

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 330

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

Sponsors: Representative Shepard.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 13, 2023

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

The General Assembly of North Carolina enacts:

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

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

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

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

SECTION 3. Section 1 of this act is effective when it becomes law and applies beginning with the 2024-2025 school year. The State Board of Education shall adopt rules to implement Section 1 consistent with the provisions of Section 2 of this act. Section 2 of this act



- 1 is effective when it becomes law and applies to all final decisions made by the independent
2 appeals board between January 1, 2023, and June 30, 2024. The remainder of this act is effective
3 when it becomes law.