

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

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3 **SECTION .0200 - ~~SCHOOL ATHLETICS AND SPORTS MEDICINE~~ 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) "Aggrieved party" means a student, coach, participating school, PSU, or other party that is directly
9 and adversely affected by a final decision of a rule administrator including a determination of
10 ineligibility under Rule .0207 of this Section, a penalty imposed under Rule .0209 of this Section,
11 or a finding of undue influence or a recruiting violation under Rule .0210 of this Section. If a student
12 is affected, the student's parent shall be allowed to appeal the final decision pursuant to Rule .0215
13 of this Section.
- 14 (3) "Bona fide purpose" means a purpose not primarily related to participation in interscholastic
15 athletics.
- 16 (4) "Final decision" means a written decision of a rule administrator regarding the application or
17 enforcement of rules under this Section to a set of facts or circumstances.
- 18 (5) "Initial entry" means:
19 (A) a student's first day of attendance at a participating school in which the student is enrolled
20 as recorded by that school; or
21 (B) the first day on which a student practices or otherwise participates as a member of an
22 interscholastic athletics team at a participating school.
- 23 (6) "Interscholastic athletics" or "interscholastic athletic activity" means any extracurricular athletic
24 activity that:
25 (A) involves students in any Grades 6 through 12;
26 (B) is sponsored by an individual school, PSU, or administering organization; and
27 (C) includes students from more than one school or PSU.
- 28 (7) "Local superintendent" means the superintendent of a local school administrative unit, as provided
29 in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-
30 making authority for a PSU, if there is no superintendent.
- 31 (8) "NFHS" means the National Federation of State High School Associations.
- 32 (9) "Parent" is defined in G.S. 115C-407.50(6).
- 33 (10) "Participating school" means a middle school, junior high school, or high school that elects to
34 participate in interscholastic athletic activities.
- 35 (11) "Principal" means a school administrator employed as the principal of a school, as provided in
36 Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-
37 making authority at a school, if there is no principal.

1 (12) "Rule administrator" means any of the following:

2 (A) An administering organization, when administering and enforcing the rules provided by
3 this Section at the high school level.

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

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

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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 *Eff. July 1, 1986;*

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

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

13 *Eff. July 1, 2025.*

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

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3 **16 NCAC 06E .0204 ~~INTERSCHOLASTIC ATHLETICS AND ADMINISTERING ORGANIATIONS FOR~~**
4 **~~HIGH SCHOOL ATHLETICS~~ ADMINISTRATION OF INTERSCHOLASTIC**
5 **ATHLETICS**

6 (a) Definitions:

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

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

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

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

13 (c) To participate in public school interscholastic athletics, a student shall meet the following requirements:

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

20 (2) ~~A student shall meet the age requirements at each grade level to participate. PSUs shall determine the~~
21 ~~age of participating students based on a preponderance of the evidence known to them. A student~~
22 ~~ineligible to participate at one grade level due to age shall be eligible to participate at the next higher~~
23 ~~grade level only, provided no student shall be eligible to participate at the middle school level for a~~
24 ~~period lasting longer than six consecutive semesters, beginning with the student's entry into grade 6,~~
25 ~~and no student shall be eligible to participate at the high school level for more than eight consecutive~~
26 ~~semesters, beginning with the student's first entry into grade 9 or participation on a high school team,~~
27 ~~whichever occurs first.~~

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

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

32 (d) ~~To be eligible to participate during any semester in grades 6, 7, or 8, the student shall have passed at least one less~~
33 ~~course than the number of required core courses the prior semester and meet promotion standards established by the PSU,~~
34 ~~provided a student who is promoted from grade 5 to grade 6 shall be deemed to have satisfied the requirement set forth~~
35 ~~in this Paragraph to participate in the first semester of grade 6. To be eligible to compete during any semester in grades 9~~
36 ~~through 12, the student shall have passed at least five courses (or the equivalent for non-traditional school schedules) the~~
37 ~~prior semester and meet promotion standards established by the PSU, provided a student who is promoted from grade 8~~
38 ~~to grade 9 shall be deemed to have satisfied the requirement set forth in this Paragraph to participate in the first semester~~
39 ~~of grade 9.~~

