

CHAPTER 6 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 6A - ORGANIZATION PLAN

16 NCAC 06A .0101 SCHOOL CALENDAR

16 NCAC 06A .0102 SUSPENSION OF A PORTION OF THE SCHOOL TERM

History Note: Authority G.S. 115C-36; 115C-47(11); 115C-84; 115C-84(c); 115C-302;
N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. July 1, 1995;
Repealed Eff. June 1, 1996.

16 NCAC 06A .0103 EMERGENCY CLOSING OF INDIVIDUAL SCHOOLS

History Note: Authority G.S. 115C-84(c); N.C. Constitution, Article IX, Sec. 5;
ARRC Objection Lodged May 25, 1989;
Eff. January 1, 1990;
Repealed Eff. July 1, 1995.

16 NCAC 06A .0104 WAIVERS FOR SCHOOL CALENDAR START AND END DATE EXCEPTIONS FROM THE OPENING DATES AS PER G.S. 115C-84.2 INCLUDE:

History Note: Authority G.S. 115C-84.2; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

SUBCHAPTER 6B - STUDENT TRANSPORTATION SYSTEM

SECTION .0100 - STUDENT TRANSPORTATION SYSTEM

16 NCAC 06B .0101 SCHOOL BUS DRIVERS

History Note: Authority G.S. 115C-240(c);
Eff. July 1, 1986;
Amended Eff. December 1, 1991;
Repealed Eff. June 1, 1996.

16 NCAC 06B .0102 SCHOOL BUS PASSENGERS

History Note: Authority G.S. 115C-240(c);
Eff. July 1, 1986;
Amended Eff. November 1, 1991;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06B .0103 LOCAL RULES AND REGULATIONS

LEAs shall adopt and keep on file in the office of the superintendent rules, regulations and policies to assure the safe, orderly and efficient operation of school buses, including:

- (1) the use of school buses under G.S. 115C-242(5);
- (2) a uniform system of discipline on school buses;
- (3) a uniform procedure for the recruitment and selection of school bus drivers;
- (4) procedures for relieving a driver of driving duties;
- (5) passenger safety rules;

- (6) responsibilities of school bus monitors; and
- (7) duties of school personnel in the administration of the school transportation program.

History Note: Authority G.S. 115C-240(a);
Eff. July 1, 1986.

16 NCAC 06B .0104 BUS ROUTES

History Note: Authority G.S. 115C-240(a);
Eff. July 1, 1986;
Amended Eff. July 1, 1992;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06B .0105 SCHOOL BUS MAINTENANCE

16 NCAC 06B .0106 SCHOOL BUS INSPECTIONS

History Note: Authority G.S. 115C-240(a);
Eff. July 1, 1986;
Repealed Eff. June 1, 1996.

16 NCAC 06B .0107 SUPERVISORY AND SAFETY PRACTICES

The Department may evaluate the transportation program of any LEA, including the supervisory and safety practices. It may also make recommendations to the LEA as it considers necessary.

History Note: Authority G.S. 115C-240;
Eff. July 1, 1986;
Amended Eff. July 1, 1994.

16 NCAC 06B .0108 PURCHASING FLEXIBILITY EXEMPTION

History Note: Authority G.S. 115C-522.1(e);
Temporary Adoption Eff. December 15, 1998;
Amended Eff. July 1, 2000;
Repealed Eff. April 1, 2005.

16 NCAC 06B .0109 CONTRACT TRANSPORTATION OF EXCEPTIONAL CHILDREN

History Note: Authority G.S. 115C-240(a); 115C-250; 115C-253; N.C. Constitution, Article IX, Sec.5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06B .0110 ESTABLISHMENT OF SCHOOL BUS ROUTES

History Note: Authority G.S. 115C-240; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06B .0111 SCHOOL BUS PASSENGERS

(a) Local education agencies (LEAs) shall provide instruction in school bus safety to all students during the first five days of each new school year and at least once during each semester thereafter. LEAs shall document the date on which training was provided to each student. This instruction shall include:

- (1) basic skills in and knowledge of safe behaviors in and around school buses and bus stops, including how to safely walk to school bus stops, wait at bus stops, load and unload from buses, ride in buses, cross streets at a bus stop, and recognize and obey the following North Carolina crossing signals:
 - (A) bus driver's extended arm with palm up to signal to students crossing a street to wait; and
 - (B) bus driver's arm extended with "thumbs up" followed by pointing with the index finger in the direction students are waiting to walk to indicate it is safe to cross the street in that direction; and
 - (2) instruction in the location and operation of emergency exits for the vehicle on which they are riding for any specific trip.
- (b) LEAs shall adhere to and enforce the following rules when operating school buses, activity buses, commercial buses, or other contracted vehicles.
- (1) LEAs shall not allow the number of passengers being transported to exceed the official rated capacity for the specific vehicle being used.
 - (2) LEAs shall ensure that all passengers are seated within the seating compartment, when any bus or other vehicle is in motion.
 - (3) LEAs shall ensure that no passenger is standing or sitting in the aisle or stepwell when any bus or other vehicle is in motion.
- (c) LEAs shall require school bus drivers to utilize the North Carolina crossing signals described in Parts (a)(1)(A) and (B) of this Rule to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.
- (d) LEAs shall provide safety instruction to students riding in activity buses or commercial buses, including instruction and demonstration of emergency exit operation for the specific vehicle in which they are riding.

History Note: Authority G.S. 115C-12; 115C-240;
Emergency Adoption Eff. August 20, 2019;
Eff. October 1, 2020.

16 NCAC 06B. 0112 PURCHASE OF SCHOOL BUSES AND EQUIPMENT

Local education agencies shall purchase school buses from the statewide term contracts approved by the Secretary of Administration under G.S. 143-49 and shall purchase school bus brake pads, brake shoes, and brake hardware that have the same specifications as the original equipment.

History Note: Authority G.S. 115C-12; 115C-249; 115C-249.1; 115C-522;
Eff. December 1, 2020.

16 NCAC 06B .0113 ACTIVITY BUS DRIVERS

History Note: Authority G.S. 115C-240; 115C-245(a); N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. November 19, 2020.

16 NCAC 06B .0114 SCHOOL BUS AND ACTIVITY BUS INSPECTIONS

History Note: Authority G.S. 115C-240; 115C-248; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. March 18, 2021.

SUBCHAPTER 06C - PERSONNEL

SECTION .0100 - GENERAL PROVISIONS

16 NCAC 06C .0101 DEFINITIONS

As used in this Subchapter:

- (1) "Convicted" or "Conviction" means and includes the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (2) "Institution of higher education" (IHE) means a senior college or university.
- (3) "Instructional personnel" means all teachers as defined by G.S. 115C-325, with the exception of supervisors, and non-teaching principals, assistant principals, social workers, counselors and psychologists. The term includes principals, assistant principals, or counselors who teach any part of the day, librarians and instructional aides, except that:
 - (a) aides are not included for the purpose of applying Rule .0403 of this Subchapter; and
 - (b) aides are not included for the purpose of applying Rule .0301 of this Subchapter.
- (4) "License" has the same meaning as the term "certificate" as used in 16 NCAC 1A .0001(2).
- (5) "National Teachers' Examination" (NTE) means the standard examination adopted by the SBE pursuant to G.S. 115C-284(c), 115C-296 and 115C-315(d).
- (6) "Other personnel" means those persons not included within the definition of instructional personnel.
- (7) "Part-time employee" means a person employed for at least 20 hours per week.
- (8) "Permanent employee" means a person who is not a student enrolled in the school system who is employed:
 - (a) other than on an interim basis, to fill a position which is to become permanent if current needs and funds continue; or
 - (b) for at least six months under one contract, to replace one or more employees who are on leave without pay.
- (9) "Professional public school employee" means and includes:
 - (a) teachers;
 - (b) administrators (superintendents, assistant or associate superintendents, principals, assistant principals, and supervisors); and
 - (c) education specialists (counselors, school social service workers, curriculum instructional specialists, school psychologists, and media personnel).
- (10) "Renewal credit" means credit earned by a certificated employee for certificate renewal purposes.
- (11) "SACS" means the Southern Association of Colleges and Schools.
- (12) "Substitute" means a person who holds a teacher's certificate, or who is a college graduate, or who has been determined by a local board to be capable of performing the duties of a substitute teacher.
- (13) "Teacher education program" means the curriculum, instructional resources and faculty that contribute to the quality of instruction and the acquisition of knowledge, skills and competencies required for professional personnel to perform effectively in the public schools.

History Note: Filed as a Temporary Amendment Eff. October 10, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 1987;
ARRC Objection Lodged February 22, 1990;
Amended Eff. June 1, 1996; July 1, 1995; August 1, 1990.

16 NCAC 06C .0102 NATURE OF LICENSURE

- (a) The SBE shall exercise its licensing authority through the department in two general areas:
 - (1) The SBE shall consider for approval the teacher education programs of IHEs that belong to the SACS and that meet the requirements of Rule .0202 of this Subchapter. The SBE shall award or deny approval to teacher education programs by the process described in 16 NCAC 6C .0202.
 - (2) The SBE shall award licenses to individuals who desire to obtain employment as a professional public school employees and who meet the requirements of Section .0300 of this Subchapter. The SBE shall act on personnel license requests according to the process contained in 16 NCAC 6C .0301.
- (b) The SBE shall base its approval on the requirements that are in effect at the time the IHE or the individual applies for approval.

History Note: Authority G.S. 115C-284(c); 115C-296; 115C-315(d);
Eff. July 1, 1986;
Amended Eff. August 1, 2000.

16 NCAC 06C .0103 STATE BOARD OF EDUCATION ACTION

History Note: Authority G.S. 115C-284(c); 115C-296; 115C-315(d);
Eff. July 1, 1986;
Repealed Eff. August 1, 2000.

SECTION .0200 - TEACHER EDUCATION

16 NCAC 06C .0201 STATE EVALUATION COMMITTEE ON TEACHER EDUCATION

History Note: Authority G.S. 115C-12(9)a.; 115C-296(b); N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. December 1, 1992; March 1, 1990;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0202 APPLICATION FOR APPROVAL; CRITERIA

- (a) Each IHE that seeks approval for any teacher education program must file with the department a preliminary application.
- (b) The IHE shall engage in self-study in accordance with the existing National Council for Accreditation of Teacher Education (NCATE)/state or the Teacher Education Accreditation Council (TEAC)/state protocol agreement.
- (c) When the IHE has completed all preparation phases of the self-study, the department shall send a visitation committee to verify the reports for all specialty areas for which approval is sought.
- (d) The SBE shall notify IHEs that are denied approval of the reasons for denial. The IHE may reapply after it has corrected the conditions that led to the denial of approval.
- (e) Each approved IHE shall continually review its programs. The SBE shall annually monitor student performance based upon required examinations and progression toward continuing licensure. The IHE may request or the SBE may conduct a re-evaluation at any time.
- (f) During the final year of the current approval period, the IHE shall arrange for a re-approval committee visit.
- (g) The SBE must approve any revisions to approved programs.
- (h) The SBE must approve each teacher education program before an IHE may recommend its graduates for licensure. In making recommendations to the SBE and in determining the approval status of an IHE teacher education program and its specialty area program, such as mathematics or science, the state evaluation committee and the SBE, respectively, shall weigh the following criteria:
 - (1) SACS accreditation of the IHE;
 - (2) either:
 - (A) full accreditation or accreditation with stipulations of the professional education unit by the NCATE at the basic and advanced levels, as appropriate; or
 - (B) full accreditation or provisional accreditation of the program(s) by TEAC;
 - (3) all IHE specialty area program reports at the undergraduate and graduate levels;
 - (4) evidence that the IHE requires at least a 2.50 grade point average on a 4.00 scale for formal admission into teacher education;
 - (5) evidence that during the two preceding consecutive years, 70% of the graduates of the IHE have passed the NTE/PRAXIS exams administered by the Educational Testing Service to measure an applicant's academic and professional preparation and required for licensure;
 - (6) evidence that during the two preceding consecutive years, 95% of the graduates of the IHE employed by public schools in the State have earned a continuing license as provided by Rule .0304 of this Subchapter; and
 - (7) evidence that faculty members assigned by the IHE to teach undergraduate or graduate methods courses or to supervise field experiences for prospective teachers hold valid North Carolina teachers' licenses in the area(s) of their assigned responsibilities.

History Note: Authority G.S. 115C-12(9)a.; 115C-296(b); N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. December 1, 2004; August 1, 2000; July 1, 1993; December 1, 1992; March 1, 1990.

16 NCAC 06C .0203 INSTITUTIONAL POLICIES
16 NCAC 06C .0204 TEACHER EDUCATION POLICIES AND PROCEDURES

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Repealed Eff. March 1, 1990.

16 NCAC 06C .0205 STATE BOARD REVIEW STANDARDS AND APPROVAL ACTIONS

History Note: Authority G.S. 115C-12(9)a; 115C-296(b); N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. December 1, 1992; May 1, 1991; March 1, 1990;
Repealed Eff. August 1, 2000.

16 NCAC 06C .0206 CONSORTIUM-BASED PROGRAMS AND INNOVATIVE/EXPERIMENTAL PROGRAMS

History Note: Authority G.S. 115C-12(9)a; 115C-296(b); N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. December 1, 1992;
Repealed Eff. August 1, 2000.

16 NCAC 06C .0207 PROSPECTIVE TEACHER SCHOLARSHIP LOANS

History Note: Authority G.S. 115C-471;
Eff. September 1, 1991;
Amended Eff. August 1, 2000; July 1, 1995;
Repealed Eff. January 1, 2006 (see S.L. 2005-276, s. 9.17).

SECTION .0300 - CERTIFICATION

16 NCAC 06C .0301 GENERAL INFORMATION

- (a) Any person who desires to obtain employment from a LEA in a professional position shall apply for and obtain a license from the department. Each applicant shall file an application together with an official transcript(s), a recommendation by a designated official of the approved IHE where preparation was completed, and the licensure fee specified in G.S. 115C-296(a2).
- (b) The department shall evaluate each application and its supporting documentation and shall notify each applicant of the action it takes.
- (c) An applicant who desires to upgrade, renew or add new fields to a license shall supply documentation to the department that supports the desired action.
- (d) A class "A" teaching license may be changed from early childhood, intermediate, middle grades or secondary to either of the other categories upon the applicant's completion of the program for the license. An applicant who secures credit as provided in Rule .0302 of this Section for new subject or teaching fields may have these fields added to a teaching license.
- (e) The department shall base the effective date of a license on the date the applicant completed the educational program requirements for the license. For applicants who completed these requirements before the current fiscal year in which the application is processed, the effective date shall be July 1. For applicants who have completed these requirements within the current fiscal year in which the application is processed, the effective date shall be the date the applicant completed the requirements. Every license shall expire on June 30 unless it is renewed or extended in accordance with the provisions of this Section. A provisional license issued pursuant to Rule .0305(c) of this Section shall be valid for one year. A lateral entry license issued pursuant to Rule .0305(b) of this Section shall be valid for two years. The initial license issued pursuant to Rule

.0304(c)(1) of this Section shall be valid for three years. The continuing license issued pursuant to Rule .0304(c)(2) of this Section shall be valid for five years.

(f) Any licensed person may apply to the department on forms that it shall furnish for a duplicate license, in the event the original is lost, or for the change of the applicant's name.

(g) Professional personnel may be assigned only to areas in which the individual holds a license, a provisional license, endorsement or provisional endorsement as required by the department. The LEA may assign any licensed teacher who is the best qualified to teach remedial courses, regardless of license area. This provision shall not apply to any vocational license that has been restricted by the department as a part of completing licensure requirements.

*History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000; March 1, 1990.*

16 NCAC 06C .0302 CREDIT

(a) The department shall compute all credit for licensure, including residence, extension and correspondence credit, in semester hours. The department shall compute credit for re-licensing or renewal purposes in quarter hours. A quarter hour shall have the value of two-thirds of a semester hour.

(b) The department may accept extension and correspondence credit earned from an IHE that has been accredited by a national or regional accrediting authority such as SACS at the class "A" license level and below, for purposes of renewal, adding a teaching subject and removing deficiencies. The department shall allow no more than six semester hours of correspondence credit per certificate action. For purposes of upgrading undergraduate licenses, a maximum of 10 of the 30 semester hours required for raising the license to the next higher level may be extension and correspondence credit. The IHE that has been approved under Rule .0202 of this Subchapter shall accept all credits applying to graduate licenses and licenses in the special services areas, including all licenses above the "A" level.

(c) When a person earns credits in more than one IHE before obtaining a degree, the person shall transfer the credit to an IHE that has been approved under Rule .0202 of this Subchapter that the person has attended or expects to attend. The person must be enrolled in a teacher education curriculum at the IHE that has been approved under Rule .0202 of this Subchapter.

(d) A person may use credit used for renewal or reinstatement of a license of lower rank toward upgrading a license.

(e) The department shall retain all credits submitted to it. The department shall not return transcripts nor furnish certified copies of credits to applicants.

*History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000.*

16 NCAC 06C .0303 PROGRAM REQUIREMENTS FOR LICENSURE

*History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.*

16 NCAC 06C .0304 LICENSE PATTERNS

(a) Licenses shall indicate grade levels, content areas and specializations for which the professional shall be eligible for employment.

(b) Licenses shall be of the following types:

- (1) Teacher. The license shall entitle the holder to teach in some designated area of specialization at the elementary, middle, or secondary level. There shall be four levels of preparation:
 - (A) bachelor's degree (A level);
 - (B) master's degree (G level);
 - (C) sixth-year (AG level); and
 - (D) doctorate (DG level).

The teacher license shall further be categorized as prekindergarten B-K, elementary K-6, middle grades 6-9, secondary 9-12, special subjects K-12, or work force development.

- (2) Administrator/supervisor. The holder may serve in generalist and program administrator roles such as superintendent, assistant or associate superintendent, principal, assistant principal or curriculum-instructional specialist. There shall be three levels of preparation:

- (A) master's degree;
- (B) sixth-year; and
- (C) doctorate.

A person shall be eligible to serve as a superintendent without qualifying for or holding a license as long as the person has earned at least a bachelor's degree from a regionally accredited college or university and has a minimum of five years leadership or managerial experience that the employing local board of education considers relevant to the position of superintendent.

- (3) Student services area. The holder may provide specialized assistance to the learner, the teacher, the administrator and the education program in general. This category shall include school counseling, school social work, school psychology, audiology, speech language pathology, and media. There shall be three levels of preparation as in the case of the administrator/supervisor, except that school psychology shall be restricted to the sixth-year or doctorate levels and school social work may be earned at the bachelor's level.

(c) The department shall base license classification on the level and degree of career development and competence. There shall be two classifications of licenses:

- (1) The Standard Professional License I, which shall be valid for three years, shall allow the holder to begin practicing the profession on an independent basis in North Carolina. To be issued a Standard Professional License I, the individual must complete a teacher education program approved in accordance with these Rules and meet the federal requirement to be designated "highly qualified."
- (2) The Standard Professional License II shall authorize professional school service on an ongoing basis, subject to renewal every five years.

History Note: Authority G.S. 115C-12(9)a;115C-271(a); N.C. Constitution, Article IX, s. 5; Eff. July 1, 1986; Amended Eff. August 1, 2000; March 1, 1990; Temporary Amendment Eff. December 17, 2001; Amended Eff. January 2, 2006; April 1, 2003.

16 NCAC 06C .0305 LICENSES FOR NON-TEACHER EDUCATION GRADUATES

(a) A person who has not graduated from a teacher education program that has been approved under Rule .0202 of this Subchapter who later desires to teach shall have his/her credentials evaluated by an IHE approved in accordance with these Rules or regional alternative licensing center ("RALC"). The person shall satisfy the assessment of his/her needs and be recommended by the IHE or RALC for a license.

(b) Persons who have been selected for employment by a LEA under the lateral entry provisions of G.S. 115C-296(c) may obtain a license as follows:

- (1) To be eligible for a lateral entry license, a person shall:
 - (A) have attained a bachelor's degree in the license area from a regionally-accredited IHE;
 - (B) be recommended for a lateral entry license by the employing LEA; and
 - (C) have had a minimum cumulative grade point average of at least a 2.5, have five years of experience considered relevant by the employing LEA, or have passed the NTE PRAXIS 1 exams (Preprofessional Skills Tests in Reading, Writing, and Mathematics) and have attained one of the following:
 - (i) a grade point average of at least 3.0 on all work completed in the senior year;
 - (ii) a grade point average of at least 3.0 in the major; or
 - (iii) a grade point average of at least 3.0 on a minimum of 15 semester hours of coursework completed within the last 5 years.
- (2) A person who holds a lateral entry license shall complete a program that includes the following components:
 - (A) completion of an approved teacher education program in the area of licensure at a college or university or completion of a program of study outlined by the RALC;
 - (B) attaining a passing score on the PRAXIS subject exam(s) during the first two school years of holding the lateral entry license if the exam was not the basis of qualifying for the license;

- (C) completion of a staff development program that includes a two-week training course prior to beginning the work assignment;
 - (D) completion of six semester hours of course work in the approved program each school year;
 - (E) successful completion of at least a three-year initial licensure program in the lateral entry license area; and
 - (F) completion of all the requirements of this Subparagraph within three years of becoming eligible for a lateral entry license and the recommendation of the IHE or RALC for a non-provisional (clear) license.
- (3) Individuals who possess five or more years of experience considered relevant by the employing LEA and who satisfy testing requirements for the licensure area within the first year of teaching shall be issued an initial license upon:
- (A) completion of the NC TEACH modules or the equivalent through an approved teacher education program: 1) The Teacher, The Learner, and The School; 2) Diversity; 3) Content Area Pedagogy; NOTE: The NC TEACH modules are offered and administered through North Carolina colleges and universities that have approved teacher education preparation programs.
 - (B) completion of the NC TEACH module on Instructional Technology or its equivalent through an approved teacher education program, community college, or through professional development offered by the employing LEA; and
 - (C) completion of one year of successful teaching as verified by the employing LEA.
- (4) The employing LEA shall commit in writing to:
- (A) provide a two-week pre-work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end-of-grade and end-of-course testing;
 - (B) assign the person a mentor on or before the first day on the job;
 - (C) provide working conditions that are similar to those for novice teachers;
 - (D) give regular focused feedback to the person for improving instruction; and
 - (E) assist the person in accessing prescribed course work and professional development opportunities.
- (c) A person who is qualified to hold at least a class "A" teaching license may be issued additional areas of licensure on a provisional basis as needed by LEAs. The person must satisfy deficiencies for full licensure at the rate of six semester hours per year. The person must complete this yearly credit before the beginning of the following school year and the credit must be directly applicable to the provisional area(s). The person must complete all credit requirements by the end of the fifth year of provisional licensure.
- (d) The Department shall issue an emergency license to persons who hold at least a baccalaureate degree but who do not qualify for a lateral entry license. The emergency license shall be valid for one year and may not be renewed. When it requests an emergency license for a person, the LEA must document that no appropriately licensed professionals or persons who are eligible for a lateral entry license are available to accept the position.
- (1) To be eligible for an emergency license, the person must have attained a bachelor's degree from a regionally-accredited IHE and be recommended by the employing LEA.
 - (2) A person who holds an emergency license shall complete a program that includes the following components:
 - (A) The employing LEA shall commit in writing to:
 - (i) provide a two-week pre-work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end-of-grade and end-of-course testing;
 - (ii) assign the person a mentor on or before the first day on the job;
 - (iii) provide working conditions that are similar to those for novice teachers;
 - (iv) give regular focused feedback to the person for improving instruction; and
 - (v) assist the person in obtaining a teaching license.
 - (B) The person shall complete a staff development program that includes a two-week training course prior to beginning the work assignment.
 - (C) The LEA shall provide the person with on-going support designed to enhance the person's classroom teaching performance.

