

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

Item	Description
Policy Title	Appeals
Policy Category	Athletics (ATHL)
Policy ID	ATHL-010
Policy Date	07/01/04
Previous Policy Dates	
Statutory Reference	G.S. 115C-12(12); G.S. 115C-407.50; G.S. 115C-407.55; G.S. 115C-407.65
Administrative Procedures Act (APA)	16 NCAC 06E. 0215

APPEALS

This policy sets forth the process for appealing final decisions of administering organizations regarding the application or enforcement of State Board of Education (“SBE”) rules and policies on interscholastic athletics.

- (a) 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 an administering organization or PSU, or from the Department of Public Instruction if necessary pursuant to SBE Policy ATHL-002, regarding student eligibility to participate in interscholastic athletics; violations of limitations on recruiting or undue influence; penalties or fees imposed on students, coaches, or participating schools; or enforcement of other SBE rules and policies related to interscholastic athletics.
- (b) The administering organization's final decision shall contain:
 - (1) Findings of fact.
 - (2) Conclusions of law, including citation to and a copy of any rules related to the decision.
 - (3) A description of any penalties imposed.
 - (4) A statement that the aggrieved party may file a notice of appeal within five days of receipt of the administering organization’s decision by sending the notice to the Superintendent via electronic mail or the United States Postal Service.
- (c) An aggrieved party may file an appeal with the Superintendent within five days after receipt of the administering organization’s final decision. The final decision shall be mailed to the aggrieved party, with a copy to the local superintendent and principal with jurisdiction over the aggrieved party.
- (d) The aggrieved party’s appeal shall:
 - (1) Be in writing.
 - (2) Include a description of the facts of the dispute.

- (3) Include any evidence submitted to the administering organization.
 - (4) Present an argument explaining with the aggrieved party believes the administering organizations final decision was not based on substantial evidence, as defined in G.S. 150B-2(8c), or is affected by an error of law.
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- (e) The administering organization may file a response to the aggrieved party's submissions within five days. The appeals board 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.
 - (f) All parties to the appeal shall provide all documents related to the appeal to the other parties via electronic mail or the United States Postal Service. If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the documents to the local superintendent and principal with jurisdiction over the aggrieved party.
 - (g) Panels of no fewer than three members of the appeals board may hear and decide matters 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.
 - (h) No later than 30 days after the Superintendent's receipt of the appeal, the panel 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 if there is an intervening change in any relevant law or if the panel determines that additional information is necessary to inform its decision.
 - (i) The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a penalty imposed by the administering organization pending the final decision of the appeals board.
 - (j) The panel's decision shall be final.