

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 330
Mar 9, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40172-NH-115

Short Title: School Athletic Eligibility Appeals to SI. (Public)

Sponsors: Representative Shepard.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A STATE BOARD OF EDUCATION APPEAL PANEL DECISION
3 REGARDING THE ELIGIBILITY OF A STUDENT TO PARTICIPATE IN HIGH
4 SCHOOL ATHLETICS TO BE APPEALED TO THE STATE SUPERINTENDENT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-407.55(4) reads as rewritten:

7 "(4) Appeals rules. – These rules shall establish an appeals process for enforcement
8 of rules that provides for an independent appeals board, notice of the infraction
9 and the appeals process to the party that receives the penalty, and an
10 opportunity to be heard before the independent appeals board. The rules shall
11 also provide for a process for appeal of the independent appeals board's
12 decision on application of eligibility rules to the Superintendent of Public
13 Instruction, who shall make a final decision in any such appeal. If a student is
14 found academically ineligible to participate in athletics at the beginning of the
15 semester, but then successfully challenges the determination and is found
16 eligible to participate, the student may participate for the remainder of the
17 semester following the finding of eligibility."

18 **SECTION 2.** Notwithstanding G.S. 115C-407.55(4), as enacted by this act, from
19 January 1, 2023, through June 30, 2024, the Superintendent of Public Instruction shall be
20 authorized to make final decisions in any appeal of an eligibility rule determination made by the
21 independent appeals board, beginning with final decisions of the board made on or after January
22 1, 2023, as follows:

- 23 (1) Appeals may be made to the Superintendent by any party affected by the
24 ruling, including the student and student's parent.
25 (2) Appeals shall be made in a form specified by the Superintendent and shall
26 state with specificity the grounds for requesting review.
27 (3) The Superintendent shall accept appeals for review in the discretion of the
28 Superintendent.
29 (4) The Superintendent shall review the record in each appeal and may, in the
30 discretion of the Superintendent, allow the parties to the appeal the
31 opportunity to present additional evidence.
32 (5) The decision of the Superintendent shall be the final decision on that appeal.

33 **SECTION 3.** Section 1 of this act is effective when it becomes law and applies
34 beginning with the 2024-2025 school year. The State Board of Education shall adopt rules to
35 implement Section 1 consistent with the provisions of Section 2 of this act. Section 2 of this act
36 is effective when it becomes law and applies to all final decisions made by the independent



* D R H 4 0 1 7 2 - N H - 1 1 5 *

1 appeals board between January 1, 2023, and June 30, 2024. The remainder of this act is effective
2 when it becomes law.