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5; Eff. July 1, 1986;

Amended Eff. January 2, 2006; August 1, 2000; March 1, 1990.

16 NCAC 06C .0306 LICENSE ENDORSEMENT

Within the operation of programs approved under Rule .0202 of this Subchapter, IHEs may recommend persons who qualify for full licensure for an endorsement to that license. The department shall issue an endorsement based on a minimum of 18 hours in a specific content area where these hours are specifically related to that license area. License endorsements shall be restricted to less than half-time teaching assignments.

*History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000; March 1, 1990.*

16 NCAC 06C .0307 LICENSE RENEWAL

(a) Licenses shall be valid for a period of five years from the effective date of issuance. Holders must renew their licenses within each five-year period. The Department shall apply license renewal credit to the person's license field(s) and professional duties.

(b) The Department shall base renewal or reinstatement of a license on 15 units of renewal credit. A unit of credit shall be equal to one quarter hour or two-thirds of a semester hour of IHE college or university credit, 10 hours of professional development, or one school year of teaching experience.

(c) Effective July 1, 2007, school administrators shall earn at least five renewal credits during each renewal cycle that focus on the principal's role in teacher effectiveness, teacher evaluations, teacher support programs, teacher leadership, teacher empowerment, and teacher retention.

(d) Currently employed personnel shall maintain an individual growth plan. These persons may obtain renewal credit for the following activities:

- (1) college or university credit;
- (2) teaching experience (one unit for each year);
- (3) earning National Board for Professional Teaching Standards certification or completion of the National Board for Professional Teaching Standards certification process, which shall result in fifteen units of renewal credit;
- (4) completing National Board for Professional Teaching Standards certification renewal, which shall result in five units of renewal credit;
- (5) completion of activities that meet the following criteria based upon one unit of renewal credit per 10 clock hours:
 - (A) the activity shall be delivered in a minimum of 10 clock hours over time with on-the-job application, feedback, and follow-up;
 - (B) the activity shall have identified goals and objectives that are designed to increase knowledge or skills in the person's license area or job assignment;
 - (C) the activity shall include focused content and instruction that are sequenced to develop specified competencies of a specific population;
 - (D) the activity shall be conducted by instructional personnel approved by the sponsoring school unit or employer; and
 - (E) the activity shall include a focused evaluation designed to gauge the change in learner knowledge or skill and to guide the development of future programs;
- (6) independent study of no more than five units of renewal credit per five-year renewal period which meets the following criteria:
 - (A) teachers and other licensed personnel help to develop local independent study procedures which the superintendent shall keep on file and periodically send to each licensed employee; and
 - (B) the employee and the superintendent or his or her designee shall plan the experience in advance, including identification of competencies to be acquired and an evaluation to determine satisfactory achievement of those competencies.

(e) LEAs and governing boards of schools shall assure that all local courses, workshops and independent study activities which do not carry IHE credit meet the standards contained in this Rule.

(f) LEAs may develop an alternative license renewal plan that is competency-based and results-oriented. The plan must describe the connection among professional development, the school improvement plan, and the individual's license area or job responsibilities through processes such as peer review and annual evaluation. The plan may waive specific hour

requirements that a licensed employee must meet and focus instead on knowledge and skill acquired by participants. The plan must include outcome measures and must be submitted to the Department for review in advance of its implementation.

(g) LEAs must adopt a procedure to determine the appropriateness of credit in advance of renewal activities. In determining appropriateness the LEA must consider direct relationship to critical job responsibilities, school improvement plans, and SBE strategic priorities to properly establish credit for the activity. Each LEA must report on participation in and effectiveness of professional development to the North Carolina Professional Teaching Standards Commission on an annual basis.

(h) Persons who hold a North Carolina license but who are not currently employed in the public schools or by governing boards of nonpublic schools may earn renewal credit in college or university credit activities, or local courses and workshops on the same basis as currently employed persons. The Department shall evaluate the appropriateness of the credits based on their direct relationship to the license field, the suitability of the content level, and the requirements set out in Paragraph (d) of this Rule.

History Note: Authority G.S. 115C-12(9)(a); N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. January 2, 2006; August 1, 2000; January 2, 1998; July 1, 1994; December 1, 1991.

16 NCAC 06C .0308 EXPIRED LICENSES

All expired licenses shall be invalid until reinstated. An applicant must earn a minimum of 15 units of credit during the five-year period immediately preceding the date of application for reinstatement to be eligible for reinstatement. A reinstated license shall be valid for a five-year period that begins from the date of completion of the required credits.

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000.

16 NCAC 06C .0309 RECIPROCITY IN LICENSURE

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000; March 1, 1990;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0310 STANDARD EXAMINATIONS

History Note: Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. February 1, 1995; July 1, 1994; July 1, 1993; May 1, 1991;
Codifier determined that agency findings did not meet criteria for temporary rule;
Temporary Amendment Eff. July 30, 1997;
Repealed Eff. March 5, 1998 pursuant to S.L. 1997-383.

16 NCAC 06C .0311 TEMPORARY PERMIT

History Note: Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000; March 1, 1990;
Temporary Amendment Eff. June 20, 2001;
Temporary Amendment Expired March 29, 2002;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0312 LICENSE SUSPENSION AND REVOCATION

History Note: Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. January 1, 1988;

ARRC Objection Lodged Eff. February 22, 1990;
ARRC Objection Removed Eff. March 15, 1990;
Amended Eff. December 1, 2004; August 1, 2000; October 1, 1993; November 1, 1990; August 1, 1990;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0313 CRIMINAL HISTORY CHECKS

- (a) An LEA may obtain criminal history checks on applicants for employment as provided in G.S. 115C-332 and on applicants and current employees as provided in G.S. 114-19.2(a).
- (b) An LEA shall not make any employment decision based solely upon the criminal history check (computer printout) provided by the Department of Justice whether provided pursuant to G.S. 115C-332 or G.S. 114-19.2(a). An LEA shall obtain from the repository of the record a certified copy of the applicant's or employee's conviction or shall consult with legal counsel prior to making a final employment decision based on the conviction.
- (c) An LEA shall maintain data from a criminal history check from Department of Justice in paper format only, in a locked, secure place, separate from the individual's personnel file. Only those officials who have been designated by the local board of education as having a need to know the results of a criminal history check may obtain access to the records. Certified copies of records of convictions are public records and need not be maintained in accordance with this Rule.
- (d) In the event that the LEA discovers as a result of a criminal history check from Department of Justice that any applicant or employee who possesses a license issued by the SBE has a criminal history, the LEA shall notify in writing the SBE office of legal counsel and shall submit to that office a certified copy of the record of conviction or convictions or information of where to obtain the record of conviction, including the person's name, criminal case number and the county of conviction. The office of legal counsel may initiate license revocation as appropriate.
- (e) Nothing in this Rule is intended to prohibit suspension with or without pay or demotion or dismissal pursuant to the provisions of G.S. 115C-325 without any requirement that there be actual conviction of a crime.

History Note: *Filed as a Temporary Adoption Eff. October 10, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*
Authority 1995 S.L., c. 373, s. 3;
Eff. June 1, 1996;
Amended Eff. August 1, 2000.

16 NCAC 06C .0314 INITIAL PROFESSIONAL LICENSE: NOTIFICATION OF NON-COMPLIANCE AND SUBMISSION OF EXAMINATION REQUIREMENTS

History Note: *Authority G.S. 115C-270.15(d); 115C-270.15(e);*
Emergency Adoption Eff. July 23, 2019, pursuant to S.L. 2019-71;
Temporary Adoption Eff. October 25, 2019;
Temporary Adoption Expired Eff. August 11, 2020.

16 NCAC 06C .0315 EVIDENCE OF TEACHER EFFECTIVENESS TO BE SUBMITTED BY LICENSED OUT-OF-STATE TEACHERS SEEKING A CONTINUING PROFESSIONAL LICENSE

History Note: *Authority G.S. 115C-270.25;*
Emergency Adoption Eff. July 23, 2019, pursuant to S.L. 2019-71;
Temporary Adoption Eff. October 25, 2019;
Temporary Adoption Expired Eff. August 11, 2020.

16 NCAC 06C .0316 GENERAL LICENSURE REQUIREMENTS

History Note: *Authority G.S. 115C-270.5; N.C. Constitution, Article IX, Sec. 5;*
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. March 17, 2021.

16 NCAC 06C .0317 ROUTE TO LICENSURE

History Note: Authority G.S. 115C-270.20; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0318 LICENSING TESTING REQUIREMENTS

History Note: Authority G.S. 115C-270.15; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0319 LICENSURE RENEWAL REQUIREMENTS

History Note: Authority G.S. 115C-270.30; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. March 17, 2021.

16 NCAC 06C .0320 EXPERIENCE/DEGREE CREDIT FOR SALARY PURPOSES

History Note: Authority G.S. 115C-302.1; 115C-302.3; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. March 17, 2021.

16 NCAC 06C .0321 LICENSURE SUSPENSION AND REVOCATION

History Note: Authority G.S. 115C-270.35; 115C-19(9); N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.

16 NCAC 06C .0322 LICENSURE FEES

History Note: Authority G.S. 115C-270.10; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. Pending Consultation pursuant to G.S. 12-3.1;
Emergency Adoption Expired Eff. October 1, 2020.

16 NCAC 06C .0323 PROCEDURE FOR SEEKING EXCEPTION FROM LICENSURE REQUIREMENTS

History Note: Authority G.S. 115C-270.5; 115C-270.20; 115C-270-15; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Expired Eff. March 17, 2021.

16 NCAC 06C .0324 CONVERSION OF INITIAL PROFESSIONAL LICENSE TO CONTINUING PROFESSIONAL LICENSE

History Note: Authority G.S. 115C-270.20; 115C-270.5; 115C-270.15; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0325 EDUCATOR PREPARATION PROGRAM (EPP) RECOGNITION AND APPROVAL

History Note: Authority G.S. 115C-12(9); 115C-268.5, N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0326 SANCTIONS FOR EDUCATOR PREPARATION PROGRAMS (EPPS)

History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.45; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0327 MINIMUM ADMISSIONS REQUIREMENTS AND EXCEPTIONS FOR EDUCATOR PREPARATION PROGRAMS (EPP) LEADING TO INITIAL LICENSURE

History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.15; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.

16 NCAC 06C .0328 REPORTS OF ALLEGED VIOLATIONS REGARDING EDUCATOR PREPARATION PROGRAMS (EPPS)

History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.55; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.

16 NCAC 06C .0329 EDUCATOR PREPARATION PROGRAM (EPP) ACCOUNTABILITY REQUIREMENTS & RISK FACTORS

History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0330 TEACHER ASSISTANTS AND INTERNSHIPS

History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.25; 115C-269.30;
N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0331 SCHOOL ADMINISTRATOR PREPARATION PROGRAMS

History Note: Authority G.S. 115C-12(9); 115C-284(c); 115C-284.1; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.

16 NCAC 06C .0332 BEGINNING TEACHER SUPPORT

History Note: Authority G.S. 115C-12(9); 115C-300.1; N.C. Constitution, Article IX, Sec. 5;

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. March 17, 2021.*

16 NCAC 06C .0333 CLINICAL PRACTICE IN EDUCATOR PREPARATION PROGRAMS (EPPS)

*History Note: Authority G.S. 115C-269.1; 115C-269.5; 115C-269.10; 115C-269.15; 115C-269.25; 115C-269.30; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.*

16 NCAC 06C .0334 DEFINITIONS

The following definitions apply throughout this Section unless the context indicates otherwise:

- (1) Ratings on the domains of the North Carolina Educator Evaluation System (NCEES) are in order of quality (lowest to highest) as follows: Not Demonstrated, Developing, Proficient, Accomplished, and Distinguished.
- (2) "Accomplished" means a teacher who, on the most recent summative evaluation, has received ratings of accomplished or higher on three of the five standards or accomplished on one standard of an abbreviated evaluation, which must include Standard 4.
- (3) "Accredited" or "Regionally Accredited" means an EPP has received accreditation from a national accrediting body (the Council for the Accreditation of Educator Preparation (CAEP) or the Association for Advancing Quality in Educator Preparation (AAQEP)) or received accreditation from a regional accrediting body (Higher Learning Commission (HLC), Middle States Commission on Higher Education (MSCHE), New England Commission of Higher Education (NECHE), Northwest Commission on Colleges and Universities (NWCCU), Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), WASC Senior College and University Commission (WSCUC)
- (4) "Beginning Teacher Support Program" means a program that provides ongoing support for teachers entering the profession.
- (5) "Beginning teacher" means a teacher who is within his or her first three years of teaching.
- (6) "Career and Technical Education (CTE) Restricted License" means a three year license that requires educators to have related work experience for the CTE program area as well as a related degree from a regionally accredited college or university unless it is a high school diploma level license. CTE Restricted License holders are restricted to teaching only in the area of licensure and additional non-CTE license areas may not be added to the license.
- (7) "CPL" means a Continuing Professional License.
- (8) "Distinguished" means a teacher who, on the most recent summative evaluation, has received ratings of distinguished on three of the five standards or on one of distinguished on one for abbreviated evaluations, which must include Standard 4.
- (9) "ECGC" means Exceptional Children General Curriculum.
- (10) "ELED" means Elementary Education.
- (11) "EPP" means an Educator Preparation Program.
- (12) "In-State Applicant" means an applicant for licensure who received training and a recommendation from a North Carolina approved Educator Preparation Program (EPP).
- (13) "IPL" means an Initial Professional License.
- (14) "Junior Reserve Officer Training Corps (JROTC) License" means a license that is issued to a former military service person to teach the federally sponsored school program which is designed to instill in students the values of citizenship, service to the United States, personal responsibility and a sense of accomplishment.
- (15) "NCDPI" or "DPI" means the North Carolina Department of Public Instruction.
- (16) "NCEES" means the North Carolina Educator Evaluation System.
- (17) "NCSBE" or "SBE" means the North Carolina State Board of Education.
- (18) "Out-of-State Applicant" means an applicant for licensure who receives training and a recommendation from an approved Educator Preparation Program (EPP) in another state or country regardless of residency.
- (19) "PEPSC" means the Professional Educator Preparation and Standards Commission.

- (20) "Permit to Teach License" means a one-year nonrenewable license issued to individuals who do not qualify for any other type of license.
- (21) "Praxis" means the Praxis Core Academic Skills for Educators assessment.
- (22) "Proficient" means a teacher has received ratings of proficient or higher on three of the five standards on the most recent summative evaluation, or on Standards 1 and 4 for teachers on an Abbreviated Evaluation.
- (23) "Provisional License" means an educator license that is valid for one year and can be extended for up to five years for a teaching and student services licensure area or three years for school counseling and assistant principals at the request of an LEA.
- (24) "Regional Assistance Licensing Center" or "RALC" is a State Board of Education authorized educational entity that serves as an extension of the Department of Public Instruction licensure section to review transcripts and prescribe plans of study leading to licensure for lateral entry, CTE restricted, and provisional license holders.
- (25) "Student Services" means any non-instructional personnel providing specialized assistance to students, teachers, administrators, or the education program in general. Student services personnel include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5;
Eff. October 1, 2020.

16 NCAC 06C .0335 NORTH CAROLINA EDUCATOR LICENSE FOR AREA OF ASSIGNMENT

An individual employed as an educator in a North Carolina public school shall hold an educator's license in the licensure area of his or her assignment.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-295;
Eff. October 1, 2020.

16 NCAC 06C .0336 LICENSE LEVELS FOR A NORTH CAROLINA EDUCATOR LICENSE

(a) In order to qualify for a North Carolina educator license, an applicant must meet all educational requirements appropriate for the license level issued, as prescribed by a North Carolina State Board of Education-approved Educator Preparation Program, and must hold a diploma or degree at the designated level or higher.

(b) The five levels of professional educator licenses available in North Carolina are as follows:

- (1) "V" which requires a High School Diploma or Associates Degree and is only appropriate for Career and Technical Education (CTE) and Junior Reserve Officer Training Corps (JROTC) licenses;
- (2) "A" which requires a Bachelor's Degree;
- (3) "M" which requires a Master's Degree;
- (4) "S" which requires a Specialist or Advanced Degree; and
- (5) "D" which requires a Doctorate Degree.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-295;
Eff. October 1, 2020.

16 NCAC 06C .0337 BASIC ENTITY DATA TO APPLY FOR A NORTH CAROLINA EDUCATOR LICENSE

All applicants for a North Carolina educator license shall provide the following basic entity data through the North Carolina Department of Public Instruction's secure, online licensure system:

- (1) Social Security Number;
- (2) Full legal name;
- (3) Date of birth;
- (4) Mailing address;
- (5) Telephone number; and
- (6) Non-school email address.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0338 LICENSURE TRANSACTION CHECKLIST TO APPLY FOR A NORTH CAROLINA EDUCATOR LICENSE

In addition to basic entity data required by Rule .0337 of this Section, any applicant applying for a North Carolina educator license shall provide documentation to complete the licensure transaction checklist, which includes the following:

- (1) Statement of applicant, which is an attestation of applicant regarding previous criminal conviction or adverse action taken against a professional license, and supporting documents if applicable;
- (2) Education as provided by Rule .0336 of this Section;
- (3) File attachments to support statements made on the licensure application;
- (4) All official degree dated transcripts;
- (5) Verification by institution form and any applicable valid and current out-of-state educator license;
- (6) Work Authorization, if applicable;
- (7) National Board Certification, if applicable;
- (8) Effectiveness data as defined by Rule .0354 of this Section, if applicable;
- (9) Experience forms, if applicable;
- (10) Test scores, if applicable; and
- (11) Licensure Fees as provided for by Rule .0371 of this Section.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.10; 115C-270.15; 115C-270.20; 115C-270.25;
Eff. October 1, 2020.

16 NCAC 06C .0339 REQUIREMENTS TO BE ISSUED A CONTINUING PROFESSIONAL LICENSE FOR AN EDUCATOR

In addition to the requirements set forth in G.S. 115C-270.20(a)(1), an applicant seeking a Continuing Professional License (CPL) shall:

- (1) hold a current teaching license in North Carolina or another state;
- (2) pass the North Carolina licensure exam(s) associated with the license area or a comparable exam if from another state; and
- (3) Submit effectiveness data as described in Rule .0354 of this Section, if the applicant is from out-of-state.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25;
Eff. October 1, 2020.

16 NCAC 06C .0340 REQUIREMENTS TO BE ISSUED AN INITIAL PROFESSIONAL LICENSE FOR AN EDUCATOR

In addition to the requirements set forth in G.S. 115C-270.20(a)(3), to be issued an Initial Professional License (IPL), an applicant shall submit the following information:

- (1) official degree dated transcripts;
- (2) recommendation by the EPP or approval by the SBE; and
- (3) any applicable valid and current out-of-state educator license.

If an applicant is seeking direct approval from the SBE, the hiring or employing Local Education Agency shall submit an application. The SBE shall approve the applicant if he or she has completed all the academic, field, clinical, and professional requirements for licensure as prescribed for program completion by his or her cooperating EPP, except passing licensure exams.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.15; 115C-270.20;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0341 REQUIREMENTS TO BE ISSUED A RESIDENCY LICENSE

(a) To be issued a Residency License (RL) at the request of a local board of education pursuant to G.S. 115C-270.20(a)(5), an applicant must meet all SBE requirements appropriate for the license as follows:

- (1) Submit official degree dated transcripts;
- (2) Be employed by a LEA;

- (3) Have either completed 24 hours of coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the SBE; and
 - (4) Be enrolled in a SBE approved EPP.
- (b) The information required by Paragraph (a) of this Rule, other than the official degree dated transcripts, must be verified on the Residency License form by the LEA and EPP.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0342 REQUIREMENTS TO ADD A PROVISIONAL TEACHING AREA TO A NORTH CAROLINA EDUCATOR LICENSE

- (a) A provisional license to teach in a licensure area may be added as described in Rule .0344 of this Section to a Continuing Professional License (CPL), Initial Professional License (IPL), and Career and Technical Education (CTE) Restricted license issued at the license levels A, M, S, or D as described in Rule .0336 of this Subchapter.
- (b) To "clear" a teaching provisional license, an educator must pass required licensure exams or complete 24 coursework hours for the licensure area.
- (c) To "clear" a student services or assistant principal provisional license, an educator must complete an approved licensure program.
- (d) CTE Restricted licensees must clear provisionally added license area(s) by meeting State Board of Education requirements.

History Note: Authority G.S. 115C-12; 115C- 68.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0343 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0344 REQUIREMENTS TO BE ISSUED A PROVISIONAL LICENSE FOR STUDENT SERVICES PERSONNEL AND TEACHERS

- (a) To be issued a Provisional License, an applicant shall complete all State Board of Education (SBE) requirements for the license areas as follows:
 - (1) School Counselor Licensee shall:
 - (A) Be enrolled in an accredited school counselor preparation program and have completed a minimum of 24 graduate semester hours of that program with completion of remaining requirements within three years; or have completed a master's degree in addition; career; clinical mental health; clinical rehabilitation; college counseling and student affairs; marriage, couple, and family counseling; or rehabilitation counseling from a regionally accredited college or university and be enrolled in an accredited school counselor preparation program to complete additional master's level courses needed to add school counseling specialization with completion of remaining requirements within three years;
 - (B) Submit official degree dated transcripts to document verification of a bachelor's degree; and
 - (C) Be employed by an LEA.
 - (2) School Social Work Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Have completed a bachelor's, master's, specialist, or doctoral degree in social work; and
 - (C) Submit official degree dated transcripts.
 - (3) Media Coordinator Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Obtain an "A" level teaching license or bachelor's degree in media or have completed 18 graduate semester hours applicable toward a school media coordinator program; and
 - (C) Submit official degree dated transcripts.
 - (4) School Psychology Licensee shall:
 - (A) Be employed by an LEA;

- (B) Have completed all program requirements at the graduate level except for the thesis or internship and submit written confirmation from the college or university at which the individual has matriculated concurrent with the individual's employment; and
 - (C) Submit official degree dated transcripts.
 - (5) Curriculum and Instructional Specialist Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Obtain a Master's level teaching license and have a minimum of five years of teaching experience in that license area
 - (C) Submit official degree dated transcripts.
 - (6) Exceptional Children Program Administrator Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Obtain a Master's level license in an exceptional children's area, curriculum instruction, or school administration, or graduate level license in school psychology; and
 - (C) Submit official degree dated transcripts.
 - (7) Teaching Area Licensee shall be employed by an LEA.
- (b) A Provisional license for a Student Services Licensee may be issued at a degree level other than that required for the Educator Preparation Program (EPP) recommendation.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
 Emergency Adoption Eff. August 20, 2019;
 Eff. March 17, 2021.