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

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

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

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

(h) ~~A PSU 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:~~

- ~~(1) — for the first offense, the person shall be reprimanded and suspended from participating in the next game at that level of play (varsity or junior varsity);~~
- ~~(2) — for a second offense, the person shall be placed on probation and suspended from participating in for the next two games at that level of play (varsity or junior varsity);~~
- ~~(3) — for a third offense, the person shall be suspended for one calendar year; and~~
- ~~(4) — a coach who is suspended shall not coach any team for any grade level during the period of suspension.~~

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

~~(i) (a) PSUs The governing body of a PSU may allow high schools under their its jurisdiction to belong to an administering organization designated by the State Board of Education. Superintendent of Public Instruction.~~

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

~~(k) (c) The If the Superintendent enters a memorandum of understanding with one or more administering organizations consistent with G.S. 115C-407.61, the State Board of Education shall delegate to an administering~~

~~organization~~ the administering organization(s) its authority over participating schools that are members of the administering organization to:

(1) ~~waive any student eligibility requirement contained in this Rule, if it finds in a particular case that the requirement fails to promote academic progress, health, safety, and fair play, or it 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 if a waiver is necessary to reasonably accommodate a student's disability, as required under the Americans with Disabilities Act, U.S.C. 1201 et seq.;~~

(1) Apply and enforce student participation rules, as established in Rule .0207 of this Section.

(2) Waive any student participation rule as applied to a specific student, in accordance with Rule .0207(k) of this Section.

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

~~(2) (4) adopt, Adopt, apply, and enforce penalty rules rules, as defined in G.S. 115C-407.55(3); 115C-407.55(3), that establish a system of demerits that includes reprimands, probations, suspensions, forfeitures of contests, forfeitures of titles, and disqualifications; disqualifications, consistent with Rule .0209 of this Section.~~

~~(3) (5) adopt, Adopt, apply, and enforce administrative rules, as defined in G.S. 115C-407.55(5); 115C-407.55(5).~~

~~(4) (6) adopt, Adopt, apply, and enforce gameplay rules, as defined in G.S. 115C-407.55(6); 115C-407.55(6).~~

~~(5) (7) establish and collect Collect~~ 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.

~~(4) (d)~~ An administering organization shall:

(1) ~~enter Enter~~ Enter into a memorandum of ~~understanding~~ understanding, consistent with the requirements of G.S. 115C-407.55(8) and 115C-407.61, with the ~~State Board of Education Superintendent~~ no later than March 15 prior to the academic start of the school 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 Submit~~ Submit an audit report signed by an independent certified public accountant or accounting firm, which is in good standing with the North Carolina State Board of Certified Public Accountant Examiners and performs no other tasks or functions for the administering organization besides the annual audit, to the State Board of Education no later than March 15 each year;

(3) ~~broadcast Broadcast~~ 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~~ 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~~ 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 Rule Section that may be imposed, and an explanation of the process to ~~contest or appeal adverse decisions;~~ and file an appeal pursuant to Rule .0215 of this Section; and
- (6) ~~publish~~ Publish the organization's rules through a link on the home page of its website.
- ~~(m) State Board of Education will appoint an appeals board to hear and act upon appeals from final decisions of an administering organization, or from the Department of Public Instruction if necessary pursuant to G.S. 115C-407.60(b), 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 State Board of Education's Office of General Counsel within five days after receipt of the administering organization's final decision. The final decision shall be mailed to the 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; 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 mailing the notice to the State Board of Education's Office of General Counsel, 301 S. Wilmington Street, Raleigh, N.C. 27601, and emailing a copy of the notice of appeal to Office of General for the State Board of Education.~~
- (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 in the manner prescribed in G.S. 1A-1, Rule 5 of the North Carolina Rules of Civil Procedure.~~

