

1 16 NCAC 06E .0201 is proposed for amendment as follows:

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3 **SECTION .0200 - INTERSCHOLASTIC ATHLETICS**

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5 **16 NCAC 06E .0201 DEFINITIONS**

6 As used in this Section, the following definitions apply:

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

8 (2) "Administrative rule" is defined in G.S. 115C-407.55(5).

9 (2) (3) "Aggrieved party" means a student, coach, participating school, PSU, or other party that is directly
10 and adversely affected by a final decision of a rule ~~administrator, including a determination of~~
11 ~~ineligibility under Rule .0207 of this Section, a penalty imposed under Rule .0209 of this Section,~~
12 ~~or a finding of undue influence or a recruiting violation under Rule .0210 of this Section.~~
13 ~~administrator enforcing a student participation rule, penalty rule, or gameplay rule.~~ If a student is
14 affected, the student's parent or legal guardian may appeal the final decision pursuant to Rule .0215
15 of this Section.

16 (3) (4) "Bona fide purpose" means a purpose not primarily related to participation in interscholastic
17 athletics.

18 (4) (5) "Final decision" means a written decision of a rule administrator regarding the application or
19 enforcement of rules under this Section to a set of facts or circumstances. A ruling by a referee or
20 official enforcing gameplay rules during an athletic competition, as recorded by the referee or
21 official in the game record maintained by the rule administrator, that results in the ejection or
22 suspension of a player or coach shall be deemed a final decision upon exhaustion of any available
23 mechanisms for review under the rule administrator's internal policies and procedures.

24 (6) "Gameplay rule" is defined in G.S. 115C-407.55(6).

25 (5) (7) "Immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child,
26 grandchild, brother, sister, half-sibling, or step-sibling. The term applies to any such relationship
27 whether by blood, adoption, or marriage.

28 (6) (8) "Initial entry" means:

29 (a) a student's first day of attendance at a participating school in which the student is enrolled
30 as recorded by that school; or

31 (b) the first day on which a student practices or otherwise participates as a member of an
32 interscholastic athletics team at a participating school.

33 (7) (9) "Interscholastic athletics" or "interscholastic athletic activity" means any extracurricular athletic
34 activity that:

35 (a) involves students in any Grades 6 through 12;

36 (b) is sponsored by an individual school, PSU, or administering organization; and

37 (c) includes students from more than one school or PSU.

1 (8) (10) "Local superintendent" means the superintendent of a local school administrative unit, as provided
2 in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-
3 making authority for a PSU, if there is no superintendent.

4 (9) (11) "NFHS" means the National Federation of State High School Associations.

5 (10) (12) "Parent" is defined in G.S. 115C-407.50(6).

6 (11) (13) "Participating school" means a middle school, junior high school, or high school that elects to
7 participate in interscholastic athletic activities.

8 (14) "Penalty rule" is defined in G.S. 115C-407.55(3). Penalty rules are set forth in Rule .0209 of this
9 Section.

10 (12) (15) "Principal" means a school administrator employed as the principal of a school, as provided in
11 Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-
12 making authority at a school, if there is no principal.

13 (13) (16) "Rule administrator" means any of the following:

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

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

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

19 (17) "Student health and safety rule" is defined in G.S. 115C-407.55(2). Student health and safety rules
20 are set forth in Rule .0205 of this Section.

21 (18) "Student participation rule" is defined in G.S. 115C-407.55(1). Student participation rules are set
22 forth in Rule .0207 of this Section.

24 *History Note:* *Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
25 *115C-407.65; 116-235(b);*

26 *Eff. July 1, 1986;*

27 *Exp. Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.*

28 *Temporary Adoption Eff. July 1, 2024;*

29 *Temporary Adoption Eff. January 2, 2025;*

30 *Eff. July 1, 2025-2025;*

31 *Amended Eff. July 1, 2026.*

1 16 ncac 06E .0204 is proposed for amendment as follows:

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3 **16 NCAC 06E .0204 ADMINISTRATION OF INTERSCHOLASTIC ATHLETICS**

4 (a) The governing body of a PSU may allow high schools under its jurisdiction to belong to an administering
5 organization designated by the Superintendent of Public Instruction.