16 NCAC 06C .0345 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0346 REQUIREMENTS TO BE ISSUED A PERMIT TO TEACH

To be issued a Permit to Teach, which is a one-year nonrenewable license, an applicant must complete all requirements as follows:

- (1) Be employed by a local education agency (LEA);
- (2) Submit documentation from the LEA that no appropriately licensed professionals or persons who are eligible for a residency license are available to accept the position; and
- (3) Hold a bachelor's degree and do not qualify for a license under any other pathway.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
 Emergency Adoption Eff. August 20, 2019;
 Eff. March 17, 2021.

16 NCAC 06C .0347 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0348 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0349 COMPARABILITY FOR OUT-OF-STATE LICENSURE EXAMS

(a) An out-of-state licensure exam shall be considered comparable to the North Carolina State Board of Education (SBE) approved licensure exam if:

- (1) The out-of-state licensure exam satisfied one component of the licensure process in that state at the time the exam was taken; and
- (2) The out-of-state applicant demonstrates a score on the exam that meets or exceeds the passing score, or range of scores, established by the test developer.

(b) An out-of-state applicant for the initial professional license (IPL) or continuing professional license (CPL) shall meet the SBE required exam score when comparable testing is the same test code and produced by the same test developer.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.15; 115C-270.20;
 Eff. October 1, 2020.

16 NCAC 06C .0350 DURATION OF AN INITIAL PROFESSIONAL LICENSE

(a) An IPL issued pursuant to G.S. 115C-270.20(a)(3) and Rule .0340 of this Section shall begin July 1 of the fiscal year the license is issued and end June 30 of the third year following.

(b) An IPL may be extended to allow an individual to accrue sufficient teaching experience to convert to a CPL, provided that all testing requirements for converting to a CPL have been met as referenced in Rule .0339 of this Section.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0351 TESTING REQUIREMENTS TO CONVERT AN EXPIRED LICENSE

If a license expires due to failure to pass the licensure exams required by the SBE for the license area, an individual may still convert to a CPL once he or she has passed the licensure exam(s), provided that all requirements as referenced in Rule .0339 of this Section are met.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0352 TESTING REQUIREMENTS TO CONVERT A LATERAL ENTRY LICENSE

If a current Lateral Entry License expires due to the holder's failure to pass a State Board of Education required licensure exam, an individual may still convert the license until June 30, 2022 once testing requirements are met, and upon recommendation by a state-approved Educator Preparation Program or the Regional Assistance Licensing Center (RALC).

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0353 DEADLINE FOR LICENSURE TESTING REQUIREMENTS

The deadline for an individual to complete State Board of Education licensure testing requirements is June 30 of the third year of the license.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0354 EVIDENCE OF TEACHER EFFECTIVENESS FOR AN OUT-OF-STATE APPLICANT SEEKING A CONTINUING PROFESSIONAL LICENSE

An applicant who possesses three or more years of teaching experience and holds an IPL or its equivalent in a state other than North Carolina shall be eligible for a continuing professional license, provided that he or she submits to the Department of Public Instruction evidence of his or her effectiveness, which shall include the following:

- (1) a copy of a current, valid out-of-state teaching license in good standing;
- (2) information identifying all of the schools and school systems in which the applicant is teaching or has taught;
- (3) documentation of effective instructional practice in the form of a written classroom observation evaluation; and
- (4) documentation of teacher effectiveness:
 - (a) documentation of teacher effectiveness as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that state or school district's evaluation system, along with relevant documentation corresponding to each submitted item of evidence indicating the scale by which effectiveness is measured affirming that the applicant was deemed effective; or
 - (b) a notarized letter from the State Education Agency (SEA) affirming that the teacher was deemed effective according to that state's educator effectiveness model.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25;
Eff. October 1, 2020.

16 NCAC 06C .0355 LICENSURE TESTING REQUIREMENTS FOR OUT-OF-STATE APPLICANTS WITH FEWER THAN THREE YEARS OF TEACHING EXPERIENCE

An out-of-state applicant with fewer than three years of teaching experience must pass the North Carolina State Board of Education approved licensure examinations, provided, if the applicant is seeking an IPL in a teaching area other than ELED or ECGC, he or she can submit his or her score on a different examination in a comparable teaching area if that score meets or exceeds the test developer's recommended cut score for that examination in the year administered.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0356 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0357 REQUIREMENTS TO BE ISSUED AN INTERNATIONAL FACULTY LICENSE

- (a) An applicant for an International Faculty License must complete all requirements as follows:
- (1) hold a cultural exchange visa;
 - (2) hold a baccalaureate degree from an institution with accreditation comparable to regional accreditation in the United States;
 - (3) meet the requirements to teach in a country in which he or she has resided during the past three years; and
 - (4) have two years of classroom teaching experience.
- (b) The applicant may extend the license for an additional two years at the request of the employing LEA or charter school and submission of documentation of an extension of the visa from the U.S. Department of State.
- (c) The International Faculty license holder shall qualify for the standard Initial Professional License (IPL), Continuing Professional License (CPL), Residency License, and Career Technical Education (CTE) Restricted License upon meeting all license requirements and providing U.S. Department of State. work authorization.
- (d) International Faculty License holders must provide an evaluation of an international transcript for education equivalency from a professional evaluation agency such as International Education Evaluation, LLC, and members of the National Association for Credential Evaluation Services.
- (e) An International Faculty License is issued at the A Level with zero years of experience and remains at that level for the duration of that license.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0358 RESTRICTIONS TO BE ISSUED AN ALTERNATIVE LICENSE

Once an individual holds a Residency License the individual may not hold a Permit to Teach or Emergency License.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0359 RESTRICTIONS FOR AN EMERGENCY LICENSE

- (a) The issuance of an Emergency License pursuant to G.S. 115C-270.20(a)(2) to an individual shall not guarantee that the license holder will qualify for any other type of licensure.
- (b) The Emergency License shall be issued only at the A-level but may qualify for experience credit as referenced in Rules .0364 and .0365 of this Section.
- (c) An Emergency License shall not be granted an extension.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0360 APPLICANT ELIGIBILITY TO BE ISSUED A LIFETIME LICENSE

Administrator and student-support licenses are not eligible for the Lifetime License; however, administrators and other student-support professionals are eligible for a Lifetime License in an approved teaching area provided they have met the 30-year requirement pursuant to G.S. 115C-270.20(a)(4).

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0361 RENEWAL REQUIREMENTS FOR AN EDUCATOR WHO HAS NOT DEMONSTRATED PROFICIENCY ON THE ANNUAL EVALUATION

- (a) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year may be placed on a mandatory improvement plan by the employing Local Education Agency (LEA).
- (b) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year and who is placed on a mandatory improvement plan may be eligible to receive an Initial Professional License (IPL) provided all other licensure requirements are met.
- (c) The term of the mandatory improvement plan shall be 90 instructional days or before the beginning of the next school year for teachers in schools identified as low performing and at least 60 instructional days for teachers in schools not identified as low performing.
- (d) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year and who is not placed on a mandatory improvement plan shall be deemed to have an “expired” teaching license.
- (e) An educator whose license has expired pursuant to Paragraph (d) of this Rule shall be eligible to apply for an IPL after a 30-day waiting period.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.30; 115C-333; 115C-333.1; Eff. October 1, 2020.

16 NCAC 06C .0362 RENEWAL CREDIT REQUIREMENTS TO RENEW A CONTINUING PROFESSIONAL LICENSE FOR TEACHERS AND SUPPORT SERVICE PERSONNEL

A teacher or student services personnel who holds a Continuing Professional License (CPL) shall meet the following renewal credit requirements:

- (1) A teacher with a K-12 license must meet the licensure renewal requirements as set forth in this Rule for the grade-span corresponding to their teaching assignment.
- (2) A teacher of grades K-5 must complete 8.0 renewal credits during the term of his or her license that meet the following requirements:
 - (a) 3 renewal credits in their academic subject area;
 - (b) 3 renewal credits addressing literacy pursuant to G.S. 115C-270.30(b)(2); and
 - (c) 2 renewal credits addressing the Digital Learning Competencies.
- (3) A teacher of grades 6-12 must complete 8.0 renewal credits during the term of his or her license that meet the following requirements:
 - (a) 3 renewal credits in their academic subject areas;
 - (b) 2 renewal credits addressing the Digital Learning Competencies; and
 - (c) 3 general credits at the discretion of the employing LEA, other than credit for teaching experience.
- (4) Student services personnel must complete 8.0 renewal credits during each five-year renewal cycle that meet the following requirements:
 - (a) 3 renewal credits that align with the expectations of the North Carolina standards for their professional discipline area;
 - (b) 2 renewal credits addressing the Digital Learning Competencies; and
 - (c) 3 general credits at the discretion of the employing LEA, other than credit for teaching experience.
- (5) Educators completing the National Board for Professional Teaching Standards certification process shall earn all 8.0 renewal credits for completion of the process and certification. Educators who are in the national board renewal cycle shall earn two credits.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.1; 115C-270.5; 115C-270.20; 115C-270.30; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021.

16 NCAC 06C .0363 RENEWAL CREDIT REQUIREMENTS TO RENEW A CONTINUING PROFESSIONAL LICENSE FOR SCHOOL ADMINISTRATORS

School administrators must complete 8.0 renewal credits during the term of the license that meet the following requirements:

- (1) 3 renewal credits that focus on the school executive's role as instructional, human resources, and managerial leader;
- (2) 2 renewal credits addressing the Digital Learning Competencies; and
- (3) 3 general credits at the discretion of the employing LEA, not to include years of work experience.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.30; 115C-284; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021.

16 NCAC 06C .0364 EXPERIENCE CREDIT FOR SALARY PURPOSES

- (a) For the purposes of establishing teaching experience credit requirements as a North Carolina educator to meet G.S. 115C-302.1, an educator must work for at least 15 hours per week in order for the experience to be considered for receiving teaching experience on an educator license in a local education agency (LEA) on a prorated basis.
- (b) An educator in an LEA or college may combine full-time experience of less than six calendar months in one fiscal year with another fiscal year of part-time or full-time experience to equal one year of experience credit to receive teaching experience.
- (c) An educator may receive teaching experience on their license for college teaching based on the number of clock hours spent in the classroom teaching per week. Six class hours per week shall be considered half-time teaching and twelve class hours per week shall be considered full-time teaching.
- (d) With a recommendation from the employing LEA, an educator may establish non-teaching experience working as a tutor, clerical paraprofessional, or substitute teacher.
- (e) For purposes of this Rule, "full-time" means 30 hours of work per week and "part-time" means at least 15 hours of work per week.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-302.1; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021.

16 NCAC 06C .0365 NON-TEACHING WORK EXPERIENCE CREDIT REQUIREMENTS FOR NORTH CAROLINA EDUCATORS

- (a) An educator may receive credit for non-teaching work experience when it is determined to be relevant and directly related to the educator's work assignment and license held.
- (b) For the purposes of this Rule, "non-teaching work experience" means professional work experience in public or private sectors that is directly related to an individual's area of licensure and work assignment, including the following:
 - (1) work experience earned while self-employed if it is verified by a tax attorney or an accountant who prepared the educator's tax returns or by a company co-owner; or
 - (2) full-time non-teaching work experience of less than six calendar months in one fiscal year if when combined with another fiscal year of part-time or full-time non-teaching work experience equals at least one year of experience credit.
- (c) Credit for non-teaching work experience is not transferable to other licensure areas for which the experience is not relevant.
- (d) To be eligible for credit, the non-teaching work experience must meet the following criteria:
 - (1) was at least half-time, which is defined as 20 hours or more per week or full time, which is defined as 40 hours or more per week;
 - (2) was completed after age 18;
 - (3) did not include on-the-job training; and
 - (4) was paid and documented.
- (e) An educator may receive credit for one year of work experience for every two years of full-time relevant work experience completed prior to earning a bachelor's degree or may receive credit for one year of experience for each year of full-time relevant non-teaching work experience completed after earning a bachelor's degree.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3; Eff. October 1, 2020.

16 NCAC 06C .0366 EXPERIENCE CREDIT REQUIREMENTS FOR CAREER AND TECHNICAL EDUCATION TEACHERS

For purposes of calculating salary, Career and Technical Education (CTE) license holders shall receive one year of teaching experience credit for each year of experience in CTE trade or industry relevant to their licensure area prior to becoming a teacher.

History Note: Authority G.S. 115C-12; 115C-151; 115C-153; 115C-154; 115C-156; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3; Eff. October 1, 2020.

16 NCAC 06C .0367 EXPERIENCE CREDIT REQUIREMENTS FOR JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS

Junior Reserve Officers' Training Corps (JROTC) instructors who completed partial service in both active duty and the Military Reserve that totals at least 20 years shall receive 10 years of teaching experience credit for the purposes of calculating salary, provided the service member retired honorably.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3; Eff. October 1, 2020.

16 NCAC 06C .0368 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0369 REQUIREMENTS FOR AN EDUCATOR TO BE GRANTED MASTER'S DEGREE LEVEL PAY

(a) The North Carolina Department of Public Instruction (NCDPI) shall authorize salary on the master's degree level salary schedule for professional educators who hold master's degrees or advanced degrees that do not lead to a professional educator license if the following criteria are met:

- (1) the master's or higher-level degree is from a regionally accredited Educator Preparation Program (EPP);
- (2) the master's or higher-level degree is in an education or subject area directly related to an existing area of licensure and current teaching assignment or instructional support responsibilities; and
- (3) the educator's assignment for 50 percent or more of the school day is in the area for which the master's or higher-level degree applies.

(b) Teachers and student services personnel who complete a degree at the master's, six-year, or doctoral degree level must have:

- (1) completed at least one course toward that degree prior to August 1, 2013; or
- (2) met the requirements of Paragraph (a) of this Rule for the salary supplement on or before June 30, 2013.

(c) The recognized regional accreditation bodies include the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Southern Association of Colleges and Schools, and the Western Association of Schools and Colleges.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; S.L. 2014-100, s. 8.22; Eff. October 1, 2020.

16 NCAC 06C .0370 EXPERIENCE CREDIT AND GRADUATE PAY RESTRICTIONS ENFORCED BY THE APPEALS PANEL

An educator shall not be awarded experience credit if the Appeals Panel deems the experience or degree not to be related to the areas of licensure and work assignment. An educator shall not be awarded graduate pay if the Appeals Panel deems the master's or higher level degree to be not directly related to the areas of work assignment for 50 percent or more of the school day. Should an educator disagree with a decision regarding an experience credit or graduate pay, he or she can appeal to Office of Administrative Hearings by 60 days after the denial of the request for the credit.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; Eff. October 1, 2020.

16 NCAC 06C .0371 LICENSURE FEES FOR NORTH CAROLINA EDUCATORS

(a) At the time an educator submits an application requesting one or more of the licensure services listed below, the educator must pay either the fee specified for the single service requested or the highest of the fees specified for each of several services requested:

- (1) Issue an In-State Initial Professional License - \$70.00
- (2) Issue an Out-of-State Initial Professional License - \$100.00
- (3) Extend Provisional License Area - \$60.00
- (4) Delete License Area - \$60.00
- (5) Change Work Authorization - \$60.00
- (6) Add Area by Program Completion - \$60.00
- (7) Add Experience - \$60.00
- (8) Add Area by Test or 24 Semester Hours - \$60.00
- (9) Add National Board Certification - \$60.00
- (10) Clear Validation - \$60.00
- (11) Upgrade or Clear License Area - \$60.00
- (12) Issue a Late Renewal - \$35.00
- (13) Change Name on a License - \$60.00
- (14) Update Contact Information – No fee
- (15) Correct an Education Record – No fee
- (16) Issue Verification of a North Carolina License - \$30.00
- (17) Provide a Copy of Files or Test Scores - \$30.00
- (18) Add Research Experience - \$30.00
- (19) Issue Initial Alternative License - \$100.00
- (20) Validate an Expired Continuing Professional License - \$60.00
- (21) Extend an Initial Professional License - \$60.00
- (22) Recommend Converting an Initial Professional License to a Continuing Professional License - \$60.00
- (23) Convert to Lateral Entry License - \$60.00
- (24) Convert to Career and Technical Education Restricted License - \$60.00
- (25) Add Alternative Area - \$60.00
- (26) Authorize Masters Pay - \$60.00
- (27) Renew a License - \$35.00
- (28) Upgrade of Clear License Area - \$60.00
- (29) Convert to Initial Professional License - \$60.00
- (30) Convert to Continuing Professional License - \$60.00

(b) All licensure fees are non-refundable and non-transferrable.

(c) An educator shall not submit an application for any service for which they do not currently qualify, provided, an educator may submit an application for a service pending notification of a nondiscretionary act of a third party.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.10;
Eff. October 1, 2020.

16 NCAC 06C .0372 DENYING A LICENSE APPLICATION OR SUSPENSION OR REVOCATION OF A LICENSE ISSUED BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

16 NCAC 06C. 0373 REPORTING REQUIREMENTS FOR SUSPECTED CHILD ABUSE BY A LOCAL EDUCATION AGENCY ADMINISTRATOR TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION

16 NCAC 06C .0374 INVESTIGATION REQUIREMENTS TO DETERMINE REASONABLE CAUSE TO SUSPEND OR REVOKE AN EDUCATOR LICENSE

16 NCAC 06C .0375 VOLUNTARY SURRENDER OF AN EDUCATOR LICENSE

16 NCAC 06C .0376 REINSTATEMENT OR ISSUANCE OF A SUSPENDED, REVOKED, OR DENIED LICENSE

History Note: Authority G.S. 115C-12; 115C-268.1; 116C-268.5; 115C-270.5; 115C-270.20; 115C-270.35; 115C-325; 115C-325.9; 115C-400;
Eff. October 1, 2020;
Temporary Repeal Eff. April 5, 2024.

16 NCAC 06C .0377 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0378 CIRCUMSTANCES FOR SEEKING EXCEPTION FROM LICENSURE REQUIREMENTS

(a) The SBE shall, upon request, grant one year extensions of time to satisfy licensure requirements upon a showing of "extenuating circumstances" for individuals who:

- (1) Following initial licensure, have not completed the course work required to maintain a license; or
- (2) Have not met other licensure requirements.

(b) "Extenuating circumstances" shall be defined as the unpredictable illness or disability of the teacher, the death, disability, or illness of a member of the teacher's family, or other unforeseeable emergencies beyond the control of the teacher, provided that the emergency had a direct and immediate impact on the teacher's ability to complete the licensure requirements.

(c) The process for requesting an extension is outlined in Rule .0379 of this Section.

History Note: Authority G.S. 115-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; Eff. October 1, 2020.

16 NCAC 06C .0379 ONE-YEAR EXTENSION PROCESS FOR COURSEWORK REQUIREMENTS TO FULFILL LICENSURE REQUIREMENTS

A Local Education Agency (LEA) may apply to the State Board of Education for a one-year extension of time to satisfy State licensure requirements for an individual who, due to extenuating circumstances, has not completed the course work required to maintain a license. The application for this extenuating circumstance shall include the documentation set forth in this Rule.

- (1) A document, signed by the individual, which includes:
 - (a) a description of the extenuating circumstances that the teacher claims prevented him or her from satisfying the requirements for licensure;
 - (b) a request for an extension of his or her license for one additional year to complete the course work required to maintain a license; and
 - (c) an acknowledgment that the teacher understands that the materials submitted to the State Board of Education in support of his or her request are public records subject to disclosure under Chapter 132 of the North Carolina General Statutes.
- (2) Copies of medical or other documentation to support the individual's claim of extenuating circumstances.
- (3) A document, signed by the North Carolina principal who most recently supervised the individual, which includes:
 - (a) the dates the principal supervised the teacher;
 - (b) evidence of the individual's academic and professional preparation showing that the individual is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to all his or her students;
 - (c) a statement that in the principal's opinion the teacher is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in his or her classroom; and
 - (d) a copy of any of the individual's summative annual evaluations for the past three years.
- (4) A document, signed by the superintendent of the local school system, which includes:
 - (a) a statement certifying that, based upon a review of the individual's and the principal's documentation and evidence, the superintendent believes the individual is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in his or her classroom;
 - (b) a list of the required course work that the applicant has completed;
 - (c) a description of the efforts that the local school administrative unit has made to assist the teacher to complete the required course work;
 - (d) a list of the required course work that the applicant must complete to qualify for a license;
 - (e) a description of the efforts that the local school administrative unit will make to assist the teacher to complete the required course work during the next year of teaching; and

- (f) a statement that the superintendent believes that the applicant is likely to complete the required course work within the one-year extension.
- (5) a document, signed by the chair of the local board of education, which includes:
 - (a) a certification that the local board of education has investigated the extenuating circumstances that the teacher claims prevented him or her from completing the required coursework for a license without undue hardship;
 - (b) a statement that the local board of education is satisfied that the teacher's description of the circumstances is true;
 - (c) a statement that the local board of education is satisfied that, due to extenuating circumstances, the teacher could not have completed the required coursework for a license without undue hardship; and
 - (d) a certification that the local board of education has approved the employment of the teacher for the next school year, subject only to the State Board of Education's decision to grant the requested one-year extension of the teacher's provisional license.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0380 DECISION OF THE STATE BOARD OF EDUCATION FOR A REQUESTED EXTENSION FOR AN EDUCATOR'S LICENSE

- (a) An IPL holder may request of the State Board of Education an extension of time to complete licensure requirements for the purposes of converting an IPL to a CPL. The State Board of Education shall make a decision whether to grant the requested extension based on the IPL holder's extenuating circumstances unless otherwise prohibited by state or federal law.
- (b) "Extenuating circumstances" means the illness or physical disability of the teacher; the death or catastrophic illness of a member of the teacher's immediate family; or other unforeseeable emergencies, beyond the reasonable control of the teacher, that have a direct and immediate impact on the teacher's ability to complete the licensure requirements.

