

REDLINE COMPARISON TO TEMPORARY RULE

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

2
3 **SECTION .0200 - SCHOOL ATHLETICS AND SPORTS MEDICINE INTERSCHOLASTIC ATHLETICS**

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

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1 ~~(11)~~(10) "Participating school" means a middle school, junior high school, or high school that elects to
2 participate in interscholastic athletic activities.

3 ~~(12)~~(11) "Principal" means a school administrator employed as the principal of a school, as provided in
4 Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-
5 making authority at a school, if there is no principal.

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

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

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

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

12 ~~(13) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).~~

13 ~~(14) "Student" means a person enrolled in Grade 6 through 12 in any public school.~~

14
15 *History Note:* Authority G.S. 115C-12(12);115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;
16 115C-407.65; 116-235(b);
17 Eff. July 1, 1986;
18 Exp. Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.
19 Temporary Adoption Eff. July 1, 2024;
20 Eff. July 1, 2025.

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

2
3 **16 NCAC 06E .0204 ADMINISTRATION OF INTERSCHOLASTIC ATHLETICS**

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

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 ~~SBE—State Board of Education~~ shall delegate to the administering
13 organization(s) its authority over participating ~~high schools~~schools that are members of the administering organization
14 to:

- 15 (1) Apply and enforce student participation rules, as established in Rule .0207 of this Section.
- 16 (2) Waive any student participation rule as applied to a specific student, in accordance with Rule
17 .0207(k) of this Section.
- 18 (3) Apply and enforce student health and safety requirements, as established in Rule .0205 of this
19 Section.
- 20 (4) Adopt, apply, and enforce penalty rules, as defined in G.S. 115C-407.55(3), that establish a system
21 of demerits that includes reprimands, probations, suspensions, forfeitures of contests, forfeitures of
22 titles, and disqualifications, consistent with Rule .0209 of this Section.
- 23 (5) Adopt, apply, and enforce administrative rules, as defined in G.S. 115C-407.55(5).
- 24 (6) Adopt, apply, and enforce gameplay rules, as defined in G.S. 115C-407.55(6).
- 25 (7) Collect from all its members a uniform membership fee of either:
26 (A) one thousand dollars (\$1,000) for each participating school, or
27 (B) one dollar (\$1.00) for each student enrolled in a participating school.

28 (d) An administering organization shall:

- 29 (1) Enter into a memorandum of understanding, consistent with the requirements of G.S. 115C-
30 407.55(8) and 115C-407.61, with the Superintendent no later than March 15 prior to the academic
31 year in which it is to begin administering interscholastic athletics and no later than the March 15
32 before the expiration of an existing memorandum of understanding;
- 33 (2) Submit an audit report signed by an independent certified public accountant or accounting firm,
34 which is in good standing with the North Carolina State Board of Certified Public Accountant
35 Examiners and performs no other tasks or functions for the administering organization besides the
36 annual audit, to the State Board of Education no later than March 15 each year;

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- 1 (3) Broadcast the meetings of its membership and board of directors in a manner that is announced on
2 its website and which may be viewed electronically by any member of the public;
- 3 (4) Provide to the State Board of Education within 30 days any requested organizational records, such
4 as, financial information, annual audit reports, and any matters related to or impacting participating
5 schools;
- 6 (5) Enter into written agreements with PSUs that allow their eligible schools to participate in
7 interscholastic athletics, which agreements shall include an explanation of the fees to be charged,
8 the obligations of the PSU and participating schools, penalties for the violation of this Section that
9 may be imposed, and an explanation of the process to file an appeal pursuant to Rule .0215 of this
10 Section; and
- 11 (6) Publish the organization's rules through a link on the home page of its website.