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

11 (c) If the Superintendent enters a memorandum of understanding with one or more administering organizations
12 consistent with G.S. 115C-407.61, the State Board of Education shall delegate to the administering organization(s) its
13 authority over participating schools that are members of the administering organization to:

14 (1) Apply and enforce student participation rules, as established in Rule .0207 of this Section.
15 (2) Waive any student participation rule as applied to a specific student, in accordance with 16 NCAC
16 06E .0207(k).

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

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

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

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

24 (7) Collect from all its members a uniform membership fee of either:

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

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

27 (d) An administering organization shall:

28 (1) Enter into a memorandum of understanding, consistent with the requirements of G.S. 115C-
29 407.55(8) and 115C-407.61, with the Superintendent no later than March 15 prior to the start of the
30 school year in which it is to begin administering interscholastic athletics and no later than March 15
31 before the expiration of an existing memorandum of understanding;

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

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

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

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

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

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

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

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

any person or PSU seeking to inquire about or report a violation of any rule enforced by a rule administrator shall file the initial inquiry or report to the appropriate relevant rule administrator in accordance with the policies and procedures adopted by the rule administrator.

~~any question or dispute involving the enforcement of any interscholastic athletics rule provided by this Section, or an a ruling by a referee or official enforcing gameplay rules during an athletic competition, If a rule administrator determines that a student, PSU, or other party has violated any of the rules in this Section or any policies and procedures promulgated by the rule administrator under the authority delegated by this Rule, the relevant rule administrator shall render a final decision within 10 business days. The rule administrator's final decision shall contain:~~

(1) Findings of fact.

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

(3) A description of any penalties imposed.

(4) 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.

~~ragraph shall not apply to a ruling by a referee or official enforcing gameplay rules during an athletic competition.~~

1 (j) An aggrieved party seeking to appeal a final decision with the Superintendent shall do so in accordance with Rule
2 .0215 of this Section.

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

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8 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50, 115C-407.55; 115C-407.60;*
9 *115C-407.65; 116-235(b);*

10 *Emergency Adoption Eff. August 20, 2019;*

11 *Eff. March 1, 2021;*

12 *Temporary Amendment Eff. July 1, 2022;*

13 *Amended Eff. July 1, 2023;*

14 *Temporary Amendment Eff. July 1, 2024;*

15 *Amended Eff. July 1, 2026; July 1, 2025.*

1 16 NCAC 06E .0205 is proposed for amendment as follows:

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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 (as defined in Rule .0206 of this Section), volunteers,
8 and students who participate in interscholastic athletic activities, and the parents or legal guardians of those students.

9 The information shall include:

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

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

20 (d) If a coach, athletic director, school nurse, athletic trainer, or first responder (as defined in Rule .0206 of this
21 Section) determines that a student participating in an interscholastic athletic activity is exhibiting signs or symptoms
22 consistent with concussion, the student shall be removed from the activity at the time and shall not be allowed to return
23 to play or practice that day. A student removed from play for exhibiting signs or symptoms consistent with concussion
24 shall not return to play or practice on a subsequent day until the student is evaluated by and receives written clearance
25 for such participation from one of the following:

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

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

37 (1) In writing;

- (2) Reviewed by an athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
- (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. 2025:

Amended Eff. July 1, 202

1 16 NCAC 06E .0207 is proposed for amendment as follow:

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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) of this Paragraph and absent a transfer between participating
35 schools as provided in Paragraph (e) of this Rule, a student shall be eligible to participate in
36 interscholastic athletics on behalf of a participating school in which the student is enrolled if the

1 student has attended any school within the jurisdiction of the same PSU as the participating school
2 for the two preceding semesters.