History Note: Authority G.S. 115-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0381 BEGINNING TEACHER SUPPORT PROGRAM REQUIREMENTS

- (a) All public school units must have a Beginning Teacher Support Program (BTSP) and a Beginning Teacher Support Program Plan (BTSP Plan) that has been approved by the public school unit and by NCDPI. The requirements for a BTSP Plan are the following:
 - (1) Align with BTSP Standards, which include:
 - (A) promoting the commitment of all stakeholders in seeing mentoring and induction programs succeed;
 - (B) articulating the process and criteria for mentor selection, discusses mentor roles and responsibilities and delineates foundational mentor training;
 - (C) providing protected time to Beginning Teachers (BT) with support to achieve success in the areas set forth by the North Carolina Professional Teaching Standards as described in Rule .0385 of this Section;
 - (D) providing BTs professional development that orients them in their new career and supports their efforts to meet the North Carolina Professional Teaching Standards as described in Rule .0385 of this Section; and
 - (E) monitoring and supporting BTs and mentoring programs using a formative assessment system to guide their work.
 - (2) Document a process to identify and verify all BTs, which includes:
 - (A) completing the Recent Graduate Survey by the BT and the Employer Survey by the principal of the school by the end of the first year of teaching as required in G.S. 115C-269.35;
 - (B) supporting the licensure process for the BT to convert the IPL to a CPL;
 - (C) identifying teachers with fewer than three years of experience;
 - (D) collecting BT data as explained in this Rule for the annual State of the Teaching Profession report as stated in G.S. 115C-12(22) for LEAs only.

- (3) Provide an orientation for every BT within the first two weeks of work for the BT;
- (4) Develop a professional development plan (PDP) for each BT as reviewed in Rule .0383 of this Section;
- (5) Assign every BT a mentor who meets the requirements set forth in Rule .0384 of this Section;
- (6) Provide support and training to mentors;
- (7) Complete any required or prescribed professional development for BTs;
- (8) Provide a recognized process for conducting observations and summative evaluations for all BTs;
- (9) Plan for participation and demonstration of proficiency in BTSP monitoring based on the requirements in this Rule; and
- (10) Plan for participation in the annual BTSP Peer Review Process;
- (11) Provide written statement on how personnel files for BTs are filed and secured;
- (12) Plan for a transfer of BT files to subsequent employing public school units and non-public institutions in North Carolina;
- (13) Document local board of education approval of the BTSP Plan; and
- (14) Provide evidence and documentation to establish the validity and instrument crosswalk for public school units that are using an alternative evaluation system to identify mentors.

(b) All full-time BTs who are pursuing a continuing professional license must participate in a BTSP for three years. A full-time BT is a person employed to fill a vacancy whose regular work week is the number of hours established as full-time for the class of work assigned, but not less than 30 hours per week. For the purposes of this Rule, a "year" is defined as working in a full-time permanent position for six or more calendar months during a North Carolina fiscal year.

(c) The Regional Education Facilitator (REF) team shall monitor the implementation of the BTSP Plan over a five year cycle. If any areas of noncompliance arise, the public school unit must submit a work plan to address those areas, including strategies and timeline. The REF team must review the work plan and approve the plan if all areas of noncompliance are addressed. The REF team must conduct a technical assistance visit one year after monitoring the BTSP Plan to see if the public school unit has implemented and completed their work plan.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0382 BEGINNING TEACHER SUPPORT REQUIREMENTS

All public school units must limit the number of children with disabilities as defined in G.S. 115C-106.3 assigned to a BT.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1; 115C-106.3;
Eff. October 1, 2020.

16 NCAC 06C .0383 BEGINNING TEACHER PROFESSIONAL DEVELOPMENT PLAN

(a) All beginning teachers must create a Professional Development Plan (PDP) annually in collaboration with their mentor and the principal or principal's designee.

(b) The PDP must be based on the North Carolina Professional Teaching Standards as described in Rule .0384 of this Section and must include goals, strategies, and assessment of the beginning teacher's progress in improving professional skills.

(c) The beginning teacher, mentor, and principal must meet at the beginning, middle, and end of each year to conduct formative assessment conferences to monitor the progress of the beginning teacher in meeting the goals established by the PDP. Signatures of the beginning teacher, mentor, and principal are required for each formative assessment conference.

(d) All beginning teachers must complete any professional development assigned by the public school unit annually.

(e) All beginning teachers shall be evaluated in the manner outlined in G.S.115C-333.1 using the North Carolina Board of Education approved North Carolina Educator Evaluation System for measuring teacher performance on the North Carolina Professional Teaching Standards.

(f) Public school units with approved BTSP plans must participate in an annual review to evaluate the beginning teacher's performance on the North Carolina Professional Teaching Standards, which includes a beginning teacher self-assessment along with an assessment of the beginning teacher by a co-teacher. This review shall be filed annually with the North Carolina Department of Public Instruction. Data from the annual reviews shall be summarized and analyzed by NCDPI on a five-year cycle.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1;
Eff. October 1, 2020.

16 NCAC 06C .0384 MENTOR PROGRAM REQUIREMENTS

- (a) All local boards shall have a mentor program to provide ongoing support for new teachers entering the profession.
- (b) Public school units shall select qualified teachers to serve as mentors using the North Carolina Professional Teaching Standards and North Carolina Educator Evaluation System to evaluate teachers unless the public school unit develops an alternative evaluation system that measures teacher performance on standards and criteria similar to those in the North Carolina Professional Teaching Standards and North Carolina Educator Evaluation System.
- (c) For the purposes of mentor selection outlined in G.S. 115C-300.1(c), public school units may use the most recently available evaluation for teachers who lack an evaluation from the prior year. Teachers without evaluation data for two or more consecutive years shall not be eligible to serve as mentor teachers, unless the mentor is a retired teacher.
- (d) Any teacher who is assigned to be a mentor to a beginning teacher shall continuously meet eligibility requirements outlined in G.S. 115C-300.1(c).
- (e) Mentor assignments and guidelines shall comply with the following expectations:
 - (1) mentor selection criteria shall include input from educators, parents, educator preparation program faculty, education nonprofits;
 - (2) mentor selection criteria are articulated by program Leadership;
 - (3) the process for mentor application and selection is publicly displayed;
 - (4) mentors support beginning teacher orientation and provide logistical and emotional support;
 - (5) mentors focus their primary support on improving instruction and learning;
 - (6) Mentors mentors provide ongoing support and encouragement for the beginning teacher;
 - (7) mentors receive initial training regarding their role as mentors and their responsibilities in the induction program;
 - (8) mentors receive ongoing training to advance their knowledge and skills; and
 - (9) mentors have opportunities to participate in professional learning communities of mentoring practice.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1; 115C-333.1;
Eff. October 1, 2020.

16 NCAC 06C .0385 THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS

LEAs shall use the North Carolina Professional Teaching Standards set forth in this Rule to determine teacher proficiency as a part of the North Carolina Educator Evaluation System (NCEES).

- (1) A teacher shall demonstrate leadership and shall:
 - (a) lead in his or her classroom;
 - (b) demonstrate leadership in the school;
 - (c) lead the teaching profession;
 - (d) advocate for schools and students; and
 - (e) demonstrate high ethical standards.
- (2) A teacher shall establish a respectful environment for a diverse population of students and shall:
 - (a) provide an environment in which each child has a positive, nurturing relationship with caring adults.
 - (b) embrace diversity in the school community and in the world;
 - (c) treat students as individuals;
 - (d) adapt their teaching for the benefit of students with special needs; and
 - (e) work collaboratively with the families and adults in the lives of his or her students.
- (3) A teacher shall understand the content they teach and shall:
 - (a) align his or her instruction with the North Carolina Standard Course of Study;
 - (b) know the content appropriate to their teaching specialty;
 - (c) recognize the interconnectedness of content areas and disciplines; and
 - (d) make instruction relevant to students.
- (4) A teacher shall facilitate learning for his or her students and shall:
 - (a) know the ways in which learning takes place, and know the appropriate levels of intellectual, physical, social, and emotional development of his or her students;
 - (b) plan instruction appropriate for his or her students;
 - (c) use a variety of instructional methods;
 - (d) integrate and utilize technology in his or her instruction;

- (e) help students develop critical-thinking and problem-solving skills;
 - (f) help students work in teams and develop leadership qualities;
 - (g) communicate effectively; and
 - (h) use a variety of methods to assess what each student has learned.
- (5) A teacher shall reflect on his or her practice and shall engage in the following:
- (a) analyze student learning;
 - (b) link professional growth to his or her professional goals;
 - (c) function effectively in the teaching environment; and
 - (d) contribute to the academic success of students.

History Note: Authority G.S. 115C-12(22); 115C-268.1; 115C-268.5; 115C-299.5; 115C-333; 115C-333.1; 115C-335; Eff. October 1, 2020.

16 NCAC 06C .0386 SCHOOL ADMINISTRATOR PREPARATION PROGRAM COURSEWORK REQUIREMENTS

All School Administrator Preparation Programs shall incorporate coursework addressing the North Carolina Standards for School Executives including:

- (1) understanding state and federal laws, regulations, and case law that affects North Carolina public schools;
- (2) using technology for effective teaching and learning and administrative duties;
- (3) determining how a child responds to research-based interventions to screen students who may be at risk of academic failure, monitoring the effectiveness of instruction proposed for students identified as at-risk, and modifying instruction as needed to meet the needs of each student;
- (4) applying skills to observe and analyze the teaching of literacy and numeracy across content areas using developmentally appropriate and differentiated instructional strategies to meet the needs of all learners;
- (5) understanding the importance of creating and promoting an engaging, safe school climate;
- (6) understanding and using processes to evaluate licensed staff; and
- (7) using effective leadership and implementation strategies to facilitate professional practices and manage change.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; Eff. October 1, 2020.

16 NCAC 06C .0387 SCHOOL ADMINISTRATOR PREPARATION PROGRAM CURRICULUM REQUIREMENTS

All School Administrator Preparation Programs shall offer curriculum aligned with the North Carolina Standards for School Executives described in Rule .0386 of this Section that addresses student learning and school improvement and focuses on the following:

- (1) all grade levels from preschool through grade 12;
- (2) the role of kindergarten through grade 12 instruction, emphasizing literacy and numeracy, curriculum, assessment and the needs of the school or district in improving learning;
- (3) all students, with specific attention to students with special needs, such as specific learning disabilities, English language learners, gifted students, and students in early childhood programs; and
- (4) collaborative relationships with all members of the school community, such as parents, school board members, local school councils or other governing councils, and community partners; and
- (5) the role of instructional and student services personnel.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; Eff. October 1, 2020.

16 NCAC 06C .0388 SCHOOL ADMINISTRATOR PREPARATION PROGRAM INTERNSHIP REQUIREMENTS

(a) All School Administrator Preparation Programs must include an internship as part of its curriculum. The internship shall be conducted at one or more public or nonpublic schools to expose the candidate to a variety of school leadership situations in settings that represent diverse economic and cultural conditions, including interaction with various members of the school community. The internship shall include the following components:

- (1) engagement in instructional activities that involve teachers in a variety of disciplines and grade levels, including general education, special education, bilingual education and gifted education classroom settings;
 - (2) observation of the hiring and supervision of teachers, other licensed staff, and non-licensed staff, which includes the development of a professional development plan for teachers; and
 - (3) participation in leadership opportunities.
- (b) Each program shall assign a faculty member to serve as faculty supervisor for the internship portion of the program. All programs shall ensure that each candidate completes the internship.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; Eff. October 1, 2020.

16 NCAC 06C .0389 SCHOOL ADMINISTRATOR PREPARATION PROGRAM INTERNSHIP SITE REQUIREMENTS

To serve as an internship site for a School Administrator Preparation Program, a public or nonpublic school shall fulfill the following requirements:

- (1) the principal of the school shall hold a valid and current North Carolina principal license or, if the internship site is located in another state, the principal shall hold a valid and current administrator license in that state; and
- (2) the principal shall have two years of experience supervising all certified/licensed and classified staff within a school building. Local Education Agencies (LEAs) and other public-school governing bodies shall ensure that the cooperating principal meets the experience requirement prior to placement of the intern.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; Eff. October 1, 2020.

16 NCAC 06C .0390 SCHOOL ADMINISTRATOR PREPARATION PROGRAM REQUIREMENTS

In order for a School Administrator Preparation Program to recommend candidates for licensure, the program must meet the following requirements:

- (1) The program shall be jointly established by one or more institutions of higher education, not-for-profit entities, or for-profit entities, and a local education agency or nonpublic school.
- (2) The responsibilities and roles of each partner in the design, implementation and administration of the program shall be set forth in a memorandum of understanding (MOU) signed by each partner.
- (3) The MOU must address at least the following:
 - (a) the process and responsibilities of each partner for the selection and assessment of candidates;
 - (b) the establishment of the internship and any field experiences, and the specific roles of each partner in providing those experiences, as applicable;
 - (c) the development and implementation of a training program for mentors and faculty supervisors that supports candidates' progress during their internships in observing, participating, and demonstrating leadership;
 - (d) names and locations of non-partnering school districts and nonpublic schools where the internship and any field experiences may occur; and
 - (e) the process to evaluate the program, including the partnership, and the role of each partner in making improvements based on the results of the evaluation.
- (4) The partners must review the MOU every three years.
- (5) Each School Administrator Preparation Program shall comply with the requirements of Rules .0386, .0387, .0388, and .0389 of this Section.
- (6) Each School Administrator Preparation Program shall:
 - (a) provide multiple opportunities for school leader candidates to be observed and coached by program faculty and staff;
 - (b) facilitate the evaluation of school leader candidates during and at the end of the internship based on the North Carolina School Executive Evaluation Rubric;
 - (c) provide expectations for and firm commitment from school leaders and faculty members who will oversee the internship of candidates; and
 - (d) provide faculty supervisors to work in collaboration with site mentors to complete the assessment of the candidate's performance during the internship.

- (7) A portion of the required coursework shall include "field experiences", i.e., multiple experiences that are embedded in a school setting and relate directly to the core subject matter of the course. The preparation program shall determine the courses for which completion of field experiences will be required and the time allotted to field experiences across all courses in the curriculum.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284;
Eff. October 1, 2020.

16 NCAC 06C .0391 TESTING EXEMPTIONS FOR ADMISSION INTO AN EDUCATOR PREPARATION PROGRAM

(a) A student seeking admission to an Educator Preparation Program (EPP) shall be exempt from taking and passing the preprofessional skills test described in Rule .0392 of this Section if he or she meets one of the following conditions:

- (1) If a student takes the SAT prior to March 2016, the scores must meet the following:
 - (A) Individuals with a total SAT score of 1100 are exempt from Praxis Core testing requirements;
 - (B) Individuals with a total SAT score of less than 1100 but a score of at least 550 on the Verbal test are exempt from the Preprofessional Skills Tests in Reading and Writing; and
 - (C) Individuals with a total SAT score of less than 1100 but a score of at least 550 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.
- (2) If a student takes the SAT after March 2016, the scores must meet the following:
 - (A) Individuals with a total SAT score of 1170 are exempt from Praxis Core testing requirements;
 - (B) Individuals with a total SAT score of less than 1170, but a score of at least 600 on the evidence-based reading and writing test are exempt from the Preprofessional Skills Tests in Reading and Writing; and
 - (C) Individuals with a total SAT score of less than 1170 but a score of at least 570 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.
- (3) If a student takes the ACT, the scores must meet the following:
 - (A) Individuals with a composite ACT score of 24 or higher are exempt from Praxis Core testing requirements;
 - (B) Individuals with a composite ACT score of less than 24, but with a score of at least 24 on the English test are exempt from the Preprofessional Skills Tests in Reading and Writing; and
 - (C) Individuals with a composite ACT score of less than 24, but a score of at least 24 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.

(b) In the event that either the College Board or ACT changes the scaling of their respective assessments, the SBE shall use concordance information from the testing vendor to establish new cut scores for exemption from the Praxis assessments.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.15;
Eff. October 1, 2020.

16 NCAC 06C .0392 TESTING REQUIREMENTS FOR ADMISSION TO AN EDUCATOR PREPARATION PROGRAM

(a) For purposes of G.S. 115C-269.15, the pre-professional skills test shall be the Praxis Core Academic Skills Educators Assessment.

(b) Each student seeking admission to an Educator Preparation Program shall pass the Praxis Core Academic Skills Educators Assessment unless an exemption is permitted under G.S. 115C-269.15 or Rule .0391 of this Section.

(c) Passing scores for the Praxis assessment are enacted by the State Board of Education using validity and reliability studies provided by the vendor and the recommendations of both the vendor and Department of Public Instruction staff.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.15;
Eff. October 1, 2020.

16 NCAC 06C .0393 MATHEMATICS INSTRUCTIONAL REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS TRAINING ELEMENTARY AND EXCEPTIONAL CHILDREN GENERAL CURRICULUM TEACHERS

In addition to the minimum requirements set forth in G.S. 115C-269.20(1) and (2), all Educator Preparation Programs that provide training for elementary and exceptional children general curriculum teachers shall include coursework in the following areas:

- (1) Instruction in the teaching of mathematics with attention to the following:
 - (a) content, which includes number and operations, early algebra, measurement; and
 - (b) pedagogical issues, which includes high quality tasks, classroom discourse, instructional moves.
- (2) Instruction in evidence-based learning trajectories, how to identify what students are able to do, and what is needed to address their needs including:
 - (a) how to identify which mathematical concepts or skills students have and have not demonstrated, and
 - (b) how to plan for instruction based on student strengths and needs as determined by the evidence.
- (3) Instruction in understanding the strengths and weaknesses of instructional supports and how to adapt and utilize mathematical resources to advance instruction; and
- (4) Instruction in designing learning experiences to align with specific learning goals.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.20;
Eff. October 1, 2020.

16 NCAC 06C .0394 STANDARDS OF PRACTICE FOR INNOVATIVE OR EXPERIMENTAL PROGRAMS FOR SCHOOL ADMINISTRATOR PREPARATION

Innovative or experimental school administration preparation programs that received grants under G.S. 116-74.46 shall be reviewed by the PEPSC annually, which shall use the following standards:

- (1) the program is organized and administered, showing a structure for the oversight and management of the program which ensures flexibility and accountability;
- (2) the program provides documentation of human, fiscal, and physical resources;
- (3) the program addresses the needs of the students;
- (4) the program includes exit levels of competency, a procedure for recommending licensure, and a follow up process; and
- (5) the program has defined and measurable expected outcomes and results as measured by the annual Educator Preparation Program Report Card pursuant to G.S. 115-269.50.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.35; 115C-269.50; 115C-284; 115C-284.1;
Eff. October 1, 2020.

16 NCAC 06C .0395 PROCESS FOR FILING A COMPLAINT AGAINST AN EDUCATOR PREPARATION PROGRAM (EPP)

(a) Complaints against an EPP must be made in writing to the State Board of Education. The written complaint may be filed by an individual or entity through the following means:

- (1) filling out and submitting the complaint form online;
- (2) mailing a hard copy of the complaint to the physical address on the form; or
- (3) faxing a hard copy of the complaint to the fax number on the form.

(b) The complaint form, at a minimum, shall include:

- (1) a description of the process and contact information for assistance;
- (2) a section to collect the complainant's contact information and EPP they attend;
- (2) a section to collect a description of the alleged violation;
- (3) a section to collect the dates of the incident(s);
- (4) a means to collect supporting documentation/evidence to support the described facts where available; and
- (5) a section to collect what efforts were made to date to resolve the complaint.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.55;
Eff. October 1, 2020.

16 NCAC 06C .0396 RESTRICTIONS ON THE AUTHORITY OF THE STATE BOARD OF EDUCATION ON COMPLAINTS AGAINST AN EDUCATOR PREPARATION PROGRAM (EPP)

The SBE shall not mediate, arbitrate, or otherwise resolve any issue between an EPP and a student regarding contractual or commercial issues such as the following:

- (1) contractual arrangements with an EPP, such as program removal due to not meeting a program requirement or being noncompliant with the EPP on the university level;
- (2) commercial issues including any type of business transaction with the EPP or university, such as financial enrollment, bankruptcy, closing of institution, and program fidelity;
- (3) grade issues such as requesting a change in grade for a course or gaining credit for a course or requirement in the program; and
- (4) seeking readmittance to an EPP.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.55;
Eff. October 1, 2020.

16 NCAC 06C .0397 EDUCATOR PREPARATION PROGRAM COURSEWORK REQUIREMENTS FOR ALL PROGRAMS

In addition to the minimum requirements set forth in G.S. 115C-269.20(a)(1), all Educator Preparation Programs shall include instruction in the following areas:

- (1) The identification of academically or intellectually gifted children;
- (2) Evidence based practices as defined by the Every Student Succeeds Act (P.L. No 114-95, 129, Stat. 1801, S. 1177-2 Part F- General Provisions, Title II, Sec. 2002);
- (3) The teaching of diverse populations of students; and
- (4) Classroom management.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.10; 115C-269.20;
Eff. October 1, 2020.

SECTION .0400 – ANNUITIES AND PENSIONS

16 NCAC 06C .0401 VACATION LEAVE

- (a) All full-time or part-time permanent public school employees who are working or on paid leave for at least one-half of the calendar days in a month shall earn vacation leave, based on length of state service in North Carolina.
- (b) A part-time permanent employee in a budgeted position shall earn vacation leave on a pro rata basis.
- (c) Local boards of education may choose to record leave earned in hours. If leave is recorded in hours, the leave earned as indicated in this Paragraph shall be multiplied times the regular number of hours worked per day. Employees shall earn vacation leave as follows:

Yrs. of State Service	Days Per Month of Employment
Less than 2 yrs.	1.00
2 but less than 5 yrs.	1.15
5 but less than 10 yrs.	1.40
10 but less than 15 yrs.	1.65
15 but less than 20 yrs.	1.90
20 yrs. or more	2.15

- (d) LEAs shall credit state service for full-time or part-time permanent employment figured on the same basis as for longevity pay. The LEA must establish the anniversary date for each employee on the basis of the employee's state service.
- (e) The LEA may advance vacation leave to an employee.
- (f) The LEA shall transfer unused vacation leave when an employee transfers between LEAs. An employee may have leave transferred to or from a state agency or institution, community college or technical institute, a position subject to the State Personnel Act in a local mental health center, public health, social services or emergency management agency, if the receiving agency is willing to accept the leave; otherwise, the employee shall be paid in a lump sum for accumulated leave not to exceed 30 workdays or 240 hours, according to the earning rate.
- (g) Leave payment at separation shall be subject to the following:
 - (1) An employee who is overdrawn on leave when he or she separates will have the excess leave corrected through a deduction from the final salary check.

- (2) Payment for leave may be made on the regular payroll or on a supplemental payroll. The LEA shall make payment from the same source of funds and in the same proportion as the employee's salary is paid.
 - (3) Terminal leave payment shall be subject to the same deductions as salary, including retirement.
 - (4) The receipt of lump sum payment and retirement benefit shall not be deemed dual compensation.
 - (5) The LEA shall make payment for unpaid salary, terminal leave and travel of a deceased employee to the personal representative of the deceased employee, or if there is no personal representative, to the Clerk of Superior Court of the county in which the employee resided.
- (h) Each LEA shall maintain leave records for all employees. LEAs must inform employees of their leave balances at least once a year. LEAs must retain leave records for separated employees for at least five years from the date of separation.
- (i) Leave must be taken in one-half days, whole days, or hours as determined for earning purposes by the local board.
- (j) School bus drivers and instructional personnel who require a substitute may take vacation leave only on days when students are not in attendance. Instructional personnel who do not require a substitute may take vacation leave on any day school is in session. LEAs may designate specific scheduled workdays for required attendance. Employees may charge leave taken only to scheduled teacher workdays and the ten vacation leave days scheduled in the school calendar.
- (k) Other employees may take vacation leave instead of sick leave. These employees must have an opportunity to take annual leave earned in the school year.

