with the Superintendent and a notice that the appeal must be filed within five days after receipt of the final decision.

# ATHL-005

## (Student Participation Rules)

- Residency Requirements
  - Notwithstanding Section 3.b and absent a transfer between participating schools as provided in Section 5, a student shall be eligible to participate in interscholastic athletics on behalf of a participating school in which the student is enrolled if the student has attended any school within the jurisdiction of the same PSU as the participating school for the two preceding semesters.

# ATHL-005

## (Student Participation Rules)

- Scholastic Requirements
  - The student attended at least 85 percent of the total number of instructional days in the PSU during the previous semester.
- *NCDPI School Attendance and Student Accounting Manual*
  - *Recording Attendance - Attendance must be taken each day of the school year for on-site and remote instruction days. Except as noted for attendance codes 1H, 1M, 1Q, 1R, and 1S, below, a student must be present at least one-half of the school's instructional day in order to be recorded present for that day. Requirements for student attendance for remote instruction days shall be in accordance with the public-school unit's remote instruction plan.*

# ATHL-005

## (Student Participation Rules)

- Waivers - 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:
  - Fails to promote academic progress, health, safety, and fair play;
  - 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
  - Prevents the reasonable accommodation of a student's disability, as required by the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

# **ATHL-008**

## **(Name, Image, and Likeness)**

- A student participating in interscholastic athletics may enter an NIL agreement subject to Policy restrictions.
- The student shall disclose the NIL agreement to school administrators in accordance with Policy procedures.
- Permitted NIL Activities vs. Prohibited NIL Activities and Promotions
- Reporting Requirements
- Recruitment and Agency Restrictions

# ATHL-012

## (Penalty Rules)

- A rule administrator 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:
  - For the first offense, the person shall be reprimanded and suspended from participating in the next game in that sport;
  - For a second offense, the person shall be placed on probation and suspended from participating in the next two game in that sport;
  - For a third offense, the person shall be suspended from participation in interscholastic athletics for one calendar year;
  - For a coach who is suspended, the person shall not coach any team for any grade level during the period of suspension.

# ATHL-012

## (Penalty Rules)

- Penalties shall be cumulative from sport to sport and from sport season to sport season. If no member of the participating school's coaching staff is present to assume the duties of a head coach who has been ejected from an interscholastic athletic contest, the contest shall be terminated by forfeit.
- The PSU that has jurisdiction over a participating school may impose penalties in addition to those imposed by an administering organization.

# ATHL-013

## (Appeals)

- The Superintendent of Public Instruction (“Superintendent”) shall appoint an independent interscholastic athletics appeals board (“appeals board”) to hear and act upon appeals from a final decision of a rule administrator regarding the application or enforcement of SBE policies and corresponding administrative rules governing interscholastic athletics.
- The jurisdiction of the appeals board shall be limited to final decisions concerning the application or enforcement of SBE policies in the ATHL Policy Series and their corresponding administrative rules, codified at Title 16, Subchapter 6E, Section .0200 of the North Carolina Administrative Code. The appeals board shall have no jurisdiction over appeals that concern the application or enforcement of a policy, rule, or law, including local policies of a public school unit, that are outside the scope of those policies and rules.



# ATHL-013

## (Appeals)

- An aggrieved party may file an appeal with the Superintendent within five days after receipt of the final decision by completing an appeal form provided by the Superintendent. The aggrieved party shall submit the following information required by the form:
  - The name of the aggrieved party's participating school and PSU.
  - The name, address, and phone number of the aggrieved party. If the aggrieved party is a school or PSU, the aggrieved party shall also provide the name, address, phone number, and title of an employee who will serve as the official representative of the school or PSU during the appeal.
  - The names, email addresses, and phone numbers of the principal and local superintendent.

# ATHL-013

## (Appeals)

- The names of any students affected by the final decision and the sports in which the student participates.
- A description of the facts underlying the final decision.
- A description of the final decision, the date it was issued, and the name, email, and phone number of the rule administrator or staff member thereof who issued the final decision.
- An argument explaining why the aggrieved party believes the rule administrator's final decision was erroneous for one or both of the reasons provided in Section 8 of this Policy.
- If applicable, the date of any imminent interscholastic athletic activity that the final decision may affect prior to the final decision.

# ATHL-013

## (Appeals)

- Any relevant documents or other evidence that the aggrieved party deems relevant to the appeal and that the aggrieved party provided to the rule administrator for consideration prior to the final decision.

# ATHL-013

## (Appeals)

- The Superintendent, or the Superintendent's authorized designee, shall review the appeal form and determine whether the appeals board has jurisdiction over the appeal. The Superintendent or designee may dismiss the appeal for any of the following reasons:
  - The appeals board lacks jurisdiction over the appeal, as provided in Section 2 of this Policy.
  - The party filing the appeal is not an "aggrieved party" as defined in SBE Policy ATHL-001 or otherwise lacks standing to appeal.
  - The relevant rule administrator has not yet issued a final decision.

# ATHL-013

## (Appeals)

Cont.