3 (d) Enrollment Requirements

4 (1) A student enrolled in a school supervised by a local board of education shall only participate in
5 interscholastic athletics on behalf of the school to which the student is assigned under G.S. 115C-
6 366.

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

19 (e) Transfer Requirements

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

1 days following the student's enrollment in the new school. An administering organization may waive
2 this restriction for a high school student if it determines by a preponderance of the evidence that the
3 student's transfer was for a bona fide purpose.

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

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

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

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

18 (f) Scholastic Requirements

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

22 (A) The student attended at least 85 percent of the total number of instructional days in the PSU
23 during the previous semester; semester, excluding absences qualifying as excused under
24 the local policies of the PSU;

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

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

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

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

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

37 (g) Age Requirements

- (1) Each PSU shall determine the age of a student participating in interscholastic athletics based on a 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, the relevant rule administrator shall obtain a certified copy of a criminal record reflecting the plea or conviction and verify that the student is the same individual identified in the criminal record. If the student enters a deferred prosecution agreement, conditional discharge agreement, or similar diversionary program, the student shall remain ineligible during the probationary period imposed by the agreement.

(k) 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.

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;

1 *Eff. July 1, 2025-2025;*

2 *Amended Eff. July 1, 2026.*

1 16 NCAC 06E .0209 is proposed for amendment as follows:

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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 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 ~~game~~ games 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.

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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, 2025-2025;*

24 *Amended Eff. July 1, 2026.*

1 16 NCAC 06E .0211 is proposed for amendment as follow:

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3 **16 NCAC 06E .0211 NAME, IMAGE, AND LIKENESS**

4 (a) As used in this Section:

5 (1) "Compensation" means anything of value to the student or an immediate family member of the
6 student, including cash, in-kind gifts, discounts, and other tangible benefits.

7 (2) "Name, image, or likeness" or "NIL" means the use of a student's name, image, or likeness for
8 commercial purposes and in exchange for compensation to the student or an immediate family
9 member of the student.

10 (3) "NIL agreement" means any means:

11 (A) A formal agreement or contract to use a student's name, image, or likeness for commercial
12 purposes and in exchange for compensation to the student or an immediate family member
13 of the student; or

14 (B) An agency contract, as defined in G.S. 78C-86(1).

15 (4) "School administrators" includes the principal and athletic director of the student's school, the local
16 superintendent, the chairperson of the PSU governing body, and the head coach of any sport in
17 which the student participates during the terms of an NIL agreement.

18 (b) A student participating in interscholastic athletics may enter an NIL agreement subject to the following
19 restrictions:

20 (1) The NIL agreement shall not condition the receipt, type, or extent of any compensation on the extent
21 or quality of the student's athletic performance.

22 (2) If the student is under 18 years of age, the student's parent or legal guardian shall be a party to the
23 NIL agreement.

24 (3) The NIL agreement shall hold the following parties harmless from any liability related to, or arising
25 from the NIL agreement:

26 (A) The governing body of the PSU in which the student is enrolled, as well as its officers and
27 employees.

28 (B) Any administering organization with which the PSU is affiliated, as well as its officers and
29 employees.

30 (C) The State Board of Education and the Department of Public Instruction, as well as their
31 officers and employees.

32 (4) The NIL agreement shall otherwise comply with state and federal law.

33 (c) The student shall disclose the NIL agreement to school administrators in accordance with the following
34 procedures:

35 (1) No later than 10 business days prior to the execution of a proposed NIL agreement or an amendment
36 to an existing NIL agreement, the student shall provide a complete and unredacted copy of the
37 proposed NIL agreement or amendment to school administrators.

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

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

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

(1) Public appearances or commercials.

(2) Autograph signings.

(3) Athletic camps and clinics.

(4) Sale of non-fungible tokens ("NFTs").

(5) Product or service endorsements.