1 ~~(5) Any hearing shall be recorded.~~

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

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

7 ~~(n) The PSU that has jurisdiction over a school may impose penalties in addition to those required by an administering~~
8 ~~organization.~~

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

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

15 (g) The Superintendent shall be responsible for general oversight of interscholastic athletic activities at participating
16 middle and junior high schools. The local superintendent or his or her authorized designees shall apply and enforce
17 the requirements of this Section for participating middle and junior high schools under the jurisdiction of a PSU. The
18 local superintendent or his or her authorized designee may also waive any student participation rule as applied to a
19 specific student enrolled at a middle or junior high school under the jurisdiction of the PSU, in accordance with Rule
20 .0207 of this Section.

21 (h) Any person or PSU seeking to inquire about or report a violation of any rule enforced by a rule administrator shall
22 direct the initial inquiry or report to the appropriate rule administrator in accordance with the policies and procedures
23 adopted by the rule administrator.

24 (i) For any question or dispute involving the enforcement of any interscholastic athletics rule provided by this Section,
25 the relevant rule administrator shall render a final decision within 10 business days. The rule administrator's final
26 decision shall contain:

27 (1) Findings of fact.

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

29 (3) A description of any penalties imposed.

30 (4) Instructions on how the aggrieved party may file a notice of appeal with the Superintendent and a
31 notice that the appeal must be filed within five days after receipt of the final decision.

32 (j) An aggrieved party seeking to appeal a final decision with the Superintendent shall do so in accordance with Rule
33 .0215 of this Section.

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

1 *History Note:* *Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50, 115C-407.55; 115C-407.60;*
2 *115C-407.65; 116-235(b);*
3 *Emergency Adoption Eff. August 20, 2019;*
4 *Eff. March 1, 2021;*
5 *Temporary Amendment Eff. July 1, 2022;*
6 *Amended Eff. July 1, 2023;*
7 *Temporary Amendment Eff. July 1, 2024;*
8 *Amended Eff. July 1, 2025.*

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

2
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, volunteers, and students who participate
8 interscholastic athletic activities, and the parents or legal guardians of those students. The information shall include:

9 (1) The definitions and symptoms of concussions and head injuries;

10 (2) A description of the physiology and the potential short-term and long-term effects of concussions
11 and other head injuries;

12 (3) The medical return-to-play protocol for post-concussion participation in interscholastic athletic
13 activities; and

14 (4) Any other information deemed necessary by the PSU.

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

19 (d) If a student participating in an interscholastic athletic activity exhibits signs or symptoms consistent with
20 concussion, the student shall be removed from the activity at the time and shall not be allowed to return to play or
21 practice that day. A student removed from play for exhibiting signs or symptoms consistent with concussion shall not
22 return to play or practice on a subsequent day until the student is evaluated by and receives written clearance for such
23 participation from one of the following:

24 (1) A physician licensed under Chapter 90, Article 1 of the General Statutes with training in concussion
25 management;

26 (2) A neuropsychologist licensed under Chapter 90, Article 18A of the General Statutes with training
27 in concussion management and working in consultation with a physician licensed under Chapter 90,
28 Article 34 of the General Statutes;

29 (3) An athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;

30 (4) A physician assistant, consistent with the limitations of G.S. 90-18.1; or

31 (5) A nurse practitioner, consistent with the limitations of G.S. 90-18.2.

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

34 (1) In writing;

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

36 (3) Approved by the principal of the school;

37 (4) Distributed to all appropriate personnel;

- 1 (5) Posted conspicuously for community and parental awareness at all athletic-sponsored venues; and
2 (6) Reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school
3 nurses, athletic directors, and volunteers for interscholastic athletic activities.

4 (f) Each participating school's emergency management plan shall include:

- 5 (1) A delineation of roles;
6 (2) Methods of communication;
7 (3) Available emergency equipment; and
8 (4) Access to and plan for emergency transport.