12 ~~(e) Any person or PSU seeking to inquire about or report a violation of any rule administered by an administering~~
13 ~~organization shall direct the initial inquiry or report to the appropriate administering organization in accordance with~~
14 ~~the procedures adopted by the administering organization. For any matter involving the enforcement of any~~
15 ~~interscholastic athletics rule provided by this Section, the administering organization shall render a final decision in~~
16 ~~writing within 10 business days. An aggrieved party seeking to file an appeal of a final decision of an administering~~
17 ~~organization with the Superintendent shall do so in accordance with Rule .0215 of this Section.~~

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

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

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

27 ~~(h)(g)~~ The Superintendent shall be responsible for general oversight of interscholastic athletic activities at
28 participating middle and junior high schools. ~~Public school units~~The local superintendent or his or her authorized
29 designee shall apply and enforce the requirements of this Section for participating middle and junior high schools
30 under ~~their jurisdiction~~the jurisdiction of the PSU. The local superintendent or his or her authorized designee may
31 also waive any student participation rule as applied to a specific student enrolled at a middle or junior high school
32 under the jurisdiction of the PSU, in accordance with Rule .0207 of this Section.

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

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

4 (1) Findings of fact.

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

6 (3) A description of any penalties imposed.

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

9 (j) An aggrieved party seeking to appeal a final decision with the Superintendent shall do so in accordance with Rule
10 .0215 of this Section.

11 ~~(h) The Superintendent shall be responsible for general oversight of interscholastic athletic activities at participating~~
12 ~~middle and junior high schools. Public school units shall apply and enforce the requirements of this Section for~~
13 ~~participating middle and junior high schools under their jurisdiction. A PSU may also waive any student participation~~
14 ~~rule as applied to a specific student enrolled at a middle or junior high school under the jurisdiction of the PSU, in~~
15 ~~accordance with .0207(k) of this Section.~~

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

20
21 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50, 115C-407.55; 115C-407.60;*
22 *115C-407.65; 116-235(b);*
23 *Emergency Adoption Eff. August 20, 2019;*
24 *Eff. March 1, 2021;*
25 *Temporary Amendment Eff. July 1, 2022;*
26 *Amended Eff. July 1, 2023;*
27 *Temporary Amendment Eff. July 1, 2024;*
28 *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 REQUIREMENTS—FOR**
4 **~~INTERSCHOLASTIC ATHLETIC COMPETITION~~**

5 (a) For purposes of this Rule, a concussion is defined as a traumatic brain injury caused by a direct or indirect impact
6 to the head that results in disruption of normal brain function, which may or may not result in loss of consciousness.

7 (b) An administering organization shall, on an annual basis, provide a concussion and head injury information sheet
8 to all coaches, school nurses, athletic directors, first responders, volunteers, and students who participate
9 interscholastic athletic activities, and the parents or legal guardians of those students. 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 .0207(b) of this Section.

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

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

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

- 35 (1) In writing;
36 (2) Reviewed by an athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
37 (3) Approved by the principal of the school;

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

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

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

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

11

12 *History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.57;*

13 *115C-407.58; 115C-407.60;*

14 *Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

15 *Emergency Rule Eff. August 20, 2019;*

16 *Emergency Rule Exp. Eff. August 20, 2020;*

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

18 *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 PSU shall designate for each participating high school within its jurisdiction either a licensed athletic trainer
5 who is qualified pursuant to Chapter 90, Article 34 of the General Statutes or a first responder. These persons may be
6 employed on a full-time or part-time basis or may serve as a volunteer.

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

8 (1) Complete and maintain certification in cardiopulmonary resuscitation as certified by an organization
9 such as the American Red Cross or the American Heart Association;

10 (2) Complete and maintain certification in first aid as certified by an organization such as the American
11 Red Cross or the American Heart Association;

12 (3) Complete and maintain training in concussion management as offered by an organization such as
13 the ~~National Federation of State High School Associations ("NFHS");~~ NFHS;

14 (4) Complete and maintain continuing education in injury prevention and management as offered by an
15 organization such as the NFHS; and

16 (5) Complete 10 hours total of staff development each school year specific to first aid and injury
17 recognition and prevention. The 10 hours may include hours necessary for recertifications or
18 renewals.

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

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

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

24

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 *Emergency Adoption Eff. August 20, 2019;*

28 *Eff. March 1, 2021;*

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

30 *Eff. July 1, 2025.*

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

2
3 **16 NCAC 06E .0207 STUDENT PARTICIPATION RULES ~~FOR INTERSCHOLASTIC ATHLETICS~~**

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 the student lives with both parents,If both of the student's parents live together,~~ the
14 residence of both parents.

