

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

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| Administrative Procedures Act (APA) | 16 NCAC 06E .0204 |

ADMINISTERING ORGANIZATIONS

This policy sets for the rules and requirements for administering organizations that administer interscholastic athletic rules and policies adopted by the State Board of Education (“SBE”).

- (a) Public school units may allow their schools to belong to an administering organization designated by the SBE. The SBE currently recognizes two administering organizations:
 - (1) The North Carolina High School Athletic Association (“NCHSAA”)
 - (2) The Carolina Athletic Association for Schools of Choice (“CAAS4C”)
- (b) An administering organization that has entered a memorandum of understanding with the State Board of Education for the purpose of administering interscholastic athletics shall apply and enforce all the requirements of the rules and policies established by the SBE. 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 these requirements and any additional rules or regulations established by the administering organization, as permitted by law.
- (c) If the SBE enters a memorandum of understanding with one or more administering organizations consistent with Paragraph (b) of this Policy, the SBE may delegate to the administering organization(s) its authority over participating schools to:
 - (1) apply and enforce the rules and policies for interscholastic athletics established by the SBE;
or
 - (2) waive any student participation rule in accordance with SBE Policy ATHL-003.

(d) If the SBE enters a memorandum of understanding with one or more administering organizations consistent with Paragraph (b) of this Policy, the SBE shall delegate to the administering organization(s) its authority over participating schools to:

- (1) adopt, apply, and enforce penalty rules, as defined in G.S. 115C-407.55(3) that establish a system of demerits that includes reprimands, probations, suspensions, forfeitures of contests, forfeitures of titles, and disqualifications, not inconsistent with SBE Policy ATHL-004;
- (2) adopt, apply, and enforce administrative rules, as defined in G.S. 115C-407.55(5);
- (3) adopt, apply, and enforce gameplay rules, as defined in G.S. 115C-407.55(6); and
- (4) establish and 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.

The SBE may, by a majority vote, invalidate any rule or regulation adopted by an administering organization pursuant to this Paragraph.

(e) An administering organization shall:

- (1) enter into a memorandum of understanding with the SBE no later than March 15 prior to the academic 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 an audit report signed by an independent certified public accountant or accounting firm in good standing with the North Carolina State Board of Certified Public Accountant Examiners to the SBE no later than March 15 each year;
 - (3) 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;
 - (4) provide to the SBE 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 SBE rules and policies at the high school level that may be imposed, and an explanation of the process to contest or appeal adverse decisions; and
 - (6) publish the organization's rules through a link on the home page of its website.
- (f) The SBE shall appoint an appeals board to hear and act upon appeals from final decisions of an administering organization—regarding student eligibility, penalties, fees imposed, retaliation, or discrimination. Panels of no fewer than three members of the appeals board may hear and decide

matters on behalf of the board. A PSU aggrieved by a final decision of the administering organization may file an appeal with the SBE Office of General Counsel within five days after receipt of the administering organization's final decision.

- (g) The final decision shall be mailed to the local superintendent or board of trustees of the PSU.
 - (1) The administering organization's final decision shall contain:
 - (A) findings of fact;
 - (B) conclusions of law, including citation to any rules related to the decision;
 - (C) a description of any penalties imposed; and
 - (D) a statement that the PSU may file a notice of appeal within five days of receipt of the administering organization's decision by sending the notice to SBE Office of General Counsel both via email and the United States Postal Service.
 - (2) The PSU's appeal shall:
 - (A) be in writing;
 - (B) include a description of the facts of the dispute;
 - (C) include any evidence submitted to the administering organization; and
 - (D) present an argument explaining why the PSU believes the administering organization's final decision was not based on substantial evidence, as defined in G.S. 150B-2(8c), or is affected by an error of law.
 - (3) The administering organization may file a response to the PSU's submissions within five days. The panel may shorten the time for filing the administering organization's response if the decision affects a student's or coach's eligibility to participate in an intervening athletic contest.
 - (4) All documents filed in the appeal shall be simultaneously served on all parties via email and the United States Postal Service.
 - (5) Any hearing shall be recorded.
 - (6) No later than 30 days after receipt of the appeal by the SBE Office of General Counsel, a panel of the appeals board shall issue its decision. The panel shall affirm the administering organization's final decision unless a majority of the panel determines that the final decision is not supported by substantial evidence or is affected by an error of law. The panel may also remand the decision to the administering organization for further review in the event that there is an intervening change in any relevant law or if the panel determines that additional factual information is necessary to inform its decision.
 - (7) The panel's decision shall be final.

- (h) In the event that the SBE 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 provided to an administering organization under this Policy to the Department of Public Instruction.