9 (g) Each school shall maintain complete and accurate records of its compliance with the requirements of this Rule.

10
11 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.57;*
12 *115C-407.58; 115C-407.60;*
13 *Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*
14 *Emergency Rule Eff. August 20, 2019;*
15 *Emergency Rule Exp. Eff. August 20, 2020;*
16 *Temporary Adoption Eff. July 1, 2024;*
17 *Eff. July 1, 2025.*

1 16 NCAC 06E .0206 is proposed for amendment as follows:

2
3 **16 NCAC 06E .0206 ATHLETIC TRAINERS**

4 (a) Each ~~Local Education Agency (LEA)~~ PSU shall designate for each participating high school within its jurisdiction
5 either a licensed athletic trainer who is qualified pursuant to ~~Article 34 of Chapter 90~~ Chapter 90, Article 34 of the
6 General Statutes of North Carolina or a first responder. These persons may be employed on a full-time or part-time
7 basis or may serve as a volunteer.

8 (b) If not a licensed athletic trainer, a first responder shall:

- 9 (1) ~~have completed and continue to~~ Complete and maintain certification in cardiopulmonary
10 resuscitation as certified by an organization such as the American Red Cross or the American Heart
11 Association;
12 (2) ~~have completed and continue to~~ Complete and maintain certification in first aid as certified by an
13 organization such as the American Red Cross or the American Heart Association;
14 (3) ~~have completed and continue to~~ Complete and maintain training in concussion management as
15 offered by an organization such as the ~~National Federation of State High School Associations~~
16 ~~(NFHS); NFHS;~~
17 (4) ~~have completed and continue to~~ Complete and maintain continuing education in injury prevention
18 and management as offered by an organization such as the ~~National Federation of State High School~~
19 ~~Associations (NFHS); NFHS;~~ and
20 (5) ~~complete~~ Complete 10 hours total of staff development each school year specific to first aid and
21 injury recognition and prevention. The 10 hours may include hours necessary for recertifications or
22 renewals.

23 (c) The licensed athletic trainer or first responder shall not have concurrent coaching responsibilities during the time
24 in which the person is working as a licensed athletic trainer or first responder.

25 (d) A licensed athletic trainer or first responder shall attend all ~~football games and practices,~~ practices and games for
26 both football and wrestling, unless excused by the local superintendent due to emergency.

27 (e) Each ~~LEA~~ PSU shall monitor the school athletic trainer's or first responder's compliance with this Rule.

28
29 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
30 *115C-407.65; 116-235(b);*
31 *Emergency Adoption Eff. August 20, 2019;*
32 *Eff. March 1, 2021;*
33 *Temporary Amendment Eff. July 1, 2024;*
34 *Amended Eff. July 1, 2025.*

1 16 NCAC 06E .0207 is proposed for adoption as follows:

2
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) and absent a transfer between participating schools as provided
35 in Paragraph (e), a student shall be eligible to participate in interscholastic athletics on behalf of a
36 participating school in which the student is enrolled if the student has attended any school within
37 the jurisdiction of the same PSU as the participating school for the two preceding semesters.

1 (d) Enrollment Requirements

- 2 (1) A student enrolled in a school supervised by a local board of education shall only participate in
3 interscholastic athletics on behalf of the school to which the student is assigned under G.S. 115C-
4 366.
- 5 (2) A student enrolled in a charter school, regional school, or school operated by the University of North
6 Carolina shall meet all the enrollment criteria for that school and attend that school. A student who
7 attends a school described in this Subparagraph shall not participate in interscholastic athletics on
8 behalf of that school unless the student's primary residence is within either:
- 9 (A) the county in which the school is located, or
10 (B) twenty-five miles of the school as determined by an administering organization.
- 11 (3) A local board of education may by policy allow a person who is enrolled in Grade 6 through 12 in
12 a home school, as defined in G.S. 115C-563(a), and whose primary residence is within the board's
13 jurisdiction to participate in interscholastic athletics on behalf of a participating school under the
14 board's jurisdiction, provided that the board either agrees to cover any such person whom it allows
15 to participate under its catastrophic athletic accident insurance policy or verifies that the person is
16 independently covered by catastrophic accident insurance.