15 ~~(B) If the student lives with a single parent, the residence of that parent.~~

16 ~~(C)~~(B) If the student's parents are separated or divorced, the residence of the parent to whom a
17 court of competent jurisdiction has awarded primary custody of the student. If no custody
18 order has been entered, the ~~student's primary residence shall be deemed to be that at which~~
19 ~~the student is residing more than half time at the beginning of the school year,student and~~
20 ~~the student's parents shall designate one parent's residence as the primary residence and~~
21 ~~communicate that designation to the participating school prior to participation in~~
22 ~~interscholastic athletic activities. The designated primary residence shall be one that would~~
23 ~~otherwise render the student eligible to attend that school in accordance with state law and~~
24 ~~the policies of the governing body of the PSU.~~

25 ~~(C) If the student has only one living parent, the residence of that parent.~~

26 (D) If a student lives with an individual to whom a court of competent jurisdiction has awarded
27 legal guardianship of the student, the residence of that individual.

28 (E) If a student has been emancipated in accordance with Chapter 7B, Article 35 of the General
29 Statutes, the student's residence at the time of emancipation.

30 (F) If a student is a foreign national participating in a foreign exchange program authorized by
31 federal and state law, the residence to which the student is assigned by the program or host
32 PSU.

33 (2) A student shall not participate in interscholastic athletics following a change in primary residence
34 unless the change was made for a bona fide purpose and with the intent that it be permanent. ~~An~~
35 The relevant administering organization shall resolve, by a preponderance of the evidence, any
36 disputes regarding a high school student's primary residence or whether a change in a student's
37 primary residence was for a bona fide purpose.

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

(d) Enrollment Requirements

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

9 (2) A student enrolled in a charter school, regional ~~statewide public~~ school, or school operated by the
10 University of North Carolina shall meet all the enrollment criteria for that school and attend that
11 school. A student who attends a school described in this Subparagraph shall not participate in
12 interscholastic athletics on behalf of that school unless the student's primary residence is within
13 either:

14 (A) the county in which the school is located, or

15 (B) twenty-five miles of the school as determined by an administering organization.

16 (3) A local board of education may by policy allow a person who is enrolled in Grade 6 through 12 in
17 a home school, as defined in G.S. 115C-563(a), and whose primary residence is within the board's
18 jurisdiction to participate in interscholastic athletics on behalf of a participating school under the
19 board's jurisdiction, provided that the board either agrees to cover any such person whom it allows
20 to participate under its catastrophic athletic accident insurance policy or verifies that the person is
21 independently covered by catastrophic accident insurance.

(e) Transfer Requirements

23 (1) After a student's initial entry into Grade 9, and absent a change in residence for a bona fide purpose
24 as provided in Paragraph (c) of this Rule:

25 (A) ~~a~~A student who transfers from one participating school to another participating school
26 within the same PSU shall not participate in interscholastic athletics for 365 calendar days
27 following the student's enrollment in the new school, unless the governing ~~authority~~body
28 of the PSU has adopted a policy allowing immediate eligibility for students who are
29 assigned by the PSU to a different school within the same PSU.

30 (B) ~~a~~A student who transfers from a participating school in one PSU to a participating school
31 in a different PSU shall not participate in interscholastic athletics for 365 calendar days
32 following the student's enrollment in the new school, ~~except by mutual agreement of the~~
33 ~~governing authorities of each PSU, unless the governing bodies of both PSUs agree that the~~
34 ~~transfer was for a bona fide purpose.~~

35 (C) If the governing bodies of the PSU disagree that the transfer was for a bona fide purpose,
36 the relevant administering organization shall resolve the dispute by a preponderance of the
37 evidence.