*History Note: Authority G.S. 115C-272; 115C-285; 115C-302.1; 115C-316;
 Eff. July 1, 1986;
 Amended Eff. July 1, 1994; October 1, 1993; December 1, 1991; March 1, 1990;
 Temporary Amendment Eff. November 15, 1995;
 Amended Eff. July 1, 2001.*

16 NCAC 06C .0402 SICK LEAVE

- (a) Public school employees who earn vacation leave shall also earn sick leave. Full-time employees shall earn one day per month or the number of hours worked daily by a full time employee in that class of work. Part-time employees shall earn and may use sick leave in proportion to the part of the day for which they are employed.
- (b) The LEA may allow sick leave to be used for temporary disability which prevents an employee from performing his or her usual duties, illness in the employee's immediate family and attendant medical appointments which require the employee's attendance, death in the immediate family and medical appointments for the employee. For purposes of this Rule the term immediate family shall include spouse, children, parents, brothers, sisters, grandparents, grandchildren, and dependents living in the household. The term shall also include the step, half, and in-law relationships. An employee of any public school system may contribute vacation or sick leave to another immediate family member who is employed by any State agency or public school system.
- (c) Employees must take leave in one-half days, whole days, or hours as determined for earning purposes by the local board.
- (d) Employees may accumulate sick leave indefinitely and may transfer sick leave as in the case of vacation leave.
- (e) LEAs may advance sick leave not to exceed the amount which would be earned within the school year.
- (f) An employee who is overdrawn on sick leave when the employee separates from service will have the excess leave corrected through a deduction from the final salary check.
- (g) If the period of sick leave taken is less than 30 days, the employee will return to his or her position with the LEA. If the period of temporary disability exceeds 30 days, the superintendent shall determine when the employee is to be reinstated. The superintendent makes this decision based on the welfare of the students and the need for continuity of instruction.
- (h) The LEA shall credit an employee who separates from service and returns within 60 months with all sick leave accumulated to the time of separation.
- (i) Permanent full or part-time instructional personnel, excluding teacher assistants, who are absent due to their personal illness or injury in excess of their accumulated sick leave, shall be allowed extended sick leave of up to 20 work days throughout the regular term of employment. These days do not have to be consecutive. A new employee must have reported to work to be eligible for extended sick leave. The superintendent may require a doctor's certificate or other proof acceptable to the superintendent of the reason for the absence.
- (j) An LEA may establish a voluntary sick leave bank for its employees. Any employee of an LEA that establishes a voluntary sick leave bank may, but is not required to, participate in the voluntary sick leave bank.
- (1) The LEA shall develop and implement a plan for participation that shall include those factors listed in G.S. 115C-336(b)(i)-(vii) and the following:
 - (A) a uniform number of days to be contributed to the bank by participants;
 - (B) provisions for legitimate usage of days by participants;

- (C) means to protect against overdraft of total contributed days; and
- (D) safeguards to prevent abuses by participants.
- (2) The LEA shall establish a sick leave bank committee to administer the sick leave bank.
 - (A) The LEA shall assure that all local personnel are equitably represented on the committee.
 - (B) The LEA shall develop operational rules for the efficient and effective functioning of the bank.
 - (C) The LEA shall develop procedures for participants' usage of days based upon requirements in the plan.
 - (D) The LEA shall specify the limits of the committee's authority.
 - (E) The committee shall notify all participating employees of the ways in which their participation will affect their state retirement account.
- (3) The LEA shall ensure that its operational procedures require:
 - (A) that payment of substitutes and matching social security are charged to the appropriate program report code; and
 - (B) the reporting to the division of school business services of the Department of the number of employees participating itemized by job classification, the number of sick leave days withdrawn, the cost of the leave, and other data required for fiscal and programmatic accountability.

*History Note: Authority G.S. 115C-12(8); 115C-336;
 Eff. July 1, 1986;
 Amended Eff. June 1, 1994; October 1, 1993; July 1, 1992; March 1, 1990;
 Temporary Amendment Eff. November 8, 1999;
 Amended Eff. April 1, 2001.*

16 NCAC 06C .0403 SUBSTITUTES

- (a) LEAs shall employ all substitutes deemed necessary for the efficient operation of the unit. The superintendent determines the need to employ a substitute for a non-teaching assistant principal, principal or supervisor.
- (b) LEAs employ substitute teachers in units of half or whole days.
- (c) The LEA pays substitutes as follows:
 - (1) A person who substitutes for a non-teaching assistant principal, principal or supervisor is paid from local funds.
 - (2) Unless required to be otherwise, a substitute for the regular teacher is paid from the same source of funds as the regular teacher is paid.
- (d) Absences not covered in Rule .0404 require the appropriate amount of substitute teacher pay to be deducted from the regular teacher's salary. These absences include extended sick leave as explained in Paragraph (f) of this Rule, personal leave and in-state meetings of no longer than 3 days or out-of-state meetings of no longer than 5 days, and not to exceed a total of 10 days within the school year, for professional responsibilities and attendance at professional meetings. The superintendent must approve these absences. The time limitations of this Rule do not apply to a person who is the local or district president or president-elect or a state or national officer of an educational professional organization, or to a person selected as National Teacher of the Year from this state.
- (e) Teachers earn personal leave at the rate of one-half day for every two and one-half months .20 days for full month of employment and may accumulate five personal leave days. Teachers may transfer these days between LEAs. A teacher who requests personal leave at least five days in advance of the date desired is not required to give a reason for the leave. No teacher may take personal leave on the first day teachers are required to report for the school year, required teacher workdays, the day before or the day after holidays or scheduled vacation days, except as approved by the principal. The LEA shall credit a teacher who has separated from service and is re-employed within 60 months from the date of separation with all personal leave, up to the five-day maximum, accumulated at the time of separation. The LEA may not advance personal leave beyond that which a teacher earns. Teachers may take personal leave in units of one-half or whole days.
- (f) If the regular teacher vacates a teaching position during the school year, that teacher receives the regular compensation for the actual days employed during the current month, adjusted for overdrawn leave or unpaid longevity pay. If the LEA employs an interim teacher to fill the vacancy until a regular teacher is available, the LEA pays the interim teacher as follows:
 - (1) For service of no more than 10 teaching days, the person is paid as a substitute.

- (2) For service in excess of 10 teaching days, the person is paid on the basis of the person's certified salary rating. The person may elect to be paid as a substitute.

History Note: Authority G.S. 115C-12(8);
Eff. July 1, 1986;
Amended Eff. October 1, 1993; October 1, 1990; March 1, 1990; August 1, 1987.

16 NCAC 06C .0404 LEAVE WITH PAY

The LEA shall not make deductions from public school employees' salaries in the following cases:

- (1) The employee is absent on sick leave in accordance with Rule .0402 of this Section.
- (2) The employee is absent due to community responsibility, as approved by the superintendent. Substitutes for these persons may not be paid from state funds.
- (3) The employee is attending meetings or performing duties as a member of the SBE, the State Textbook Commission, the Board of Governors of the Governor's Schools, a case manager hearing, or a commission or committee appointed by the Governor, the State Superintendent, the SBE or the General Assembly. Substitutes for these persons will be paid from state funds.
- (4) The employee is absent due to jury duty, attendance at court in connection with the employee's official duties, or attendance at court under subpoena or court order as a witness to a crime. The employee may not receive witness fees in addition to regular salary.
- (5) The employee has been assigned by the superintendent to attend an in-service school project conducted by the administrative unit. Substitutes for these persons will be paid from local funds.
- (6) The employee has been suspended with pay under G.S. 115C-325(f1). The LEA shall pay persons employed to replace the suspended employee a salary based on the replacement's certification. The LEA shall make payment from the same source of funds as the person suspended was paid.
- (7) The employee is absent pursuant to 1 NCAC 8C .2900 (military leave).
- (8) The employee is absent due to injury or disability which is covered by G.S. 115C-338.
- (9) The employee may be absent for no more than two days in a school year due to bona fide religious holidays which are not already scheduled as vacation days or holidays in the school calendar. The superintendent must approve these absences in advance and the employee must make up the time missed.
- (10) Upon recommendation of the superintendent, the local board of education may grant leave with pay for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee on leave.

History Note: Authority G.S. 115C-12(8); 115C-408; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. July 1, 2001; March 1, 1990; August 1, 1987.

16 NCAC 06C .0405 LEAVE WITHOUT PAY

Whenever possible, public school employees shall give advance notice of requests for leaves of absence, subject to rules of the LEA. LEAs may determine the beginning or ending date of leaves of absence, except for military leave. LEAs may provide educational leave, but they may not use state funds for this purpose. LEAs may allow leaves of absence for permanent employees as follows:

- (1) An employee is granted a leave of absence without pay under 1 NCAC 8C .2900 (military leave).
- (2) An employee is granted a leave of absence without pay up to one calendar year for the birth or adoption of a child. This period may, with the approval of the local board, be extended for the remainder of the school year when the leave would otherwise end in the latter half of the school year.
- (3) An employee may be granted a leave of absence without pay for periods as granted in the discretion of the superintendent and in accordance with rules adopted by the LEA.

History Note: Authority G.S. 115C-12(8); 115C-408; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. March 1, 1990.

16 NCAC 06C .0406 MILITARY DUTY WITHOUT LOSS OF PAY

Public school employees including charter school employees on leaves of absence for State or federal military duty under honorable service status, for required training, or for special emergency management service shall be paid the difference in military base pay and State salary, including non-performance based bonuses, when the military pay is less than the State salary. Differential pay for military duty after July 1, 2002 shall be paid from the same source of funds as the public school salary.

History Note: Authority G.S. 115C-302.1(g1);
Eff. December 1, 2004.

16 NCAC 06C .0407 FLEXIBLE FURLOUGH LEAVE

History Note: Authority N.C. Constitution, Article X, Sec. 5; S.L. 2010-31, sec. 29.1(a) July 1, 2010; G.S. 150B-21.1A; Emergency Adoption Eff. June 4, 2009 to expire on January 1, 2010 (Authority Executive Order Number Eleven, April 28, 2009; Session Law 2009-26, Sec. 6, May 18, 2009); Emergency Adoption expired January 1, 2010; Emergency Adoption Eff. August 17, 2010 to expire June 30, 2011 (see S.L. 2010-31).

16 NCAC 06C .0408 PARENTAL LEAVE

(a) For the purposes of this Rule, the following definitions shall apply:

- (1) "Child" means a newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18 whose parent is an eligible employee.
- (2) "Continuous" leave means leave taken over a continuous period for the full amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule.
- (3) "Eligible employee" means a person employed to fill a permanent, probationary, or time-limited position in a public-school unit ("PSU") who meets the eligibility requirements set forth in Paragraph (b) of this Rule. "Eligible employee" shall not include temporary employees or independent contractors.
- (4) "Intermittent" leave means leave taken in separate periods for a single qualify event that cumulatively equal the amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule. Intermittent leave may include periods of leave ranging from half of an employee's regularly scheduled workday to several consecutive workdays.
- (5) "Parent" means the legal guardian or custodian of a child through birth, adoption, foster care, or other legal placement.
- (6) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a). This Rule shall only apply to a charter school if the board of directors for the charter school has opted to provide for paid parental leave in accordance with G.S. 115C-218.90(a)(6).
- (7) "Qualifying event" means when an eligible employee becomes a parent to a child.

(b) To be eligible for paid parental leave, a PSU employee shall, at the time of the qualifying event, have been in pay status, as defined in 25 NCAC 01D .0105, with a PSU, state agency, or other public entity providing paid parental leave under G.S. 126-8.6 for at least 1,040 hours without a break in service within the previous 12-month period. The employee may aggregate periods of employment with different employers to satisfy this requirement, except that any period of employment by a charter school shall not satisfy this requirement unless the governing board of the charter school has elected to provide paid parental leave in accordance with G.S. 115C-218.90(a)(6). For purposes of this Rule, a break in service is defined in 25 NCAC 01D .0114, provided it shall not include:

- (1) Any period in the past 12 months during which the employee was receiving workers' compensation under G.S. 97-1 et seq. or on short-term disability under G.S. 135-105.
- (2) Any period in which the employee was on leave without pay.
- (3) Any period in which the employee was absent due to military service in the Armed Forces of the United States, in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301-4333.
- (4) For a 10- or 11-month employee whose employment will continue for the following school year, the time between the conclusion of one employment period and the commencement of the following employment period.
- (5) For an employee who transitions from one employer offering paid parental leave under G.S. 126-8.6 to another employer providing paid parental leave under G.S. 126-8.6, any time between the date of separation from the first employer and the date of hire for the second employer, not to exceed 31 days.

- (c) A full-time eligible employee who becomes a parent to a child shall be entitled to the following:
- (1) Up to eight weeks of paid parental leave after giving birth to a child; or
 - (2) Up to four weeks of paid parental leave after any other qualifying event.
- (d) A part-time eligible employee who becomes a parent to a child shall be entitled to a prorated share of paid parental leave based upon the hours in the employee's regular, weekly schedule compared to the hours worked by a full-time employee in a similar position within the PSU, provided that the prorated share of leave shall not exceed:
- (1) Eight weeks of paid parental leave after the parent gives birth to a child; or
 - (2) Four weeks of paid parental leave after any other qualifying event.
- (e) The paid parental leave provided by this Rule shall result in compensation at 100 percent of the eligible employee's regular, straight-time pay.
- (f) The paid parental leave provided under this Rule is in addition to any other leave authorized by this Chapter, State or federal law, or policies established by the PSU, provided that the paid parental leave:
- (1) Shall not be counted against or deducted from an eligible employee's sick, vacation, or other accrued leave.
 - (2) Shall be reported by the PSU separately from all other paid leave.
 - (3) Shall not accrue and is not eligible for donation to another employee.
 - (4) Shall not be used for calculating the employee's retirement benefits.
 - (5) Shall run concurrently with any leave to which the employee may be entitled under the Family and Medical Leave Act, 28 U.S.C. 2601–2654, provided the PSU has complied with the appropriate notice requirements in 29 C.F.R. 825.300.
- (g) An eligible employee who requests paid parental leave shall do so in accordance with policies adopted by the employee's PSU, subject to the following:
- (1) The paid parental leave may be used any time during the 12 months following a qualifying event on either a continuous or intermittent basis. A PSU shall not deny or delay an employee's request to use paid parental leave, or otherwise require the employee to use the leave on a prescribed schedule, without the employee's consent.
 - (2) The employee shall provide advanced notice to the PSU of the employee's intent to use paid parental leave in accordance with policies adopted by the PSU. When possible, the employee shall provide notice at least 10 weeks in advance of a qualifying event, but under no circumstances shall a PSU require more than 10 weeks' notice.
 - (3) The paid parental leave provided by this Rule may be used only once for a qualifying event within a 12-month period. Multiple births, adoptions, or other legal placements within the same 12-month period shall not entitle an otherwise eligible employee to more than one award of paid parental leave.
 - (4) If both parents of a child are employed by the same PSU, the PSU shall permit both parents to take paid parental leave simultaneously if they so request, subject to Subparagraphs (1) and (2) of this Paragraph.
 - (5) An employee shall forfeit any unused paid parental leave 12 months after the date of the qualifying event.
- (h) This paid parental leave provided by this Rule applies only to requests for paid parental leave related to qualifying events occurring on or after July 1, 2023. Nothing in this Rule shall prohibit an employer, if authorized, from providing paid parental leave in amounts greater than what is required by this Rule.

History Note: Authority G.S. 115C-12(5); 115C-12(8); 115C-12(16); 115C-272; 115C-285; 115C-302.1; 115C-315; 126-8.6;
 Temporary Adoption Eff. October 27, 2023.

SECTION .0500 – PERFORMANCE APPRAISAL SYSTEM

16 NCAC 06C .0501 GENERAL PROVISIONS

- (a) Each LEA shall provide for the evaluation of all professional employees pursuant to G.S. 115C-333. The LEA shall base this evaluation upon performance standards and criteria contained in this Rule unless the LEA shall adopt an alternative evaluation pursuant to G.S. 115C-333(a). LEAs may adopt additional standards and criteria that are not in conflict with those adopted by the SBE, the General Statutes, or with this Section.
- (b) The person to whom an employee reports as designated in the job description, or that person's designee as approved by the superintendent, shall evaluate the employee.
- (c) The LEA shall inform all personnel of their job descriptions and the performance standards and criteria applicable to their position at the time of employment or the beginning of the school year.
- (d) The process for evaluating professional public school employees shall be as follows:

- (1) All initially licensed and probationary status teachers shall have three observations conducted by a school administrator and one by a teacher and a summative appraisal conducted on an annual basis.
 - (2) All teachers who have less than four years of public school teaching experience shall be evaluated using the current teacher performance appraisal instrument unless the local board of education shall adopt an alternative evaluation instrument for these teachers that is validated, that reflects the performance standards and criteria contained in this Rule, and that addresses improving student achievement and employee skills and knowledge.
 - (3) Local school administrative units may conduct more than three observations for personnel identified by the local school administrative unit as requiring more frequent observations.
- (e) Each LEA shall provide orientation on the performance appraisal process to its personnel.
- (f) The performance appraisal shall address the following criteria:
- (1) a basis for self-improvement by professional personnel;
 - (2) data for planning staff development activities for personnel at the school, administrative unit, regional and state levels; and
 - (3) data for employment decisions.
- (g) Each person may place written comments regarding the evaluation on their performance appraisal instruments.
- (h) Each LEA shall adopt a rating scale for the evaluation or use the following scale:
- (1) Unsatisfactory. Performance is consistently inadequate or unacceptable and most practices require considerable improvement to minimum performance expectations. Teacher requires close and frequent supervision in the performance of all responsibilities.
 - (2) Below Standard. Performance is sometimes inadequate or unacceptable and needs improvement. Teacher requires supervision and assistance to maintain an adequate scope of competencies, and sometimes fails to perform additional responsibilities as assigned.
 - (3) At Standard. Performance is consistently adequate or acceptable. Teaching practices fully meet all performance expectations at an acceptable level. Teacher maintains an adequate scope of competencies and performs additional responsibilities as assigned.
 - (4) Above Standard. Performance is consistently high. Teaching practices are demonstrated at a high level. Teacher seeks to expand scope of competencies and undertakes additional appropriate responsibilities.

History Note: Authority G.S. 115C-333;
 Eff. July 1, 1986;
 Amended Eff. April 1, 2001; September 1, 1999.

16 NCAC 06C .0502 HEARINGS UNDER G.S. 115C-325(J) AND (J3)

In hearings conducted by a case manager under G.S. 115C-325(j) and by a local board of education under G.S. 115C-325(j3), the superintendent shall:

- (1) provide the facility in which the hearing is to be conducted; and
- (2) employ a certified court reporter to record and if requested to transcribe the proceedings.

History Note: Authority G.S. 115C-325(j)(2);
 Eff. July 1, 1986;
 Temporary Amendment Eff. October 10, 1997;
 Amended Eff. March 15, 1999.

16 NCAC 06C .0503 TEACHER EVALUATION PROCESS

- (a) The intended purpose of the North Carolina Teacher Evaluation Process is to assess the teacher's performance in relation to the North Carolina Professional Teaching Standards and to design a plan for professional growth. The principal or a designee (hereinafter "principal") shall conduct the evaluation process in which the teacher shall participate through the use of self-assessment, reflection, presentation of artifacts, and classroom demonstration(s).
- (b) A local board of education shall use the North Carolina Professional Teaching Standards and North Carolina Teacher Evaluation Process unless it develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those in the North Carolina Professional Teaching Standards and North Carolina Teacher Evaluation Process.
- (c) The North Carolina Teacher Evaluation Process shall include the following components:

- (1) Training. Before participating in the evaluation process, all teachers, principals and peer evaluators must complete training on the evaluation process.
- (2) Orientation. Within two weeks of a teacher's first day of work in any school year, the principal shall provide the teacher with a copy of or directions for obtaining access to a copy of:
 - (A) The Rubric for Evaluating North Carolina Teachers (16 NCAC 06C .0504);
 - (B) This policy; and
 - (C) A schedule for completing all the components of the evaluation process. Copies may be provided by electronic means.
- (3) Teacher Self Assessment. Using the Rubric for Evaluating North Carolina Teachers, the teacher shall rate his or her own performance at the beginning of the year and reflect on his or her performance throughout the year.
- (4) Pre-Formal Observation Conference. Before the first formal observation, the principal shall meet with the teacher to discuss the teacher's self-assessment based on the Rubric for Evaluating North Carolina Teachers, the teacher's most recent professional growth plan, and the lesson(s) to be observed. The teacher shall provide the principal with a written description of the lesson(s). The goal of this conference is to prepare the principal for the observation. Pre-Observation conferences are not required for subsequent observations.
- (5) Observations.
 - (A) A formal observation shall last at least 45 minutes.
 - (B) Probationary Teachers shall have at least three formal observations conducted by the principal and one formal observation conducted by a peer.
 - (C) Career Status Teachers shall be evaluated annually, unless the LEA establishes a different evaluation cycle for career teachers. During the year in which a career status teacher participates in a summative evaluation, the principal shall conduct at least three observations, including at least one formal observation. During observations, the principal and peer (in the case of a probationary teacher) shall note the teacher's performance in relationship to the applicable Standards on the Rubric for Evaluating North Carolina Teachers.
- (6) Post-Observation Conference. The principal shall conduct a post-observation conference no later than ten school days after each formal observation. During the post-observation conference, the principal and teacher shall discuss and document on the Rubric the strengths and weaknesses of the teacher's performance during the observed lesson.
- (7) Summary Evaluation Conference and Scoring the Teacher Summary Rating Form. Prior to the end of the school year and in accordance with LEA timelines, the principal shall conduct a summary evaluation conference with the teacher. During the summary evaluation conference, the principal and teacher shall discuss the teacher's self-assessment, the teacher's most recent Professional Growth Plan, the components of the North Carolina Teacher Evaluation Process completed during the year, classroom observations, artifacts submitted or collected during the evaluation process and other evidence of the teacher's performance on the Rubric. At the conclusion of the North Carolina Teacher Evaluation Process, the principal shall:
 - (A) Give a rating for each Element in the Rubric;
 - (B) Make a written comment on any Element marked "Not Demonstrated";
 - (C) Give an overall rating of each Standard in the Rubric;
 - (D) Provide the teacher with the opportunity to add comments to the Teacher Summary Rating Form;
 - (E) Review the completed Teacher Summary Rating Form with the teacher; and
 - (F) Secure the teacher's signature on the Record of Teacher Evaluation Activities and Teacher Summary Rating Form.
- (8) Professional Development Plans.
 - (A) Individual Growth Plans: Teachers who are rated at least "Proficient" on all the Standards on the Teacher Summary Rating Form shall develop an Individual Growth Plan designed to improve performance on specifically identified Standards and Elements.
 - (B) Monitored Growth Plans: A teacher shall be placed on a Monitored Growth Plan whenever he or she is rated "Developing" on one or more Standards on the Teacher Summary Rating Form and is not recommended for dismissal, demotion or nonrenewal. A Monitored Growth Plan shall, at a minimum, identify the Standards and Elements to be improved, the goals to be accomplished and the activities the teacher shall undertake to achieve Proficiency, and a timeline which allows the

teacher one school year to achieve Proficiency. A Monitored Growth Plan that meets those criteria shall be deemed to satisfy the requirements of G.S. 115C-333(b).