17 (e) Transfer Requirements

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

this restriction if it determines by a preponderance of the evidence that the student's transfer was for a bona fide purpose.

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

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

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

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

(f) Scholastic Requirements

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

(A) The student attended at least 85 percent of the total number of instructional days in the PSU during the previous semester;

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

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

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

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

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

(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, an administering organization shall obtain a certified copy of a criminal record reflecting the conviction and verify that the student is the same individual identified in the criminal record.

(k) An administering organization 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, or the Individuals with Disabilities in Education Act, 20 U.S.C. 1400 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;
Eff. July 1, 2025.*

1 16 NCAC 06E .0208 is proposed for adoption as follows:

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3 **16 NCAC 06E .0208 AMATEUR RULES**

4 (a) A student shall not participate in interscholastic athletics after any of the following:

- 5 (1) Graduation, except that the student may continue to participate in playoff and state championship
6 contests in spring sports after graduation.
7 (2) Signing a professional athletic contract, except that the student may continue to participate in any
8 sport for which the student has not signed a professional contract.
9 (3) Receiving remuneration as a participant in an athletic contest, except that the student may accept a
10 gift, merchandise, or other thing of value, provided that:
11 (A) The value does not exceed two hundred-fifty dollars (\$250.00) per student per season;
12 (B) The item is totally consumable and nontransferable, or labeled in a permanent manner (e.g.,
13 an engraved or monogrammed item); and
14 (C) The item is approved by the principal of the student's school and the local superintendent.
15 (4) Participating on an all-star team or in all-star game or bowl game that is not sanctioned by the
16 administering organization of which the student's school is a member, provided that the student
17 shall be ineligible only for that sport.
18 (5) Entering into an NIL agreement, unless the student has complied with the requirements of Rule
19 .0211 of this Section.

20 (b) A student shall not be deemed ineligible under this Rule for any of the following:

- 21 (1) Payment by an administering organization, PSU, or athletic booster club affiliated with the student's
22 school or PSU for essential expenses arising from a specific interscholastic athletic contest in which
23 the student participates. Essential expenses shall include the reasonable cost of meals, lodging, and
24 transportation.
25 (2) Receipt of a nominal, standard fee or salary for instructing, supervising, or officiating an organized
26 youth sports program, recreational activities, playground, or camp, whether or not affiliated with a
27 PSU.
28 (3) Receipt of an Operation Gold Grant from the United States Olympic Committee.

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31 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
32 *115C-407.65; 116-235(b)*
33 *Temporary Rule Eff. July 1, 2024;*
34 *Eff. July 1, 2025.*

1 16 NCAC 06E .0209 is proposed for adoption 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;

8 (2) for a second offense, the person shall be placed on probation and suspended from participating in
9 the next two games;

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.*

1 16 NCAC 06E .0210 is proposed for adoption as follows:

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3 **16 NCAC 06E .0210 LIMITATIONS ON RECRUITING AND UNDUE INFLUENCE**

4 (a) No student, coach, professional educator, or other employee of a PSU or administering organization shall subject
5 a student to undue influence for the purpose of inducing or causing the student to transfer from one participating
6 school to another to participate in interscholastic athletics on behalf of the receiving school.

7 (b) For purposes of this Rule, "undue influence" means communication or conduct undertaken for the purpose and
8 intent of soliciting or encouraging a student to enroll in a participating school, including the following:

9 (1) Initiating or arranging communication or contact in any form, including letters, email, or phone
10 calls, with the student or a member of the student's family.

11 (2) Visiting or entertaining the student or a member of the student's family.

12 (3) Providing or arranging for transportation for the student or member of the student's family to visit a
13 participating school or meet with anyone associated with the participating school.

