

10A NCAC 09 .2003 DECLARATORY RULINGS

(a) All requests for declaratory rulings shall be by written petition as described in Paragraph (b) of this Rule and shall be submitted to:

Rulemaking Coordinator
Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, North Carolina 27699-2200

(b) Every request for a declaratory ruling shall include the following information:

- (1) the name and address of the petitioner;
- (2) the statute or rule to which the petition relates;
- (3) a statement of the manner in which the petitioner is aggrieved by the rule or statute or its potential application to him or her; and
- (4) the consequences for the petitioner of a failure to issue a declaratory ruling.

(c) When a request for a declaratory ruling meets the requirements of Paragraph (b) of this Rule, the Commission shall determine whether it has the statutory authority to grant the declaratory ruling and if so, grant the request for a declaratory ruling within 30 days of the receipt of the petition.

(d) A declaratory ruling procedure shall consist of written submissions, oral hearings, and such other procedures as the Commission deems necessary to understand the issues involved in the particular case.

(e) If the Commission grants the declaratory ruling request, the Commission shall issue notice by posting on the Division's website at <http://ncchildcare.dhhs.state.nc.us/general/whatsnew.asp> that written comments may be submitted or oral presentations received at a scheduled hearing.

(f) A record of all declaratory ruling proceedings shall be maintained by the Division and shall be available for public inspection during regular business hours. This record shall contain:

- (1) the original request;
- (2) the reasons for refusing to issue a ruling;
- (3) all written memoranda and information submitted;
- (4) any written minutes or audio tape or other record of the oral hearing; and
- (5) a statement of the ruling.

*History Note: Authority G.S. 110-85; 143B-168.3; 150B-4;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. February 1, 2016.*