

The Interscholastic Athletics Independent Appeals Board (“Appeals Board”) is a group of retired educators appointed by the North Carolina State Board of Education (“SBE”) to hear appeals of decisions by organizations who administer high school athletics programs, including the North Carolina High School Athletics Association (“NCHSAA”). The Appeals Board was established in 2022 in accordance with Section 115C-407.55(4) of the North Carolina General Statutes and Section 16 NCAC 06E .204(m) of the North Carolina Administrative Code. Although the members are appointed by the SBE, the decisions rendered by panels of the Appeals Board are final and not subject to appeal to the SBE. By definition, the group is independent from the SBE or any high school athletics administering organization.

This spring season, several local school districts requested waivers of eligibility requirements for students who had not met the SBE requirement that students take and pass at least three-quarters of a full load of classes in the semester preceding the eligibility determination. This academic eligibility requirement has been part of the SBE’s formal rules since 1986 and is clearly stated in the current eligibility rule, codified at Section 16 NCAC 06E .0204(d) of the North Carolina Administrative Code. In each case, the school district conceded that the student in question had not complied with the eligibility rule.

The NCHSAA initially denied the requested waivers, and the school districts petitioned the Appeals Board for review and a hearing. Several of the appeals involved the eligibility of students taking Advanced Placement (“AP”) classes, for which the credit hours earned did not meet the three-quarter course-load requirement. The reviewing panel of the Appeals Board ruled in the first case heard that the long-standing rule had been clearly published and made known to schools, parents, and students and, therefore, the NCHSAA had not erred in denying the request for a hardship waiver. In subsequent cases heard by the same panel, however, it became clear that there was a confusion in a few school districts about how credit hours were calculated, specifically for AP courses. Consequently, the panel decided that, for this spring season only, high school seniors would be granted a hardship waiver despite the student’s failure to meet the three-quarter course load requirement *if* there was evidence that the student and/or parents in question had made a good faith inquiry to local school officials about whether the student’s schedule for the Fall 2022 semester would allow the student to maintain athletic eligibility for the Spring 2023 semester, received incorrect information, and relied upon that information to their detriment. The panel also reconsidered and reversed its prior decision in the first case and granted a hardship waiver to that student based on the newly-acquired information regarding the confusion in local school districts about how to apply or interpret the academic eligibility rule.

As part its decisions, the Appeals Board panel recommended that the SBE and NCHSAA review the academic eligibility rules and consider changes to clarify the rule as necessary. Finally, the panel reiterated that it remains the collective responsibility of students, parents, and school officials to ensure that students who wish to participate in interscholastic athletics adhere to the eligibility requirements set by the SBE and the implemented by the NCHSAA.