14 (4) Communicating to a student or a member of the student's family, either implicitly or explicitly, that
15 a participating school's athletic program or sports team is superior to that of another participating
16 school, or that it would be advantageous for the student to participate in athletics at a specific
17 participating school. Such communication may be oral, written, or audiovisual in format.

18 (c) A party alleging undue influence shall direct the initial inquiry or report to the appropriate administering
19 organization in accordance with the procedures adopted by the administering organization. The party alleging undue
20 influence bears the burden of proving undue influence by a preponderance of the evidence.

21 (d) If the administering organization finds by a preponderance of the evidence that the accused party has engaged in
22 undue influence, the administering organization shall impose penalties consistent with its regulations and with Rule
23 .0209 of this Section.

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25 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
26 *115C-407.65; 116-235(b);*
27 *Temporary Adoption Eff. July 1, 2024;*
28 *Eff. Jan. 1, 2025.*
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1 16 NCAC 06E .0211 is proposed for adoption as follows:

2
3 **16 NCAC 06E .0211 NAME, IMAGE, AND LIKENESS**

4 (a) As used in this Section, the phrase “name, image, or likeness” or “NIL” shall refer to the use of a student’s name,
5 image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family
6 member of the student. Compensation is defined as anything of value to the student or an immediate family member
7 of the student, including cash, in-kind gifts, discounts, and other tangible benefits.

8 (b) A student participating in interscholastic athletics may enter an agreement to use the student’s name, image, or
9 likeness (hereinafter “NIL agreement”) subject to the following restrictions:

10 (1) The NIL agreement shall not condition the receipt, type, or extent of any compensation to the student
11 on the extent or quality of the student’s athletic performance.

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

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

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

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

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

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

23 (c) Prior to a student’s entry into an NIL agreement:

24 (1) The student shall provide a copy of the NIL agreement to the principal and athletic director of the
25 student’s school, the local superintendent, the chairperson of the PSU governing body, and the head
26 coach of any sport in which the student participates during the terms of the NIL agreement.

27 (2) The student shall complete the NIL education course offered by the NFHS. If the student is under
28 18 years of age, the student’s parent or legal guardian shall also complete the course. Those persons
29 required to complete the course shall provide the relevant administering organization with a
30 certificate of completion from the NFHS.

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

33 (1) Public appearances or commercials.

34 (2) Autograph signings.

35 (3) Athletic camps and clinics.

36 (4) Sale of non-fungible tokens (“NFTs”).

37 (5) Product or service endorsements.

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

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

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

4 (2) Receive compensation for the use of intellectual property of any school, PSU, conference,

5 administering organization, or the NFHS. Intellectual property includes the name, uniform, mascot,

6 mark, or logo of the entity that owns the intellectual property.

7 (3) Appear in the uniform of the student's school or the school's sports team, or otherwise display the

8 intellectual property of any school, PSU, conference, administering organization, or the NFHS.

9 (f) No student shall endorse or promote the goods or services of any third-party entity with which the student has

10 entered an NIL agreement during interscholastic athletic competition or other school-based activities or events. This

11 restriction applies to the wearing of apparel displaying the mark, logo, brand, or other identifying insignia of the third-

12 party entity, unless it is part of the standard uniform for the school or sport.

13 (g) No student participating in interscholastic athletics shall enter into an NIL agreement or otherwise use the student's

14 name, image, or likeness to promote any of the following:

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

16 (2) Alcohol or alcoholic products.

17 (3) Tobacco, vaping or other electronic smoking devices, or other nicotine products.

18 (4) Cannabis or cannabis products.

19 (5) Controlled substances, as defined in G.S. 90-87(5).

20 (6) Opioids or prescription pharmaceuticals.

21 (7) Weapons, firearms, or ammunition.

22 (8) Casinos or gambling, including sports betting.

23 (9) Activities that would disrupt the operations of a school or PSU.