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- 1 (2) After a student's initial entry into Grade 9, if a student transfers to a new school within 365 calendar
2 days after that school hires a coach for an interscholastic athletics team who was previously
3 employed as a coach for an equivalent sport by the school from which the student is transferring,
4 the student shall be ineligible to participate in interscholastic athletics for that sport for 365 calendar
5 days following the student's enrollment in the new school. An administering organization may waive
6 this restriction if it determines by a preponderance of the evidence that the student's transfer was for
7 a bona fide purpose.
- 8 (3) A student who receives priority enrollment as the child of a full-time employee of a charter school
9 pursuant to G.S. 115C-218.45(f)(3) shall not be eligible to participate in interscholastic athletics for
10 that charter school if the Department of Public Instruction determines that the parent's employment
11 was a fraudulent basis for the student's priority enrollment. A student determined to be ineligible
12 under this Subparagraph shall be ineligible to participate in interscholastic athletics for 365 calendar
13 days following discovery of the violation.
- 14 (4) For purposes of this Paragraph, if a student transfers from a public school to a nonpublic school,
15 including a home school as defined in G.S. 115C-563(a), and within 365 calendar days transfers to
16 a different public school, the transfer from the nonpublic school shall be treated as a transfer from a
17 public school.
- 18 (5) A student who transfers to the North Carolina School of Science and Mathematics is exempt from
19 the requirements of this Paragraph upon initial entry into that school.
- 20 (6) No student shall participate in more than one season of interscholastic athletics per year in the same
21 sport, regardless of the school on behalf of which the student participated.

(f) Scholastic Requirements

- 23 (1) To be eligible to participate in interscholastic athletics, a student must be in good academic standing.
24 For purposes of this Rule, a student shall be deemed to be in good academic standing under the
25 following circumstances:
- 26 (A) The student attended at least 85 percent of the total number of instructional days in the PSU
27 during the previous semester;
- 28 (B) The student passed at least 70 percent of the courses taken in the preceding semester; and
- 29 (C) The student is making sufficient progress toward meeting the academic and curricular
30 requirements of the PSU and the State Board of Education to be promoted to the next grade
31 level or to graduate within the next calendar year.
- 32 (2) For the purpose of determining good academic standing during the fall semester, a student may
33 count ~~courses-a course~~ that the student passed in a summer school session ~~in which the student was~~
34 ~~enrolled during the same calendar year~~ toward the total number of courses passed in the preceding
35 spring ~~semester, provided that semester. The~~ summer school ~~courses-course~~ shall not affect the total
36 number of courses attempted in the preceding spring semester.

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

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

5 ~~(5) For interscholastic athletic activities occurring between July 1, 2024, and December 31, 2024, any
6 student who has satisfied the requirements of 16 NCAC 06E .0204(d), as it was written on June 30,
7 2024, shall be deemed to have satisfied the requirements of this Paragraph.~~

8 (g) Age Requirements

9 (1) Each PSU shall determine the age of a student participating in interscholastic athletics based on a
10 preponderance of the evidence known to the PSU.

11 (2) A student who is ineligible to participate at one grade level due to age shall be eligible to participate
12 at the next higher grade level only, provided that a student:

13 (A) Shall be eligible to participate at the middle school level for no more than six consecutive
14 semesters, beginning with the student's initial entry into Grade 6.

15 (B) Shall be eligible to participate at the high school level for no more than eight consecutive
16 semesters, beginning with the student's initial entry into Grade 9.

17 (C) Shall not participate on a middle school team if the student becomes 15 years of age before
18 August 31 of that school year.

19 (D) Shall not participate on a junior high school team if the student becomes 16 years of age
20 on or before August 31 of that school year.

21 (E) Shall not participate on a high school team if the student becomes 19 years of age on or
22 before August 31 of that school year.

23 (3) A student in Grade 6 shall not participate in tackle football.

24 (h) Biological Requirements. All students participating in interscholastic athletics shall comply with the biological
25 participation requirements as provided in G.S. 115C-407.59.

26 (i) Medical Requirements. To be eligible to participate in interscholastic athletics, a student shall receive a medical
27 examination every 395 days by a licensed physician, nurse practitioner, or physician assistant, subject to the provisions
28 of Chapter 90 of the General Statutes.

29 (j) A student shall not participate in interscholastic athletics after pleading guilty or "no contest" to, or being convicted
30 of, a felony under the laws of North Carolina, the United States, or any other state. Prior to deeming the student
31 ineligible, an administering organization shall ~~receive-obtain~~ a certified copy of a criminal record reflecting the
32 conviction and verify that the student is the same individual identified in the criminal record.

33 (k) An administering organization shall, in an individual student's case, waive any eligibility requirement contained
34 in this Rule if it finds by a preponderance of the evidence that enforcing the requirement:

35 (1) fails to promote academic progress, health, safety, and fair play;

36 (2) works an undue hardship on a student who has lost eligibility due to circumstances that made
37 participation impossible, such as prolonged illness or injury; or

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1 (3) prevents the reasonable accommodation of a student's disability, as required by the Americans with
2 Disabilities Act, 42 U.S.C. 12101 et seq, or the Individuals with Disabilities in Education Act, 20
3 U.S.C. 1400 et seq.