(C) Directed Growth Plans: A teacher shall be placed on a Directed Growth Plan whenever he or she is rated "Not Demonstrated" on any Standard on the Teacher Summary Rating Form or "Developing" on one or more Standards on the Teacher Summary Rating Form for two sequential years and is not recommended for dismissal, demotion or nonrenewal. The Directed Growth Plan shall, at a minimum, identify the Standards and Elements to be improved, the goals to be accomplished, the activities the teacher shall complete to achieve Proficiency, a timeline for achieving Proficiency within one school year or such shorter time as determined by the LEA. A Directed Growth Plan that meets those criteria shall be deemed to satisfy the requirements of G.S. 115C-333(b).

(9) Effective Dates and Effect on Licensing and Career Status. Effective with the 2008-2009 school year, LEAs may evaluate teachers using this policy. Effective with the 2010-2011 school year, all teachers in North Carolina shall be evaluated using this policy unless a local board develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those in the North Carolina Professional Teaching Standards and North Carolina Teacher Evaluation Process in which case the local board shall use that instrument.

(d) Beginning Teachers: Effective 2010-2011, beginning teachers must be rated "Proficient" on all five North Carolina Professional Teaching Standards on the most recent Teacher Summary Rating Form in order to be eligible for the Standard Professional 2 License.

(e) Probationary Teachers: Effective 2010-2011, a principal must rate a probationary teacher as "Proficient" on all five North Carolina Professional Teaching Standards on the most recent Teacher Summary Rating Form before recommending that teacher for career status.

History Note: Authority G.S. 115C-333; N.C. Constitution, Article IX, Sec. 5; Eff. May 1, 2009.

16 NCAC 06C .0504 RUBRIC FOR EVALUATING TEACHERS

(a) Teachers shall be evaluated on the following Standards and Elements:

(1) Elements of Standard 1: Teachers demonstrate leadership.

(A) Teachers lead in their classrooms. Teachers demonstrate leadership by taking responsibility for the progress of all students to ensure that they graduate from high school, are globally competitive for work and postsecondary education, and are prepared for life in the 21st century. Teachers communicate this vision to their students. Using a variety of data sources, they organize, plan, and set goals that meet the needs of the individual student and the class. Teachers use various types of assessment data during the school year to evaluate student progress and to make adjustments to the teaching and learning process. They establish a safe, orderly environment, and create a culture that empowers students to collaborate and become lifelong learners.

(B) Teachers demonstrate leadership in the school. Teachers work collaboratively with school personnel to create a professional learning community. They analyze and use local, state, and national data to develop goals and strategies in the school improvement plan that enhances student learning and teacher working conditions. Teachers provide input in determining the school budget and in the selection of professional development that meets the needs of students and their own professional growth. They participate in the hiring process and collaborate with their colleagues to mentor and support teachers to improve the effectiveness of their departments or grade levels.

(C) Teachers lead the teaching profession. Teachers strive to improve the teaching profession. They contribute to the establishment of positive working relationships in the school. They actively participate in and advocate for the decision-making structures in education and government that take advantage of the expertise of teachers. Teachers promote professional growth for all educators and collaborate with colleagues to improve the profession.

(D) Teachers advocate for schools and students. Teachers advocate for positive change in policies and practices affecting student learning. Teachers participate in the implementation of initiatives to improve the education of students.

- (E) Teachers demonstrate high ethical standards. Teachers demonstrate ethical principles including honesty, integrity, fair treatment, and respect for others. Teachers uphold the Code of Ethics for North Carolina Educators and the Standards for Professional Conduct.
- (2) Elements of Standard 2: Teachers establish a respectful environment for a diverse population of students.
- (A) Teachers provide an environment in which each child has a positive, nurturing relationship with caring adults. Teachers provide an environment for student learning that is inviting, respectful, supportive, inclusive, and flexible.
 - (B) Teachers embrace diversity in the school community and in the world. Teachers demonstrate their knowledge of the history of diverse cultures and their role in shaping global issues. Teachers actively select materials and develop lessons that counteract stereotypes and incorporate histories and contributions of all cultures. Teachers recognize the influence of race, ethnicity, gender, religion, and other aspects of culture on a student's development and personality. Teachers strive to understand how a student's culture and background may influence his or her school performance. Teachers consider and incorporate different points of view in their instruction.
 - (C) Teachers treat students as individuals. Teachers maintain high expectations, including graduation from high school, for students of all backgrounds. Teachers appreciate the differences and value the contribution of each student in the learning environment by building positive, appropriate relationships.
 - (D) Teachers adapt their teaching for the benefit of students with special needs. Teachers collaborate with the range of support specialists to help meet the special needs of all students. Through inclusion and other models of effective practice, teachers engage students to ensure that their needs are met.
 - (E) Teachers work collaboratively with the families and significant adults in the lives of their students. Teachers recognize that educating children is a shared responsibility involving the school, parents or guardians, and the community. Teachers improve communication and collaboration between the school, the home, and the community in order to promote trust and understanding and build partnerships with all segments of the school community. Teachers seek solutions to overcome cultural and economic obstacles that may stand in the way of effective family and community involvement in the education of their students.
- (3) Elements of Standard 3: Teachers know the content they teach.
- (A) Teachers align their instruction with the North Carolina Standard Course of Study. Teachers investigate the content standards developed by professional organizations in their specialty area. Teachers develop and apply strategies to make the curriculum rigorous and relevant for all students and provide a balanced curriculum that enhances literacy skills. Elementary teachers have explicit and thorough preparation in literacy instruction. Middle and high school teachers incorporate literacy instruction within the content area or discipline.
 - (B) Teachers know the content appropriate to their teaching specialty. Teachers bring a richness and depth of understanding to their classrooms by knowing their subjects beyond the content they are expected to teach and by directing students' natural curiosity into an interest in learning. Elementary teachers have broad knowledge across disciplines. Middle school and high school teachers have depth in one or more specific content areas or disciplines.
 - (C) Teachers recognize the interconnectedness of content areas/disciplines. Teachers know the links and vertical alignment of the grade or subject they teach and the North Carolina Standard Course of Study. Teachers understand how the content they teach relates to other disciplines in order to deepen understanding and connect learning for students. Teachers promote global awareness and its relevance to subjects they teach.
 - (D) Teachers make instruction relevant to students. Teachers incorporate 21st century life skills into their teaching deliberately, strategically, and broadly. These skills include leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility. Teachers help their students understand the relationship between the North Carolina Standard Course of Study and 21st century content, which includes global awareness; financial, economic, business and entrepreneurial literacy; civic literacy; and health awareness.
- (4) Elements of Standard 4: Teachers facilitate learning for their students.

- (A) Teachers know the ways in which learning takes place, and they know the appropriate levels of intellectual, physical, social, and emotional development of their students. Teachers know how students think and learn. Teachers understand the influences that affect individual student learning (i.e. development, culture and language proficiency) and differentiate their instruction accordingly. Teachers keep abreast of evolving research about student learning. They adapt resources to address the strengths and weaknesses of their students.
 - (B) Teachers collaborate with their colleagues and use a variety of data sources for short and long range planning based on the North Carolina Standard Course of Study. These plans reflect an understanding of how students learn. Teachers engage students in the learning process. They understand that instructional plans must be consistently monitored and modified to enhance learning. Teachers make the curriculum responsive to cultural differences and individual learning needs.
 - (C) Teachers use a variety of instructional methods. Teachers choose the methods and techniques that are most effective in meeting the needs of their students as they strive to eliminate achievement gaps. Teachers employ a wide range of techniques including information and communication technology, learning styles, and differentiated instruction.
 - (D) Teachers integrate and utilize technology in their instruction. Teachers know when and how to use technology to maximize student learning. Teachers help students use technology to learn content, think critically, solve problems, discern reliability, use information, communicate, innovate, and collaborate.
 - (E) Teachers help students develop critical-thinking and problem-solving skills. Teachers encourage students to ask questions; think creatively; develop and test innovative ideas; synthesize knowledge and draw conclusions. They help students exercise and communicate sound reasoning; understand connections; make complex choices; and frame, analyze, and solve problems.
 - (F) Teachers help students work in teams and develop leadership qualities. Teachers teach the importance of cooperation and collaboration. They organize learning teams in order to help students define roles, strengthen social ties, improve communication and collaborative skills, interact with people from different cultures and backgrounds, and develop leadership qualities.
 - (G) Teachers communicate effectively. Teachers communicate in ways that are clearly understood by their students. They are perceptive listeners and are able to communicate with students in a variety of ways even when language is a barrier. Teachers help students articulate thoughts and ideas clearly and effectively.
 - (H) Teachers use a variety of methods to assess what each student has learned. Teachers use multiple indicators, including formative and summative assessments, to evaluate student progress and growth as they strive to eliminate achievement gaps. Teachers provide opportunities, methods, feedback, and tools for students to assess themselves and each other. Teachers use 21st century assessment systems to inform instruction and demonstrate evidence of students' 21st century knowledge, skills, performance, and dispositions.
- (5) Elements of Standard 5: Teachers reflect on their practice.
- (A) Teachers analyze student learning. Teachers think systematically and critically about student learning in their classrooms and schools as to why learning happens and what can be done to improve achievement. Teachers collect and analyze student performance data to improve school and classroom effectiveness. They adapt their practice based on research and data to best meet the needs of students.
 - (B) Teachers link professional growth to their professional goals. Teachers participate in continued, high quality professional development that reflects a global view of educational practices; includes 21st century skills and knowledge; aligns with the State Board of Education priorities; and meets the needs of students and their own professional growth.
 - (C) Teachers function effectively in a complex, dynamic environment. Understanding that change is constant, teachers actively investigate and consider new ideas that improve teaching and learning. They adapt their practice based on research and data to best meet the needs of their students.
- (b) For each Standard and Element, the teacher's performance shall be identified as:
- (1) Developing. Teacher demonstrated adequate growth toward achieving standard(s) during the period of performance, but did not demonstrate competence on standard(s) of performance.
 - (2) Proficient. Teacher demonstrated basic competence on standard(s) of performance.

- (3) Accomplished. Teacher exceeded basic competence on standard(s) of performance most of the time.
- (4) Distinguished. Teacher consistently and significantly exceeded basic competence on standard(s) of performance.
- (5) Not Demonstrated. Teacher did not demonstrate competence on or adequate growth toward achieving standard(s) of performance. (Note: If the "Not Demonstrated" rating is used, the principal must comment about why such rating was used.)

History Note: Authority G.S. 115C-333; N.C. Constitution, Article IX, Sec. 5; Eff. May 1, 2009.

SECTION .0600 – STANDARDS OF PROFESSIONAL CONDUCT FOR NORTH CAROLINA EDUCATORS

16 NCAC 06C .0601 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Child" means a person under the age of 16.
- (2) "License" means a professional educator license issued by the Department of Public Instruction ("DPI") in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.
- (3) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
- (4) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).
- (5) Professional educator" or "educator" is defined in G.S. 115C-270.1(2).
- (6) "Respondent" means a person who currently holds a license or who has applied for a license.
- (7) "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade 12 in any public school unit, or who has been enrolled in a public school unit within 6 months of an alleged violation of these Standards.

History Note: Authority G.S. 115C-12(9); 115C-270.1; 115C-270.5; 115C-307; Eff. April 1, 1998; Temporary Amendment Eff. April 5, 2024.

16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT

(a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA.

(b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited.

- (1) Generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies.
- (2) Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.
- (3) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following:
 - (A) statement of professional qualifications;
 - (B) application or recommendation for professional employment, promotion, or licensure;
 - (C) application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;
 - (D) representation of completion of college or staff development credit;
 - (E) evaluation or grading of students or personnel;
 - (F) submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;

- (G) submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
 - (H) submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution.
- (4) Proper remunerative conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the LEA; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.
- (5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below:
- (A) any use of language that is considered profane, vulgar, or demeaning;
 - (B) any sexual act;
 - (C) any solicitation of a sexual act, whether written, verbal, or physical;
 - (D) any act of child abuse, as defined by law;
 - (E) any act of sexual harassment, as defined by law; and
 - (F) any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any student.
- (6) Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.
- (7) Rights of others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague.
- (8) Required reports. The educator shall make all reports required by G.S. 115C.
- (9) Alcohol or controlled substance abuse. The educator shall not:
- (A) be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by G.S. 90-95, the Controlled Substances Act, without a prescription authorizing such use;
 - (B) be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or
 - (C) furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.
- (10) Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state.
- (11) Public funds and property. The educator shall not misuse public funds or property, funds of a school-related organization, or colleague's funds. The educator shall account for funds collected from students, colleagues, or parents/legal guardians. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
- (12) Scope of professional practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of the SBE or by G.S. 115C or the North Carolina General Statutes during any period in which the educator's license has been suspended or revoked.
- (13) Conduct related to ethical violations. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or

otherwise brings to the attention of an LEA, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these Rules.

History Note: Authority G.S. 115C-295.3;
Eff. May 1, 1998.

16 NCAC 06C .0603 INVESTIGATION OF ALLEGED MISCONDUCT BY A LICENSED PROFESSIONAL EDUCATOR OR LICENSE APPLICANT

(a) Upon receipt of allegations and substantiating information regarding a respondent that would provide cause for imposing disciplinary sanctions on a licensee or denying an application for a license under Rule .0604 of this Section, the Superintendent of Public Instruction ("Superintendent") shall investigate the allegations to determine if such action is warranted. The Superintendent shall investigate allegations or information from any source in a position to provide such information, including a PSU, State agency, court or other tribunal, or other credible person or institution. The Superintendent shall also consider information disclosed by a license applicant in the application.

(b) The Superintendent is authorized to utilize the power conferred upon the State Board of Education ("SBE") under G.S. 115C-270.35(e), including the power to subpoena documents, secure witness testimony, or hire investigators, for the purpose of conducting investigations under this Rule.

(c) If the Superintendent finds cause to impose disciplinary sanctions on a licensee or deny a license application for any of the reasons described in Rule .0604 of this Section, the Superintendent shall prepare a proposed order containing findings of fact, conclusions of law, and the proposed sanction(s) or denial.

(d) The Superintendent shall provide the respondent with a copy of the proposed order and notify the respondent that the proposed sanctions or denial described in the order shall become final unless the respondent commences an administrative proceeding under Chapter 150B, Article 3 of the General Statutes within 60 days of the notice. The Superintendent shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE, and the 60-day time limitation shall commence on the date of electronic delivery or placement of the notice in an official depository of the United States Postal Service, whichever is earlier, in accordance with G.S. 150B-23(f).

(e) If the respondent commences administrative proceedings, the SBE shall stay the proposed order until receipt of a final decision or order under G.S. 150B-34. If the respondent does not commence proceedings within the 60-day time limitation, the proposed order shall become final, and the Superintendent shall take all necessary actions to enforce the order.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;
Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0604 DENYING A LICENSE OR SANCTIONING A LICENSEE

(a) The State Board of Education ("SBE") may, following an investigation in accordance with Rule .0603 of this Section, impose disciplinary sanctions on a person who holds a license issued by the Department of Public Instruction or deny an application for any such license if the SBE finds, by a preponderance of the evidence, that the respondent has done any of the following:

- (1) Engaged in fraud, material misrepresentation, or concealment in an application for the license.
- (2) Become ineligible for the license due to changes or corrections in the license documentation.
- (3) Been convicted of a crime in any state, federal, or territorial court of the United States, including military tribunals.
- (4) Been dismissed by a local board of education, pursuant to G.S. 115C-325(e)(1) or 115C-325.4, or by the governing body of any other PSU.
- (5) Resigned from employment with a PSU without thirty calendar days' notice, except with the prior consent of the superintendent.
- (6) Had a professional educator license or other occupational license revoked or suspended in North Carolina or another state due to a finding of misconduct by the relevant occupational licensing board or agency.
- (7) Failed to report suspected child abuse in accordance with G.S. 115C-400 or other suspicion of professional misconduct by a licensed employee in accordance with Rule .0608 of this Section.
- (8) Violated the Testing Code of Ethics, codified at 16 NCAC 06D .0311.
- (9) Engaged in any other illegal, unethical, or lascivious conduct, or otherwise violated the Standards of Professional Conduct as described in Rule .0602 of this Section.

(b) When deciding whether to impose disciplinary sanctions or deny an application for a license, the SBE shall consider the following factors:

- (1) The existence of a reasonable and adverse relationship between the underlying misconduct and the ability of the respondent to perform the respondent's professional duties as an educator.
- (2) The severity of the misconduct.
- (3) The impact of the misconduct on students, other educators, and the school community.
- (4) The respondent's degree of culpability in the misconduct.
- (5) The degree of remorse exhibited by the respondent for the misconduct.
- (6) Any evidence of reformed behavior on the part of the respondent.
- (7) Subsequent incidents of misconduct by the respondent or the probability of future misconduct.

(c) If the SBE determines that sanctions against a current licensee are warranted, it shall impose sanctions in accordance with Rule .0605 of this Section.

History Note: Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0605 DISCIPLINARY SANCTIONS

(a) Upon finding of a basis for imposing disciplinary sanctions against a respondent under Rule .0604 following an investigation under Rule .0603 of this Section, the State Board of Education ("SBE") may impose any of the following sanctions:

- (1) Written Warning;
- (2) Written Reprimand;
- (3) Suspension for a Defined Term; or
- (4) Revocation.

(b) In addition to one of the sanctions listed in Paragraph (a), the SBE may impose additional conditions upon a respondent—including requirements that the respondent complete additional continuing education credits beyond those required by G.S. 115C-270.30, community service hours, or other activities—if the purpose of the condition is remedial, relevant to the misconduct giving rise to the sanction, and designed to reduce the possibility of recidivism.

(c) Notwithstanding Rule .0603 of this Section or Paragraph (a) of this Rule, the SBE shall summarily suspend the license of a respondent if the SBE finds that the public health, safety, or welfare requires emergency action and incorporates those findings in the order prepared in accordance with Rule .0603 of this Section. A finding that a respondent has been charged in the General Court of Justice with any crime, the conviction for which would result in automatic revocation of the respondent's license under G.S. 115C-270.35(b), shall be considered prima facie evidence in satisfaction of this Paragraph. Following the summary suspension, the SBE shall promptly commence a disciplinary investigation and proceedings in accordance with Rules .0603 and .0604 of this Section.

(d) The Department of Public Instruction ("DPI") shall, upon expiration of the 60-day time limitation described in Rule .0603(e) of this Section, publish the sanction and a brief description of the basis for the sanction on its website and report it to the National Association of State Directors of Teacher Education and Certification, except that this requirement shall not apply to a Written Warning. DPI shall not disclose any information related to the sanction that is considered confidential under Chapter 115C, Article 21A of the General Statutes or is otherwise protected from disclosure under State or federal law.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-3; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0606 VOLUNTARY SURRENDER OF A LICENSE

(a) An individual licensed under Chapter 115C, Article 17E of the General Statutes may notify the State Board of Education ("SBE"), or its authorized designee, in writing of the individual's intention to voluntarily surrender the individual's license to the SBE.

(b) The SBE or designee may accept the voluntary surrender of a license in lieu of pursuing revocation of the license if, following an investigation in accordance with Rule .0603 of this Section, the SBE or designee determines that the surrender of the license will not compromise public safety. The Superintendent of Public Instruction shall prepare a proposed order containing findings of fact and conclusions of law demonstrating that circumstances exist that would justify pursuing revocation of the respondent's license. The Superintendent shall provide the respondent with a copy of the proposed order and

notify the respondent that the respondent's license will be revoked within 10 days of the notice. The Superintendent shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE.

(c) The Department of Public Instruction ("DPI") shall, upon expiration of the 10-day time limitation described in Paragraph (b), publish the revocation and a brief description of the basis for the revocation on its website and report it to the National Association of State Directors of Teacher Education and Certification. DPI shall not disclose any information related to the revocation that is considered confidential under Chapter 115C, Article 21A of the General Statutes or is otherwise protected from disclosure under State or federal law.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0607 REINSTATEMENT OF OR RECONSIDERATION FOR A LICENSE

(a) A respondent whose license has been revoked or whose application for a license has been denied under this Section may seek reinstatement of the revoked license or reconsideration of the license application no sooner than 12 months after the effective date of the revocation or denial.

(b) The respondent shall submit a request to the State Board of Education ("SBE") in writing that includes a statement describing why the circumstances that led to the revocation or denial do not or no longer justify prohibiting the respondent from holding a license.

(c) The SBE may deny the request, grant the request, or grant the request on a probationary basis. If the SBE grants the request on a probationary basis, the respondent's license status shall be subject to review by the SBE one year from the date that the license is granted, and the respondent shall comply with any conditions the SBE may impose.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0608 REPORTING REQUIREMENTS FOR PSU ADMINISTRATORS

(a) For purposes of this Rule, the following definitions apply:

(1) "Misconduct" means either:

(A) Conduct that justifies automatic revocation of a license under G.S. 115C-270.35(b);

(B) Conduct that has resulted in a criminal charge or indictment for any of the crimes listed in G.S. 115C-270.35(b); or

(C) Conduct involving the physical or sexual abuse of a child or a student. "Physical abuse" means the infliction of physical injury other than by accident or in self-defense. "Sexual abuse" means any sexual contact with a child or student, regardless of the presence or absence of consent.

(2) "PSU administrator" means a superintendent, associate superintendent, assistant superintendent, personnel administrator, principal, school director, or head of school employed by a PSU.

(b) In addition to any duty to report suspected child abuse under G.S. 115C-400 or other provision of law, any PSU administrator who knows, has reason to believe, or has actual notice of a complaint that a professional educator licensed under Chapter 115C, Article 17E of the General Statutes has engaged in misconduct, as defined in Subparagraph (a)(1) of this Rule, that results in the dismissal, suspension with pay, suspension without pay, or resignation of the educator shall report the misconduct in writing to the State Board of Education ("SBE") within five calendar days of the dismissal, suspension, or acceptance of the educator's resignation by the local superintendent. If an educator resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the alleged misconduct is presumed to have resulted in the resignation.