24 (h) The school athletic director shall submit a current copy of any NIL agreement involving a student at the school to

25 any administering organizations of which the student's school is a member within 30 days of the disclosure of the NIL

26 agreement by the student or disclosure of any amendment to an existing NIL agreement. The administering

27 organization shall maintain accurate records of all NIL agreements received and provide a summary report of all NIL

28 agreements to the State Board of Education no later than June 30 of each year.

29 (i) No athletic director, coach, other employee of a PSU, representative of an athletic booster club, or representative

30 of an NIL collective shall use the promise of an NIL agreement to recruit a student to attend a specific participating

31 school or participate in a specific sport. No athletic director, coach, other employee of a PSU, representative of an

32 athletic booster club, or representative of an NIL collective shall act as a student's agent or marketing representative

33 or otherwise facilitate an NIL agreement between a student and a third party. If the relevant administering organization

34 finds a violation of this Paragraph by a preponderance of the evidence, the administering organization shall impose

35 penalties consistent with its regulations and with Rule .0209 of this Section.

1 (j) This rule shall apply to any NIL agreement that a student or the student's parent or legal guardian execute during
2 the time the student is enrolled in a PSU, even if the benefits of said agreement do not accrue to the student or an
3 immediate family member of the student until after the student has graduated.

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5 *History Note:* *Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
6 *115C-407.65; 116-235(b);*
7 *Eff. July 1, 2025.*

1 16 NCAC 06E .0215 is proposed for adoption as follows:

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

11 (1) The name of the aggrieved party's participating school and PSU.

12 (2) The name, address, and phone number of the aggrieved party. If the aggrieved party is a school or
13 PSU, the aggrieved party shall also provide the name, address, phone number, and title of an
14 employee who will serve as the official representative of the school or PSU during the appeal.

15 (3) The names, email addresses, and phone numbers of the principal and local superintendent.

16 (3) The names of any students affected by the final decision and the sports in which the student
17 participates.

18 (4) A description of the facts underlying the final decision.

19 (5) A description of the final decision, the date it was issued, and the name, email, and phone number
20 of the rule administrator or staff member thereof who issued the final decision.

21 (6) An argument explaining why the aggrieved party believes the rule administrator's final decision was
22 not based on substantial evidence or was affected by an error of law.

23 (7) If applicable, the date of any imminent interscholastic athletic activity that the final decision may
24 affect.

25 (8) Any relevant documents or other evidence that the aggrieved party deems relevant to the appeal and
26 that the aggrieved party provided to the rule administrator for consideration prior to the final
27 decision.

28 (c) Panels of no fewer than three members of the appeals board may hear and decide matters on behalf of the appeals
29 board. The panel may conduct a live hearing in person or via teleconference. Any hearing so conducted shall be
30 recorded.

31 (d) The rule administrator may file a response to the aggrieved party's submissions within five days. The panel may
32 shorten the time for filing the rule administrator's response if the decision affects a student's or coach's eligibility to
33 participate in an intervening interscholastic athletic activity.

34 (e) All parties shall simultaneously provide copies of all records submitted as part of the appeal to the other parties
35 involved. If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the documents
36 and forms to the local superintendent and principal with jurisdiction over the aggrieved party.

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

1 (g) The panel shall affirm the rule administrator's final decision unless a majority of the panel determines that the final
2 decision is not supported by substantial evidence, as defined in G.S. 150B-2(8c), or is affected by an error of law. The
3 panel may also remand the final decision to the rule administrator for reconsideration in light of new information or
4 evidence that was not provided to the rule administrator prior to its final decision, if there is an intervening change in
5 any relevant law, or if the panel determines that additional information is necessary to inform its judgment. The panel
6 shall not consider information or evidence presented that was not presented to the rule administrator in the first
7 instance.

8 (h) The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a
9 penalty imposed by the rule administrator pending the judgment of the appeals board.

10 (i) The panel's judgment shall be conclusive and not subject to further appeal.

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12 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
13 *115C-407.65; 116-235(b);*
14 *Temporary Adoption Eff. July 1, 2024;*
15 *Eff. July 1, 2025.*