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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 *Temporary Adoption Eff. July 1, 2024;*
8 *Eff. July 1, 2025.*

REDLINE COMPARISON TO TEMPORARY RULE

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

2

3 **16 NCAC 06E .0208 AMATEUR RULES ~~FOR INTERSCHOLASTIC ATHLETICS~~**

4 ~~(a) As used in this Rule, the phrase "name, image, or likeness" or "NIL" shall refer to the use of a student's name, image, or likeness for commercial purposes and in exchange for compensation to the student. Compensation may include cash, in-kind gifts, or other tangible benefits to the student.~~

7 ~~(b) No student participating in interscholastic athletics shall enter into any agreement to use the student's name, image, or likeness in any of the following ways:~~

9 ~~(1) Public appearances or commercials.~~

10 ~~(2) Autograph signings.~~

11 ~~(3) Athletic camps and clinics.~~

12 ~~(4) Sale of non fungible tokens ("NFTs").~~

13 ~~(5) Product or service endorsements.~~

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

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

16 (1) Graduation, except that the student may continue to participate in playoff and state championship contests in spring sports after graduation;

18 (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.

20 (3) Receiving remuneration as a participant in an athletic contest, except that the student may accept a gift, merchandise, or other thing of value, provided that:

22 (A) The value does not exceed two hundred-fifty dollars (\$250.00) per student per season;

23 (B) The item is totally consumable and nontransferable, or labeled in a permanent manner (e.g., an engraved or monogrammed item); and

25 (C) The item is approved by the principal of the student's school and the local superintendent.

26 (4) Participating on an all-star team or in all-star game or bowl game that is not sanctioned by the administering organization of which the student's school is a member, provided that the student shall be ineligible only for that sport.

29 (5) Entering into an NIL agreement, unless the student has complied with the requirements of Rule .0211 of this Section.

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

32 (1) ~~payment~~ Payment by an administering organization, PSU, or athletic booster club affiliated with the student's school or PSU for essential expenses arising from a specific interscholastic athletic contest in which the student participates. Essential expenses shall include the reasonable cost of meals, lodging, and transportation.

REDLINE COMPARISON TO TEMPORARY RULE

1 ~~(k)(2) A student shall not be deemed ineligible under this Rule for receipt~~Receipt of a nominal, standard
2 fee or salary for instructing, supervising, or officiating an organized youth sports program,
3 recreational activities, playground, or camp, whether or not affiliated with a PSU.

4 (3) Receipt of an Operation Gold Grant from the United States Olympic Committee.
5
6

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

9 *Temporary Rule Eff. July 1, 2024;*

10 *Eff. July 1, 2025.*

REDLINE COMPARISON TO TEMPORARY RULE

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

2

3 **16 NCAC 06E .0209 PENALTY RULES ~~FOR INTERSCHOLASTIC ATHLETICS~~**

4 (a) ~~A PSU~~ rule administrator shall impose at least the following penalties on a student, coach, or school official in
5 Grades 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 ~~an ejected coach's duties,~~ the duties of a head coach who has
16 been ejected from an 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 ~~required~~
18 imposed by an administering organization.

19

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.*

REDLINE COMPARISON TO TEMPORARY RULE

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

2

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 ~~by any other student, coach, principal, local superintendent, or other PSU employee~~ for
6 the purpose of inducing or causing the student to transfer from one participating school to another to participate in
7 interscholastic athletics on behalf of the receiving school.

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

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

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

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

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

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

22 (d) If the administering organization finds by a preponderance of the evidence that the accused party has engaged in
23 undue influence, the administering organization shall impose penalties consistent with its regulations and with Rule
24 .0209 of this Section.

25

26 *History Note:* *Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;*
27 *115C-407.65; 116-235(b);*

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

29 *Eff. Jan. 1, 2025.*

30

31

NEW RULE

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.

NEW RULE

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.

NEW RULE

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.

4

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.