(c) If a PSU demotes, dismisses, or accepts the resignation of a professional educator licensed under Chapter 115C, Article 17E of the General Statutes as a result of conduct that is not covered by Paragraph (b) of this Rule but that may otherwise justify disciplinary sanctions against the employee under Rule .0604 of this Section, a PSU administrator for that PSU shall report the conduct in writing to the SBE within 30 calendar days of the demotion, dismissal, or resignation of the employee.

(d) If one PSU administrator submits a single report on behalf of the PSU pursuant to the requirements of this Rule, that report shall satisfy the reporting obligations of all individuals who may have reporting obligations under this Rule or under G.S. 115C-326.20.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 115C-326.20; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0701 MODEL EMPLOYMENT CONTRACT FOR TEACHERS

History Note: Authority Session Law 2013-360, Sec. 9.6(e); N.C. Constitution, Article IX, Sec. 5; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b); Emergency Rule Eff. August 20, 2019; Emergency Adoption Expired Eff. September 17, 2020.

SUBCHAPTER 06D - INSTRUCTION

SECTION .0100 - CURRICULUM

16 NCAC 06D .0101 DEFINITIONS

As used in this Subchapter:

- (1) "Competency goals" means broad statements of general direction or purpose.
- (2) "Course unit" means at least 150 clock hours of instruction for courses taught on a traditional schedule and at least 135 clock hours of instruction for courses taught on a block schedule. LEAs may award credit for short courses in an amount corresponding to the fractional part of a total unit.
- (3) "Curriculum guide" means a document prepared by the department for each subject or area of study listed in the standard course of study and many commonly offered electives, including competency goals, objectives and suggested measures.
- (4) "Diploma" means that document by which the LEA certifies that a student has satisfactorily completed all state and local course requirements and has passed the North Carolina Competency Test.
- (5) "Graduation" means satisfactory completion of all state and local course requirements and achievement of a passing score on the North Carolina Competency Test.
- (6) "Measures" means a variety of suggestions for ways in which the student may demonstrate ability to meet an objective.
- (7) "Objective" means a specific statement of what the student will know or be able to do.
- (8) "Proper test administration" means administration of tests adopted by the SBE for students, in accordance with Section .0300 of this Subchapter.
- (9) "Special education student" means a student enrolled in or eligible for participation in a special educational program.
- (10) "Standard course of study" means the program of course work which must be available to all public school students in the state.
- (11) "Transcript" means that document which provides a record of:
 - (a) all courses completed and grades earned;
 - (b) scores achieved on standardized tests; and
 - (c) participation in special programs or any other matter determined by the LEA.

History Note: Authority G.S. 115C-81; Eff. July 1, 1986; Amended Eff. April 1, 2002.

16 NCAC 06D .0102 BASIC EDUCATION PROGRAM

History Note: Filed as a Temporary Amendment Eff. August 12, 1991 for a period of 180 days to expire on February 7, 1992; Authority G.S. 115C-12(9)c.; 115C-81; Eff. July 1, 1986; Amended Eff. March 1, 1992; Repealed Eff. June 1, 1996.

16 NCAC 06D .0103 GRADUATION REQUIREMENTS

History Note: Authority G.S. 115C-12(9)c.; 115C-81(a); 115C-180; N.C. Constitution, Article IX, Sec. 5; Eff. July 1, 1986;
Amended Eff. January 2, 1998; January 1, 1993; July 1, 1992;
Temporary Amendment Eff. April 24, 1998;
Temporary Amendment Expired February 9, 1999;
Amended Eff. August 1, 1999;
Repealed Eff. December 1, 1999.

16 NCAC 06D .0104 EXIT DOCUMENTS

History Note: Authority G.S. 115C-12(9)c.;
Eff. July 1, 1986;
Repealed Eff. June 1, 1996.

16 NCAC 06D .0105 USE OF SCHOOL DAY

(a) Local boards of education are obligated both to assure that materials presented to students during the school day are related to the curriculum, and to preserve their discretion and the discretion of administrators and teachers to determine, within the limits of the prescribed curriculum, the materials to be presented to students during the school day and the times during which materials selected will be presented. Therefore, no local board of education may enter into a contract or agreement with any person, corporation, association or organization which:

- (1) limits or impairs its authority and responsibility, or the authority and responsibility of administrators and teachers, to determine the materials to be presented to students during the school day; or
- (2) limits or impairs its authority and responsibility, or the authority and responsibility of administrators and teachers, to determine the times during the school day when materials will be presented to students.

(b) Local boards of education are obligated to assure that students, as a consequence of the compulsory attendance laws, are not made a captive audience for required viewing, listening to, or reading commercial advertising. Therefore, no local board of education may enter into any contract or agreement with any person, corporation, association or organization pursuant to which students are regularly required to observe, listen to, or read commercial advertising. This Rule does not prohibit local boards of education, teachers or administrators from requiring students from time to time to observe, listen to, or read educational materials that contain commercial advertising. This Rule also shall not prohibit the regular study of advertising as an academic subject.

(c) This Rule shall apply both retroactively and prospectively. Any contract or agreement previously made in contravention of this Rule is declared void and unenforceable.

History Note: Filed as a Temporary Amendment Eff. February 19, 1990, for a period of 180 days to expire on August 18, 1990;
Filed as a Temporary Rule Eff. February 8, 1990, for a period of 180 days to expire on August 7, 1990;
Authority N.C. Constitution, Article IX, Sec. 5; G.S. 115C-1; 115C-2; 115C-12(9)c.; 115C-81;
ARRC Objection Lodged February 15, 1990;
ARRC Objection Lodged March 15, 1990;
ARRC Objection Lodged June 21, 1990;
Eff. November 1, 1990.

16 NCAC 06D .0106 LIMITED ENGLISH PROFICIENCY PROGRAMS

(a) Each superintendent or his delegate shall:

- (1) identify resources available to serve limited English proficient students;
- (2) coordinate programs and services to these students and their parents in the local school administrative unit;
- (3) report to the SBE information concerning the identification, placement, and educational progress of these students; and
- (4) report funding needs for the provision of services to these students to the SBE.

(b) LEAs shall report annually to the SBE information including but not limited to the number of students whose primary home language is other than English, the number of limited English proficient students identified and receiving services, the nature of the services, the number of limited English proficient students receiving special education services and services for the academically gifted, and data required to be reported to the U.S. Department of Education.

(c) A home language survey shall be administered to every student at the time of enrollment and maintained in the student's permanent record. LEAs shall then identify and assess every limited English proficient student who needs assistance in order to have access to the unit's instructional programs. Each LEA which identifies limited English proficient students who need assistance shall adopt an effective method of determining the students' current level of English proficiency in order to determine what types of assistance are needed. The method used may be a combination of the following, unless some other method can be effectively substituted:

- (1) teacher observations;
- (2) teacher interview;
- (3) achievement tests;
- (4) review of student records;
- (5) parent information;
- (6) proficiency tests;
- (7) English as a second language teacher referral;
- (8) student course grades;
- (9) teacher referral or recommendation;
- (10) criterion-referenced tests;
- (11) grade retention or deficiency report;
- (12) informal assessment or screening;
- (13) portfolio-based assessment; and
- (14) alternative assessments such as cloze and dictation.

(d) LEAs shall adopt a program or programs for limited English proficient students who need assistance which have a reasonable chance of allowing students to progress in school. The program may be one of the following unless some other method or process can be effectively substituted:

- (1) English as a second language (ESL);
- (2) bilingual education;
- (3) programs which provide neither instruction in the native language nor direct instruction in ESL but which adapt instruction to meet the needs of these students.

Program entry criteria shall be developed which take into account the student's educational background, English language proficiency, native language proficiency, and content area knowledge. LEAs shall conduct a program evaluation annually.

(e) LEAs shall adopt appropriate evaluative standards for measuring the progress of limited English proficient students in school. In order to determine when students no longer need assistance, the LEA shall determine the content knowledge and language skills necessary for successful functioning in the regular classroom. Then, multiple instruments as well as teacher judgment may be used to evaluate English listening and speaking skills, English literacy skills, and content area knowledge. The students shall not be maintained in alternative language programs longer than necessary based on program exit criteria but shall be monitored after exiting such programs for a minimum of six months and additional academic and English language support shall be provided if the students begin to have difficulty.

(f) LEAs shall monitor the progress of limited English proficient students in English proficiency and in the BEP. When a limited English proficient student is not making progress in school, the LEA shall conduct an evaluation of the student's program and make modification as needed.

(g) Limited English proficient students shall participate in the statewide testing programs in accordance with 16 NCAC 6D .0301.

(h) LEAs shall promote the involvement of parents of students of limited English proficiency in the educational program of their children. LEAs shall notify national origin minority group parents of school activities which are called to the attention of other parents and these notices shall be provided in the home language if feasible.

(i) LEAs shall ensure that limited English proficient students are not assigned to or excluded from special education programs because of their limited English language proficiency. Evaluation, placement, and notification to parents of students with special needs shall be conducted in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. ' 1401 et seq. and its implementing regulations at 34 C.F.R. Part 300.

(j) LEAs shall ensure that limited English proficient students are not categorically excluded from programs for the academically gifted and other specialized programs or support services such as guidance and counseling due to limited English proficiency.

(k) LEAs shall ensure that limited English proficient students are educated in the least segregative manner based on the educational needs of the student and these students shall be included in all aspects of the regular school program in which they can perform satisfactorily.

(l) The Department shall monitor the progress of LEAs in providing programs to all limited English proficient students using the same procedures and standards as provided in Title I - Helping Disadvantaged Children Meet High Standards, 20 U.S.C. ' 6301 et seq.

(m) The Department shall make available a list to all LEAs of teachers licensed in English as a Second Language (ESL). ESL training and add-on ESL licensure for teachers currently licensed in areas other than ESL is an appropriate strategy to obtain qualified staff.

(n) Each LEA may consider joint agreements with other LEAs to provide programs to limited English proficient students.

(o) Each LEA may coordinate services with those available at local community colleges in order to maximize efficient delivery of services to limited English proficient students and their parents.

(p) The Department shall administer the Teacher Education Program Approval process so as to ensure that all participants have an opportunity to gain an understanding of and develop strategies for addressing the educational needs of limited English proficient students. The Department shall work with IHEs to expand English as a Second Language teacher training programs.

History Note: Authority G.S. 115C-12(9)c.; N.C. Constitution, Article IX, Sec. 5; 20 U.S.C. 1703; Eff. June 1, 1996.

16 NCAC 06D .0107 STATE GRADUATION REQUIREMENTS

History Note: Authority G.S. 115C-12(9c); 115C-81(b)(4); 115C-12(9d); 115C-81.25(c)(10); N.C. Constitution, Article IX, Sec. 5; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b); Emergency Adoption Eff. August 20, 2019; Emergency Adoption Expired December 6, 2019.

SECTION .0200 - TEXTBOOKS

16 NCAC 06D .0201 STATE TEXTBOOK COMMISSION

16 NCAC 06D .0202 TEXTBOOK BIDS AND CONTRACTS

16 NCAC 06D .0203 DISPOSITION OF OLD TEXTBOOKS

History Note: Authority G.S. 115C-89; Eff. July 1, 1986; Repealed Eff. March 1, 1990.

16 NCAC 06D .0204 TEXTBOOK ADOPTION SCHEDULE

To ensure adequate time for the evaluation of textbooks presented to the SBE for adopted for use in the public schools, the Textbook Commission, the Department and the SBE shall adhere, to the extent practicable, to the following schedule on and after January 1, 1990:

- (1) January. The Superintendent of Public Instruction will identify for the SBE all textbook contracts scheduled to expire during the next calendar year, and recommend whether such contracts should be renewed or new textbooks adopted the following year.
- (2) March. The Superintendent will present for the SBE's approval a review of the curriculum requirements as prescribed in the Standard Course of Study and Competency Based Curriculum for the areas for which textbooks are scheduled to be adopted that year.
- (3) April. The Superintendent will present for the SBE's approval the call letter and evaluation forms prepared by the Curriculum Review Committee for the textbooks scheduled for adoption that year. The Superintendent will forward approved call letters to publishers listed on the Textbook Company Register and will forward approved evaluation forms to the Textbook Commission.
- (4) June. Textbook publishers will forward textbooks presented by publishers for adoption to the Textbook Commission and other recipients designated in the call letters.
- (5) June 15 to August 1. The Regional Textbook Evaluation Advisory Committees will evaluate textbooks under the direction of the Textbook Commission.
- (6) August and September. The Textbook Commission will review the recommendations of the Regional Textbook Evaluation Advisory Committees, and will prepare its recommendations to the SBE.

- (7) October. The Textbook Commission will present its recommendations to the SBE. The SBE will adopt textbooks.
- (8) November and December. Local school systems review adopted textbooks and identify textbooks to be ordered. Local school systems will place orders before March 1 of the next year.

History Note: Authority G.S. 115C-89;
Eff. March 1, 1990.

16 NCAC 06D .0205 CURRICULUM REVIEW COMMITTEE

- (a) The Superintendent of Public Instruction shall appoint a Curriculum Review Committee to advise him about criteria to be included in each call letter to publishers requesting submission of textbooks for evaluation and adoption, and the development of forms for evaluation of textbooks presented for adoption.
- (b) The Committee shall be organized and selected by the Superintendent of Public Instruction. The Committee should include, in addition to members of the Department of Public Instruction, representatives from local school systems, the Textbook Commission and the community.
- (c) The Committee shall begin performing its duties at least one year before the issuance of letters to publishers calling for submission of textbooks for evaluation and adoption.
- (d) The Committee's responsibility is to help ensure that textbooks presented for adoption are evaluated for their conformity to the Standard Course of Study and the Competency Based Curriculum, and that the textbooks adopted in fact conform to the Standard Course of Study and the Competency Based Curriculum. The Committee shall develop criteria to be included in each call letter and textbook evaluation forms that reflect the requirements of the Standard Course of Study and the Competency Based Curriculum.
- (e) The Committee shall present the criteria and forms it develops to the Superintendent of Public Instruction for review and approval, and shall then present the criteria and forms to the SBE for review and adoption.

History Note: Authority G.S. 115C-89;
Eff. March 1, 1990.

16 NCAC 06D .0206 REGIONAL TEXTBOOK EVALUATION ADVISORY COMMITTEES

- (a) The Textbook Commission shall appoint Regional Textbook Evaluation Advisory Committees for each of the state's educational districts defined in G.S. 115C-65. Members shall serve a one-year term that begins on January 1 and ends on December 31 of each year. The Textbook Commission shall fill any vacancy for the remainder of the unexpired term. Members shall serve at the pleasure of the Textbook Commission.
- (b) All persons appointed to these committees by the Textbook Commission shall be qualified by training and experience to evaluate textbooks for use in the public schools. In appointing these committees, the Textbook Commission shall consider the textbooks scheduled for adoption during that year, and shall ensure appointment of specialists in the content and grade levels of the areas for which textbooks are to be adopted.
- (c) The Committees, using the evaluation forms developed by the Curriculum Review Committee and their training and experience, assists the Textbook Commission in the evaluation of textbooks presented for adoption. Before beginning to evaluate textbooks, each member of the regional committee shall participate in a comprehensive orientation and training session approved by the Superintendent of Public Instruction and the chairman of the Textbook Commission and presented under the direction of the Superintendent.
- (d) Each regional committee, under the direction of a member of the Textbook Commission assigned by the Chairman of the Textbook Commission, shall meet and evaluate the textbooks presented for adoption. Following these regional meetings, the Chairman of the Textbook Commission will assign members of the regional committees to subject area committees. These committees, using the criteria and forms developed by the Curriculum Review Committee and approved by the SBE, shall meet, discuss and formalize their recommendations to the Textbook Commission.
- (e) The Superintendent will assign to members of the Department the responsibility of assisting the regional committees in the performance of their duties.
- (f) Members of the regional committees shall perform all of their prescribed duties between June 15 and August 1 of each year at times and places designated by the Chairman of the Textbook Commission. Members of the committees who are not under contract with a local school administrative unit for the period between June 15 and August 1 shall receive a salary of one hundred dollars (\$100.00) per day for not more than ten days, plus reimbursement for travel and subsistence expenses as allowed for state employees. Committee members who are under contract with a local school administrative unit between

June 15 and August 1, are employed by the Department of Public Instruction, or are employed by another state agency, will receive their regular salaries and will be reimbursed for travel and subsistence expenses only.

History Note: Authority G.S. 115C-89;
Eff. March 1, 1990.

16 NCAC 06D .0207 TEXTBOOK COMMISSION

(a) Members of the Textbook Commission are appointed according to the provisions of G.S. 115C-87. In recommending persons for appointment to the Commission, the Superintendent of Public Instruction is requested to recommend and the Governor is requested to approve the appointment of at least one member from each of the eight educational districts of the state.

(b) The duties of the Textbook Commission are contained in G.S. 115C-88 and 115C-89. Commission members shall make recommendations for each textbook presented for adoption based on the requirements of the call letter for the textbook as approved by the SBE. The SBE shall prescribe the format for the Commission's recommendations to the SBE for adoption of textbooks. The Superintendent of Public Instruction will assign to members of the Department responsibility for assisting the Textbook Commission in the performance of its duties.

(c) Before beginning to evaluate textbooks, commission members shall participate in an orientation and training session planned by the Chairman of the SBE and the Superintendent and presented under the direction of the Superintendent. The Superintendent shall hold the orientation session as soon as possible after the appointment of new members to the Commission or after changes in the statutes and regulations relating to textbook adoptions.

(d) As prescribed in Rule .0206 of this Section, the Textbook Commission appoints the members of the Regional Textbook Evaluation Advisory Committees and directs them in the performance of their duties.

(e) The Commission may meet with representatives of publishers to discuss the Commission's plans and procedures for adoption of textbooks. At no time may the Commission or any of its members meet privately with any publisher's representative.

History Note: Authority G.S. 115C-89;
Eff. March 1, 1990.

16 NCAC 06D .0208 TEXTBOOK COMPANY REGISTER

(a) In accordance with G.S. 115C-94, the Superintendent of Public Instruction shall maintain a register of all publishers who submit books for adoption by the SBE. The Superintendent shall prescribe the information required for registration.

(b) Only registered companies will receive notice of proposed textbook adoptions by the SBE.

(c) The Superintendent shall remove from the Textbook Company Register any publisher whose representatives attempt to exercise undue pressure of any kind to adopt its books upon a member of the Textbook Commission, the Regional Textbook Evaluation Advisory Committees, the Curriculum Review Committee, or the Department.

(d) The SBE shall direct the Superintendent of Public Instruction to remove from the Textbook Company Register any publisher whose representatives attempt to exercise undue pressure of any form upon a member of the SBE to adopt its books.

History Note: Authority G.S. 115C-89;
Eff. March 1, 1990.

16 NCAC 06D .0209 REQUESTS FOR TEXTBOOKS AND CONTRACTS

(a) Upon approval by the SBE, the Department will send a request for textbooks, together with a proposed contract, to all publishers listed in the Textbook Company Register, requesting the submission of textbooks that conform to the requirements specified in the request and the proposed contract.

(b) The SBE will adopt textbooks and award contracts based on the following criteria:

- (1) recommendations of the Textbook Commission;
- (2) conformity with the request for the textbooks and the proposed contract;
- (3) conformity with the Standard Course of Study and Competency Based Curriculum;
- (4) price; and
- (5) the needs of the public schools.

(c) The SBE reserves the right to reject any and all textbooks for any reason it deems sufficient.

(d) Each publisher that is awarded a contract must file a performance bond. The Superintendent of Public Instruction shall determine the amount of the bond based on the costs of the textbooks, the publisher's past performances, and such other factors as the Superintendent determines to be relevant.

History Note: Authority G.S. 115C-89;
Eff. March 1, 1990.

16 NCAC 06D .0210 DISPOSITION OF OLD TEXTBOOKS

LEAs may dispose of textbooks which are no longer listed on the state-adopted textbook list by sale, gift, or exchange. LEAs shall remit the proceeds of sale to the Department. The Department shall credit these proceeds to the LEA's textbook account.

History Note: Authority G.S. 115C-89; 115C-102(b);
Eff. March 1, 1990;
Amended Eff. August 1, 1999; June 1, 1992.

16 NCAC 06D .0211 TEXTBOOK EVALUATION ADVISORS

History Note: Authority G.S. 115C-89; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. November 19, 2020.

16 NCAC 06D .0212 TEXTBOOK PUBLISHERS REGISTRY

(a) Publishers who submit textbooks for adoption shall register with the Office of State Superintendent of Public Instruction. Publisher registration information shall include:

- (1) the publisher's name;
- (2) the publisher's president's or proprietor's name and address, including email address;
- (3) the names of all agents authorized to represent the publisher in North Carolina; and
- (4) the name, title, address, email address and telephone number of the publisher's preferred agent contact.

(b) Each publisher piloting textbook materials being submitted for consideration in the current adoption year shall notify the Textbook Commission, in writing, which materials are being piloted and in which local education agencies materials are being piloted. The Textbook Commission shall notify all local superintendents involved in piloting textbook materials prior to the end of the textbook selection process that the materials they are piloting may or may not be accepted by the Commission.

(c) Publishers shall not exercise undue pressure on members of the Textbook Commission, the State Board of Education, evaluation advisors, or DPI staff involved in the textbook submission, evaluation, or adoption process.

- (1) For purposes of this Rule, "undue pressure" means personal contact, whether in person, by telephone, or in written form, that advocates for the selection of a particular book or series of books. "Undue pressure" does not include social contact or presentations to the Textbook Commission as a whole, and does not include written communication with Textbook Commission members or State Board of Education or DPI officials following acceptance or rejection of a submission in an effort to seek clarification or reconsideration.
- (2) The State Superintendent of Public Instruction shall remove from the NC Publishers Registry any publisher whose agents exercise undue pressure upon a member of the Textbook Commission, the evaluation advisors, or DPI staff.
- (3) The State Board of Education shall direct the State Superintendent of Public Instruction to remove from the NC Publishers Registry any publisher whose agents exercise undue pressure upon a member of the State Board of Education.

History Note: Authority G.S. 115C-12; 115C-89;
Eff. January 1, 2021.

SECTION .0300 - TESTING PROGRAMS

16 NCAC 06D .0301 TESTING REQUIREMENTS AND OPPORTUNITIES

History Note: Authority G.S. 115C-12(9)c.;

Eff. July 1, 1986;
Amended Eff. January 2, 2006; August 1, 1999; January 2, 1998; June 1, 1996;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06D .0302 TEST ADMINISTRATION
16 NCAC 06D .0303 ACCOUNTABILITY COORDINATOR

History Note: Authority G.S. 115C-12(9)c; 115C-81(b)(4);
Eff. July 1, 1986;
Amended Eff. May 1, 2001; August 1, 1999; November 1, 1997; June 1, 1996;
Repealed Eff. March 1, 2021.