- The appeal is not timely.
- The aggrieved party has failed to provide all the information required by Section 3, except that the Superintendent or designee shall provide notice of any deficiencies to the aggrieved party and a reasonable opportunity to correct the deficiency.

# ATHL-013

## (Appeals)

- The rule administrator may file a response to the aggrieved party's submissions within five days. The panel may shorten the time for filing the rule administrator's response if the decision affects a student's or coach's eligibility to participate in an intervening interscholastic athletic activity.
- All parties shall simultaneously provide copies of all records submitted as part of the appeal to the other parties involved. If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the documents and forms to the local superintendent and principal with jurisdiction over the aggrieved party.

# ATHL-013

## (Appeals)

- The Superintendent or designee shall appoint panels of no fewer than three members of the appeals board to hear and decide individual appeals on behalf of the appeals board.
  - The panel may conduct a live hearing in person or via teleconference. Any hearing so conducted shall be recorded.
  - The rule administrator shall speak first and have up to 30 minutes to explain its final decision and respond to questions from members of the panel.

# ATHL-013

## (Appeals)

Cont.

- The aggrieved party or shall have up to 30 minutes to respond to the rule administrator's final decision, explain why the rule administrator's final decision was erroneous for one or both of the reasons provided in Section 8, and respond to questions from the panel.
- Any other parties whose participation in the hearing has been deemed appropriate by the Superintendent or designee shall have up to 15 minutes to present additional relevant information and answer questions from the panel.



# ATHL-013

## (Appeals)

Cont.

- The panel chair may modify the order of presentations or extend time for either or both parties if the panel chair determines, in his or her sole discretion, that it is necessary to ensure a fair hearing of the facts and relevant law.
- Neither direct questioning nor cross examination of one party by another party shall be permitted.
- Profanity, ad hominem attacks against other parties, and statements of an excessively aggressive or hostile nature shall not be permitted.

# ATHL-013

## (Appeals)

Cont.

- The panel chair shall enforce the provisions of this Section and may dismiss from the hearing any individuals or parties who violate any of those provisions. The panel may also postpone the hearing if the panel chair determines, in his or her sole discretion, that it is necessary to ensure a fair hearing of the facts and relevant law.

# ATHL-013

## (Appeals)

- The panel shall affirm the rule administrator's final decision unless a majority of the panel determines that the final decision either:
  - Erroneously applies SBE policies or other applicable laws; or
  - Is not supported by the evidence, based on the following standards of review:
    - 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.
    - For a final decision of a rule administrator regarding the application of any other SBE policy, 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).

# ATHL-013

## (Appeals)

- 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.

# ATHL-013

## (Appeals)

- The Superintendent or designee may stay a determination of ineligibility, or a penalty imposed by the rule administrator, pending the judgment of the appeals board if the Superintendent or designee determines that:
  - The aggrieved party has demonstrated a likelihood of success on the merits of the appeal; and
  - The aggrieved party is likely to suffer irreparable harm or loss of opportunity if the stay is not granted.

# ATHL-013

## (Appeals)

- The panel's judgment shall be deemed a final agency decision and not subject to further appeal to the Superintendent or State Board of Education.

# ATHL-015

## (Student Health and Safety)

- An administering organization shall, on an annual basis, provide a concussion and head injury information sheet to all coaches, school nurses, athletic directors, first responders (SBE Policy ATHL-016), volunteers, and students who participate in interscholastic athletic activities, and the parents or legal guardians of those students.

# **ATHL-015**

## **(Student Health and Safety)**

- School employees, first responders, volunteers, and students shall sign the information sheet and return it to the coach before participating in interscholastic athletic activities, including tryouts, practices, or competition. Parents shall sign the information sheet and return it to the coach before a child may participate in any such interscholastic athletic activities. The signed sheets shall be maintained in accordance with SBE Policy ATHL-005.



# ATHL-015

## (Student Health and Safety)

- If a coach, athletic director, school nurse, athletic trainer, or first responder (as defined SBE Policy ATHL-016) determines that a student participating in an interscholastic athletic activity is exhibiting signs or symptoms consistent with concussion, the student shall be removed from the activity at the time and shall not be allowed to return to play or practice that day.
  - A student removed from play for exhibiting signs or symptoms consistent with concussion shall not return to play or practice on a subsequent day until the student is evaluated by and receives written clearance for such participation consistent with Policy.

# ATHL-015

## (Student Health and Safety)

- Each participating school shall develop a venue-specific emergency action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly.
- Each school shall maintain complete and accurate records of its compliance with the requirements of this Policy.
  - Subject to audit.

# ATHL-016

## (Athletic Trainers)

- Each public school unit shall designate for each high school within its jurisdiction either a licensed athletic trainer who is qualified pursuant to Chapter 90, Article 34 of the General Statutes or a first responder. These persons may be employed on a full-time or part-time basis or may serve as a volunteer.
  - If not a licensed athletic trainer, a first responder.
- The State Board of Education encourages public school units to have a licensed athletic trainer or first responder available for all other athletic events, practices, and activities in every sport at every middle, junior high, and high schools under the PSU's jurisdiction.



# **OFFICE OF ATHLETICS**

NC Department of Public Instruction