(6) Promotional activities, including in-person events and social media advertisements.

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

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

(1) Make any reference to a school, PSU, conference, or administering organization.

(2) Receive compensation for the use of intellectual property of any school, PSU, conference, administering organization, or the NFHS. Intellectual property includes the name, uniform, mascot, mark, or logo of the entity that owns the intellectual property.

(3) Appear in the uniform of the student's school or the school's sports team, or otherwise display the intellectual property of any school, PSU, conference, administering organization, or the NFHS.

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

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

(1) An adult establishment, as defined in G.S. 14-202.10(2), or adult entertainment services.

(2) Alcohol or alcoholic products.

(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.

The 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. 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.

The athletic director, coach, other employee of a PSU, member of a PSU governing body, representative of an athletic booster club, or representative of an NIL collective shall use engage in any of the following activities:

(1) 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 sport~~;

(2) Act as a student's agent or marketing ~~representative or otherwise representative~~;

(3) 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. A “representative” of an athletic booster club or NIL collective shall include an officer or any person authorized to conduct business on behalf of the organization.

(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. 2025.
Amended Eff. July 1, 2026.

1 16 NCAC 06E .0215 is proposed for amendment 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 enforcing a student participation rule, penalty rule, or gameplay rule.

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

12 (1) The name of the aggrieved party's participating school and PSU.
13 (2) The name, address, and phone number of the aggrieved party. If the aggrieved party is a school or
14 PSU, the aggrieved party shall also provide the name, address, phone number, and title of an
15 employee who will serve as the official representative of the school or PSU during the appeal.
16 (3) The names, email addresses, and phone numbers of the principal and local superintendent.
17 (4) The names of any students affected by the final decision and the sports in which the student
18 participates.
19 (5) A description of the facts underlying the final decision.
20 (6) A description of the final decision, the date it was issued, and the name, email, and phone number
21 of the rule administrator or staff member thereof who issued the final decision.
22 (7) An argument explaining why the aggrieved party believes the rule administrator's final decision was
23 erroneous for one or both of the reasons provided in Paragraph (g) of this Rule.
24 (8) If applicable, the date of any imminent interscholastic athletic activity that the final decision may
25 affect.
26 (9) 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) The Superintendent shall appoint panels of no fewer than three members of the appeals board to hear and decide
30 individual appeals on behalf of the appeals board. The panel may conduct a live hearing in person or via
31 teleconference. Any hearing so conducted shall be 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.

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

2 (g) The panel shall affirm the rule administrator's final decision unless a majority of the panel determines that the

3 final decision either:

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

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

6 (A) For a ruling by a referee or official enforcing gameplay rules during an athletic competition,

7 the panel shall affirm the referee or official's ruling and uphold the resulting penalty unless

8 the aggrieved party presents clear and convincing evidence to contradict the ruling.

9 (B) For a final decision of a rule administrator regarding the application of any other SBE rule,

10 the panel shall affirm the final decision unless the aggrieved party demonstrates that the

11 final decision was not supported by substantial evidence, as defined in G.S. 150B-2(8c).

12 (h) The panel may also remand the final decision to the rule administrator for reconsideration in light of new

13 information or evidence that was not provided to the rule administrator prior to its final decision, if there is an

14 intervening change in any relevant law, or if the panel determines that additional information is necessary to inform

15 its judgment. The panel shall not consider information or evidence presented that was not presented to the rule

16 administrator in the first instance.

17 (i) The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a

18 penalty imposed by the rule administrator pending the judgment of the appeals board.

19 (j) The panel's judgment shall be deemed a final agency decision and not subject to further appeal to the

20 Superintendent or State Board of Education.

21

22 *History Note:* *Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*

23 *115C-407.65; 116-235(b);*

24 *Temporary Adoption Eff. July 1, 2024;*

25 *Eff. July 1, 2025-2025;*

26 *Amended Eff. July 1, 2026.*