8

REDLINE COMPARISON TO TEMPORARY RULE

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

3 **16 NCAC 06E .0215 APPEALS**

4 (a) The Superintendent of Public Instruction (~~"Superintendent"~~) shall appoint an independent interscholastic athletics
5 appeals board ("appeals board") to hear and act upon appeals from ~~a the final decision decision of an administering~~
6 ~~organization or PSU, or from the Department of Public Instruction if necessary pursuant to Rule .0204(g) of this~~
7 ~~Section, a rule administrator~~ regarding student eligibility to participate in interscholastic athletics; violations of
8 limitations on recruiting or undue influence; penalties or fees imposed on students, coaches, or participating schools;
9 or other enforcement of rules pursuant to this Section.

10 ~~(b) The administering organization's final decision shall contain:~~

11 ~~(1) Findings of fact.~~

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

13 ~~(3) A description of any penalties imposed.~~

14 ~~(4) A statement that the aggrieved party may file a notice of appeal within five days of receipt of the~~
15 ~~administering organization's decision by sending the notice to the Superintendent via electronic mail~~
16 ~~or the United States Postal Service.~~

17 ~~(e)(b)~~ An aggrieved party may file an appeal with the Superintendent within five days after receipt of the ~~administering~~
18 ~~organization's final decision. The final decision shall be mailed to the aggrieved party, with a copy to the local~~
19 ~~superintendent and principal with jurisdiction over the aggrieved party.~~ final decision by completing an appeal form
20 provided by the Superintendent. The aggrieved party shall submit the following information required by the form:

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

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

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

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

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

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

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

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

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

REDLINE COMPARISON TO TEMPORARY RULE

1 ~~(d) The aggrieved party's appeal shall:~~

2 ~~(1) Be in writing.~~

3 ~~(2) Include a description of the facts of the dispute.~~

4 ~~(3) Include any evidence submitted to the administering organization.~~

5 ~~(4) Present an argument explaining with the aggrieved party believes the administering organization's~~
6 ~~final decision was not based on substantial evidence, as defined in G.S. 150B-2(8c), or is affected~~
7 ~~by an error of law.~~

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

11 ~~(e)(d) The administering organizationrule administrator~~ may file a response to the aggrieved party's submissions
12 within five days. The ~~appeals boardpanel~~ may shorten the time for filing the ~~administering organization'srule~~
13 ~~administrator's~~ response if the decision affects a student's or coach's eligibility to participate in an intervening ~~athletic~~
14 ~~contest.interscholastic athletic activity.~~

15 ~~(f)(c) All documents filed in the appeal shall be simultaneously served on all parties via email and the United States~~
16 ~~Postal Service.All parties shall simultaneously provide copies of all records submitted as part of the appeal to the other~~
17 ~~parties involved.~~ If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the
18 documents ~~via electronic mail or the United States Postal Serviceand forms~~ to the local superintendent and principal
19 with jurisdiction over the aggrieved party.

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

23 ~~(h)(f) No later than 30 days after the Superintendent's receipt of the appeal, the panel shall issue its decision-judgment.~~

24 ~~(g) The panel shall affirm the administering organization'srule administrator's~~ final decision unless a majority of the
25 panel determines that the final decision is not supported by substantial evidence, ~~as defined in G.S. 150B-2(8c)~~, or is
26 affected by an error of law. The panel may also remand the ~~final~~ decision to the ~~administering organizationrule~~
27 ~~administrator~~ for ~~further reviewreconsideration in light of new information or evidence that was not provided to the~~
28 ~~rule administrator prior to its final decision~~, if there is an intervening change in any relevant ~~law-law~~, or if the panel
29 determines that additional information is necessary to inform its ~~decision-judgment~~. ~~The panel shall not consider~~
30 ~~information or evidence presented that was not presented to the rule administrator in the first instance.~~

31 ~~(i)(h) The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a~~
32 ~~penalty imposed by the administering organizationrule administrator~~ pending the ~~final decisionjudgment~~ of the
33 appeals board.

34 ~~(j)(i) The panel's decision-judgment shall be final-conclusive and not subject to further appeal.~~

35
36 *History Note:* Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;
37 115C-407.65; 116-235(b);

REDLINE COMPARISON TO TEMPORARY RULE

- 1 *Temporary Adoption Eff. July 1, 2024;*
- 2 *Eff. July 1, 2025.*