16 NCAC 06D .0304 GRADE-LEVEL PROFICIENCY

History Note: Authority G.S. 115C-12(9)c.; 115C-81(b)(4);
Eff. November 1, 1995;
Repealed Eff. December 1, 1999.

16 NCAC 06D .0305 END-OF-COURSE ASSESSMENTS
16 NCAC 06D .0306 TESTING CODE OF ETHICS

History Note: Authority G.S. 115C-12(9)c; 115C-81(b)(4);
Eff. November 1, 1997;
Amended Eff. October 1, 2006; January 2, 2006; April 1, 2002; September 1, 2001; August 1, 2000; July 1, 2000; August 1, 1999;
Repealed Eff. March 1, 2021.

16 NCAC 06D .0307 TEST ADMINISTRATION IN PUBLIC SCHOOLS

- (a) Only current or retired professional educators as defined in G.S. 115C-270.1 or teachers who
- (1) are employed by local education agencies (LEAs); and
 - (2) have training in the Annual Testing Program as required in Rule .0308 of this Section shall administer secure tests.
- (b) "Secure test" for purposes of this Chapter means "any test developed, adopted, or provided by the State Board of Education that has not been released under G.S. 115C-174.13."
- (c) "Annual Testing Program" for purposes of this Chapter means:
- (1) beginning of grade 3 reading proficiency test;
 - (2) grades 3 through 8 end-of-grade (EOG) English language arts/reading and mathematics;
 - (2) grades 5 and 8 EOG science;
 - (3) grade 10 end-of-course (EOC) English II;
 - (4) grade 11 EOC assessments in NC Math 1, NC Math 3, and EOC Biology;
 - (5) grade 11 ACT; and
 - (6) grade 12 Career and Technical Education Concentrators and ACT WorkKeys.
- (d) The North Carolina Department of Public Instruction (NCDPI) shall supply the secure tests to LEAs. LEAs shall:
- (1) account to the NCDPI for all secure tests received;
 - (2) provide a secure, locked storage facility for all secure tests received;
 - (3) prohibit the reproduction of any or all parts of a secure test; and
 - (4) prohibit their employees from disclosing the content of a secure test or specific items contained in a secure except as necessary to administer the test.
- (e) LEAs shall monitor test administration procedures. If a school employee discovers any violation of the rules in this Subchapter, he or she shall notify the principal, charter school director, or school test coordinator who shall notify the superintendent or the LEA test coordinator. If the superintendent or the LEA test coordinator determines that the violation affected the validity of the test for its intended purpose, he or she shall have the authority to order the affected students to be retested.

(f) If NCDPI determines that the failure to administer a test in accordance with the rules in this Subchapter produced a result which is invalid for measuring student achievement, then NCDPI may remedy the error or order the LEA to remedy the error, including requiring retesting students.

(g) LEAs shall, at the beginning of each school year, provide information to students and parents or guardians advising them of the districtwide and State-mandated tests that students will be required to take during that school year. In addition, LEAs shall advise students and parents or guardians of the dates the tests will be administered and how the results from the tests will be used. Also, information provided to parents shall include whether the State Board of Education or the local board of education requires the test(s).

(h) LEAs shall report scores resulting from the administration State-mandated tests from the Annual Testing Program to students and parents or guardians no later than 30 days after the test is administered and along with available score interpretation information within 30 days from receipt of the scores and interpretive documentation from the NCDPI. Selected LEAs and schools, determined through stratified random samples, shall participate in field testing and other sample testing.

(i) LEAs shall participate in National Assessment of Educational Progress (NAEP) and other national or international assessments as designated by the SBE.

History Note: Authority G.S. 115C-12(9); 115C-174.10; 115C-174.11; 115C-174.12; 115C-174.13; 115C-174.16; Emergency Adoption Eff. August 20, 2019; Eff. March 1, 2021.

16 NCAC 06D .0308 TEST COORDINATORS, ADMINISTRATORS AND PROCTORS

(a) The local superintendent in a local education agency (LEA) shall act as or appoint an LEA test coordinator to assist in the local administration, reporting, and interpretation of results of any "secure test," as defined in Rule .0307(b) of this Section, administered in the Annual Testing Program, as defined in Rule .0307(c) of this Section

(b) LEA test coordinators shall attend required monthly test administration training sessions provided by the North Carolina Department of Public Instruction on subjects including proper test administration, test security, appropriate use of accommodations, scanning and scoring answer sheets, and preparation of test materials for scoring at a central site.

(c) LEA test coordinators shall in turn conduct training in the Annual Testing Program for any school test coordinators.

(d) School test coordinators shall conduct training in the Annual Testing Program for any test administrators or proctors.

(e) The LEA test coordinator shall arrange for the scanning, scoring, and reporting of results for any secure test administered in the Annual Testing Program from tests adopted by the State Board of Education.

History Note: Authority G.S. 115C-12(9); 115C-174.11; 115-174.12; Emergency Adoption Eff. August 20, 2019; Eff. March 1, 2021.

16 NCAC 06D .0309 REQUIREMENTS REGARDING END-OF-COURSE TESTS

(a) All students enrolled in a course requiring an end-of-course test (EOC) in the Annual Testing Program defined in Rule .0307(c) of this Section shall participate in the administration of the EOC, either a standard administration with or without accommodations or an alternate assessment, as defined in G.S. 115C-83.3. Accommodations and alternative assessments shall be administered in accordance with 16 NCAC 06G .0315(c) and (d). This Rule shall apply to all public school units (PSUs).

(b) PSUs shall include each student's end-of-course (EOC) results in the student's permanent records and high school transcript.

(c) PSUs shall adopt policies and use results from all EOCs as a minimum of 20 percent of the student's final grade for each respective course with the exception of:

- (1) students whose Individualized Education Programs (IEPs) created under the Individuals with Disabilities Education Act, 33 U.S.C. 1414, and regulations adopted pursuant to that Act, exclude their EOC results from their final grades;
- (2) English Learner (EL) students, as defined in 25 CFR 30.101, in their first year in a United States school; or
- (3) students enrolled in a course during the initial implementation year of the new EOC for that course where proficiency scores are not available due to standard setting.

(d) PSU students who are enrolled for credit in courses in which an EOC is required shall take the EOC.

(e) PSU students who are exempt from final exams by local board of education policy shall not be exempt from the required EOC.

(f) PSU students shall take the EOC the first time the student takes the course requiring the EOC.

- (g) PSU students shall take the EOC at the end of the course regardless of the grade level in which the course is offered.
- (h) PSU students who are identified as failing a course for which an EOC is required shall take the EOC.
- (i) PSU students may drop a course with an EOC within the first 10 days of enrollment in a semester block schedule or within the first 20 days of enrollment in a yearlong traditional schedule. Students who are enrolled for credit after the 10 or 20 days shall not drop a course with a required EOC and shall participate in the EOC administration at the completion of the course.
- (j) PSU students who obtain a proficient score on an EOC and retake that course may use their higher EOC score as a minimum of 20 percent of their final course grade.

History Note: Authority G.S. 115C-12(9d)a; 115C-105.20; 115C-174.11; 115C-174.12; 115C-218.85(a)(3);
Emergency Adoption Eff. August 20, 2019;
Eff. August 23, 2022.

16 NCAC 06D .0310 APPROPRIATE USE OF STATE TESTS

Secure tests as defined in Rule .0307(b) of this Section developed by the State of North Carolina as part of the Annual Testing Program shall not be used for purposes other than to measure reading proficiency at the beginning of grade three, end-of-grade progress for grades three through eight, end-of-course competencies, and competencies in English, mathematics, reading, and science at the end of grade 11 as tested in the ACT, and competencies in mathematics, reading, and information location at the end grade 12 as tested in ACT WorkKeys.

History Note: Authority G.S. 115C-12(9d)a.; 115C-83.15; 115C-174.11(c);
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06D .0311 TESTING CODE OF ETHICS

- (a) This Rule shall apply to all public school unit (PSU) employees or agents while they are administering the Annual Testing Program defined in Rule .0307(c) of this Section.
- (b) The PSU shall develop local policies and procedures to ensure maximum test security in coordination with the policies and procedures developed by the test publisher.
- (c) The PSU shall require all testing coordinators, school test coordinators, test administrators and proctors to be trained as required in Rule .0308 of this Section.
- (d) The PSU shall designate the personnel who are authorized to have access to secure test materials. "Access" to test materials by school personnel means handling the materials but does not include reviewing tests or analyzing test items.
 - (1) Persons who have access to secure test materials shall not use those materials for any purpose other than test administration.
 - (2) No person shall copy, reproduce, or paraphrase the test materials without the express written consent of the test publisher.
- (e) The principal shall store test materials in a locked facility to which only the principal has access. The principal shall not allow anyone access to the test materials except as necessary for administration.
- (f) When PSU personnel discover loss of materials, failure to account for materials, or any evidence of unauthorized access to the materials, they shall report the discovery without delay to the principal, school test coordinator, school system (LEA) test coordinator, or charter school director.
- (g) PSUs shall ensure that test coordinators:
 - (1) plan and implement training for school test coordinators, test administrators, and proctors;
 - (2) ensure each school test coordinator and test administrator is trained in accordance with Rule .0308 of this Section; and
 - (3) in conjunction with program administrators, ensure test accommodations to students entitled to testing accommodations as defined in 16 NCAC 06G .0315; are documented and provided.
- (h) The principal or the principal's designee shall serve as school test coordinator.
- (i) The principal shall ensure the school test coordinator maintains test security and accountability of test materials, including taking the following actions:
 - (1) before each test administration, the school test coordinator shall count and distribute test materials;
 - (2) after each test administration, the school test coordinator shall without delay collect, count, and return all test materials to the locked storage facility;
 - (3) establishes procedures to assure all students participating in the Annual Testing Program have an equal opportunity to demonstrate their knowledge on the test; and

- (4) identifies and trains personnel, proctors, and backup personnel for test administrations.
- (j) Teachers may help students improve test-taking skills by:
 - (1) helping students become familiar with test formats using curricular content;
 - (2) teaching students test-taking strategies and providing practice sessions;
 - (3) helping students learn ways of preparing to take tests; and
 - (4) using resource materials such as test questions from test item banks and linking documents in instruction and test preparation.
- (k) With respect to test administration, PSUs shall:
 - (1) assure each school establishes procedures to ensure all test administrators comply with test publisher guidelines;
 - (2) inform the local board of education of any breach of this code of ethics; and
 - (3) inform test coordinators and principals of their responsibilities.
- (l) The school test coordinator shall:
 - (1) assure school personnel know the content of rules in this Section and local testing policies;
 - (2) implement the school system and local testing policies and procedures to assure all students participating in the Annual Testing Program have an equal opportunity to demonstrate their knowledge on the test;
 - (3) ensure proctors are trained; and
 - (4) ensure all violations of rules in this Section and local testing policies are reported to the school system (LEA) test coordinator.
- (m) Test administrators shall:
 - (1) administer tests according to the directions in the assessment guide and any subsequent updates developed by the test publisher;
 - (2) administer tests to all students enrolled in a grade or course that requires a test in the Annual Testing Program;
 - (3) report all violations of rules in this Section and local testing policies to the school test coordinator; and
- (n) Proctors shall serve as additional monitors to help the test administrator assure that students have an equal opportunity to demonstrate their knowledge on the test.
- (o) Scoring. The school system test coordinator shall:
 - (1) ensure each test is scored according to the procedures and guidelines defined for the test by the test publisher;
 - (2) maintain quality control during the entire scoring process, which consists of handling and editing documents, scanning answer documents, and producing electronic files and reports. Quality control shall address scoring accuracy and scoring consistency.
 - (3) maintain security of tests and data files at all times, including:
 - (A) protecting the confidentiality of students at all times when publicizing test results; and
 - (B) maintaining test security of answer keys and item-specific scoring rubrics.
- (p) Educators shall use test scores as one piece of information to be interpreted together with other scores and indicators when determining a student's grade. The PSU shall ensure that school personnel analyze and report test data within the limitations described in this Paragraph.
 - (1) Educators shall maintain the confidentiality of individual students. PSU personnel shall not publicize test scores or any written material containing personally identifiable information from the student's educational records except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g and regulations adopted pursuant thereto.
 - (2) Staff development relating to testing must enable school personnel to respond knowledgeably to questions related to testing, including the tests, scores, scoring procedures, and other interpretive materials.
- (q) Unethical testing practices include the following practices:
 - (1) encouraging students to be absent the day of testing;
 - (2) encouraging students not to do their best;
 - (3) using secure test items or modified secure test items for instruction;
 - (4) changing student responses at any time;
 - (5) interpreting, explaining, or paraphrasing the test directions or the test items;
 - (6) classifying students for the purpose of avoiding State testing;
 - (7) not testing all students enrolled in a grade or course that requires a test in the Annual Testing Program;
 - (8) failing to provide required accommodations during testing to students entitled to testing accommodations as defined in 16 NCAC 06G .0315;

- (9) modifying scoring programs including answer keys, equating files, and lookup tables;
 - (10) modifying student records for the purpose of raising test scores;
 - (11) using a single test score to place a student in a grade or a course; and
 - (12) providing inaccurate test results and interpretations to the public.
- (r) In the event of a violation of this Rule, the State Board of Education may impose any one or more of the following sanctions:
- (1) withhold any monetary incentive awards;
 - (2) file a civil action against the person or persons responsible for the violation for copyright infringement or for any other available cause of action;
 - (3) seek criminal prosecution of the person or persons responsible for the violation; and
 - (4) in accordance with the provisions of 16 NCAC 06C .0312, suspend or revoke the professional license of the person or persons responsible for the violation.

History Note: Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-218.85(a)(3);
Emergency Adoption Eff. August 20, 2019;
Eff. August 23, 2022.

16 NCAC 06D .0312 ENGLISH LEARNERS: IDENTIFICATION, PARTICIPATION IN STATEWIDE TESTING PROGRAM, ELIGIBILITY FOR TESTING ACCOMMODATIONS, AND EXIT CRITERIA

History Note: Authority G.S. 115C-12(9); 115C-83.7; 115C-83.15; 115C-83.16; 115C-218.85; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired December 6, 2019.

16 NCAC 06D .0313 USE OF STATE-DESIGNATED ASSESSMENTS FOR THE NC TEACHER EVALUATION PROCESS

History Note: Authority G.S. 115C-12(9); 115C-83.6; 115C-83.5; 115C-174.12; 115C-269.35; 115C-333.2; 115C-334; 115C-335; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. September 17, 2020.

SECTION .0400 - BEP SUPPORT SERVICES

16 NCAC 06D .0401 REQUIRED SUPPORT PROGRAMS

Each LEA shall provide its students support services in the following areas:

- (1) Pre-school physical and developmental screening;
- (2) School counseling services;
- (3) School social work services;
- (4) School psychological services; and
- (5) Health services.

History Note: Authority G.S. 115C-12(9)c.; 115C-81;
Eff. July 1, 1995.

16 NCAC 06D .0402 SPECIAL HEALTH CARE SERVICES

- (a) Each LEA shall make available a registered nurse for assessment, care planning, and on-going evaluation of students with special health care service needs in the school setting. Special health care services include procedures that are invasive, carry reasonable risk of harm if not performed correctly, may not have a predictable outcome, or may require additional action based on results of testing or monitoring.
- (b) Care planning includes but is not limited to:

- (1) identification of appropriate person(s) to perform the procedure;
 - (2) teaching those persons to perform the procedure; and
 - (3) identification of a mechanism for registered nurses or other persons qualified by state law to plan and implement such health to provide ongoing supervision to ensure the procedure is performed appropriately and monitoring the student's response to care provided in the school setting.
- (c) To assure that these services are provided, LEAs shall have the flexibility to hire registered nurses, to contract with individual registered nurses, to contract for nursing services through local health departments, home care organizations, hospitals and other providers, or to negotiate coverage for planning and implementing these services with the licensed physician, nurse practitioner, or physician assistant prescribing the health care procedure.
- (d) LEAs shall implement this Rule in compliance with the provisions of G.S. 115C-307(c).

History Note: Authority G.S. 115C-12(9)c.; 115C-81; 115C-307(c);
Eff. July 1, 1995.

16 NCAC 06D .0403 PROVIDE INFORMATION ON CHILD ABUSE AND NEGLECT

Each public school unit, University of North Carolina School of the Arts, and the North Carolina School of Science and Mathematics shall provide to students in grades 6 through 12 the information on child abuse and neglect, including age-appropriate information on sexual abuse, specified in G.S. 115C-12(47).

History Note: Authority G.S. 115C-12(47);
Eff. July 1, 2022.

SECTION .0500 - DEFINITIONS

16 NCAC 06D .0501 DEFINITIONS

As used in this Subchapter:

- (1) "adequate progress" shall mean student performance at or near grade level as indicated by student work, assessment data, and other evaluation information.
- (2) "focused intervention" shall mean help for students in attaining competency goals and objectives. The help or assistance shall be based on a diagnosis of what the student knows and is able to do. The strategies for helping the student shall be based on the diagnosis of the student's work.
- (3) "grade level proficiency" shall mean Level III or above on end-of-grade assessments in reading and mathematics in grades 3-8. In grades K-2, teachers shall identify those students who are not performing at grade-level expectations. The levels of student performance shall be defined as follows:
 - (a) "Level I" shall mean that the student fails to achieve at a basic level. Students performing at this level do not have sufficient mastery of knowledge and skills in this subject area to be successful at the next grade level.
 - (b) "Level II" shall mean that the student achieves at a basic level. Students performing at this level demonstrate inconsistent mastery of knowledge and skills in this subject area and are minimally prepared to be successful at the next grade level.
 - (c) "Level III" shall mean that the student achieves at a proficient level. Students performing at this level consistently demonstrate mastery of grade level subject matter and skills and are well prepared for the next grade level.
 - (d) "Level IV" shall mean that the student achieves at an advanced level. Students performing at this level consistently perform in a superior manner clearly beyond that required to be proficient at grade level work.
- (4) "instructionally sound" shall mean a practice or strategy that reflects research findings and the achievement needs of students. The practice shall take into account student learning styles, effective delivery of content and skills, diagnosis, monitoring, and evaluation.

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;
Eff. December 1, 1999;
Amended Eff. January 2, 2006; April 1, 2005.

16 NCAC 06D .0502 STUDENT ACCOUNTABILITY STANDARDS

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; Eff. December 1, 1999; Amended Eff. January 2, 2006; August 1, 2001; Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06D .0503 STATE GRADUATION REQUIREMENTS

(a) In order to graduate and receive a high school diploma, public school students shall meet the requirements of Paragraph (e) of this Rule and shall attain passing scores on competency tests adopted by the SBE and administered by the LEA. The passing score for the competency test, which is the same as grade-level proficiency as set forth in Rule .0502 of this Subchapter, shall be level III or higher.

(b) Students who satisfy all state and local graduation requirements but who fail the competency tests shall receive a certificate of achievement and transcript and shall be allowed by the LEA to participate in graduation exercises.

(c) Special education students, other than students who are following the occupational course of study in Paragraph (e)(1)(D) of this Rule, may apply in writing to be exempted from taking the competency tests. Before it approves the request, the LEA must assure that the parents, or the child if aged 18 or older, understand that each student must pass the competency tests to receive a high school diploma.

(d) Any student who has failed to pass the competency tests by the end of the last school month of the year in which the student's class graduates may receive additional remedial instruction and continue to take the competency tests during regularly scheduled testing until the student reaches maximum school age. Special education students who are following the occupational course of study in Paragraph (e)(1)(D) of this Rule shall not be required to pass the competency test or the exit exam referred to in 16 NCAC 06D .0502(d)(2) in order to graduate and receive a diploma.

(e) In addition to the requirements of Paragraph (a) of this Rule, students must successfully complete 20 course units in grades 9-12 as specified below.

(1) Effective with the class entering ninth grade for the first time in the 2000-2001 school year, students shall select one of the following four courses of study:

NOTE: All students are encouraged, but not required, to include at least one elective course in arts education. Unless included as career/technical education credits in the career preparation course of study, courses in R.O.T.C. qualify for credit as electives in any of the courses of study.

(A) career preparation, which shall include:

- (i) four credits in English language arts, which shall be English I, II, III, and IV;
- (ii) three credits in mathematics, one of which shall be algebra I (except as limited by G.S. 115C-81(b));
- (iii) three credits in science, which shall include biology, a physical science, and earth/environmental science;
- (iv) three credits in social studies, which shall be Civics and Economics, U.S. history, and World history;
- (v) one credit in health and physical education;
- (vi) four credits in career/technical education, which shall be in a career concentration or pathway that leads to a specific career field and which shall include a second-level (advanced) course; or four credits in one of the four disciplines in arts education: theatre, music, visual arts, or dance; or four credits in R.O.T.C.;
- (vii) two elective credits; and
- (viii) other credits designated by the LEA.

(B) college technical preparation, which shall include:

- (i) four credits in English language arts, which shall be English I, II, III, and IV;
- (ii) three credits in mathematics, which shall be either algebra I, geometry, and algebra II; or algebra I, technical mathematics I, and technical mathematics II; or integrated mathematics I, II, and III;
- (iii) three credits in science, which shall include biology, a physical science, and earth/environmental science;
- (iv) three credits in social studies, which shall be Civics and Economics, U.S. history, and World history;
- (v) one credit in health and physical education;

- (vi) four credits in career/technical education, which shall be in a career concentration or pathway that leads to a specific career field and which shall include a second-level (advanced) course;
- (vii) two elective credits; and
- (viii) other credits designated by the LEA.

NOTE: A student who is pursuing this course of study may also meet the requirements of a college/university course of study by completing one additional mathematics course for which Algebra II is a prerequisite and, effective with the class entering the ninth grade for the first time in the 2002-03 school year, two credits in the same second language.

- (C) college/university preparation, which shall include:
 - (i) four credits in English language arts, which shall be English I, II, III, and IV;
 - (ii) three credits in mathematics, which shall be algebra I, algebra II, and geometry or a higher level course for which algebra II is a prerequisite; or integrated mathematics I, II, and III; however, effective with the class entering the ninth grade for the first time in the 2002-03 school year, this requirement shall become four credits in mathematics, which shall be algebra I, algebra II, geometry, and a higher level course for which algebra II is a prerequisite; or integrated mathematics I, II, III, and one course beyond integrated mathematics III;
 - (iii) three credits in science, which shall include biology, a physical science, and earth/environmental science;
 - (iv) three credits in social studies, which shall be Civics and Economics, U.S. history, and World history;
 - (v) one credit in health and physical education;
 - (vi) two credits in the same second language or demonstration of proficiency in a language other than English as determined by the LEA;
 - (vii) four elective credits, except that effective with the class entering the ninth grade for the first time in the 2002-03 school year, this shall be reduced to three elective credits; and
 - (viii) other credits designated by the LEA.
- (D) occupational, which shall include:
 - (i) four credits in English language arts, which shall be Occupational English I, II, III, and IV;
 - (ii) three credits in mathematics, which shall be Occupational Mathematics I, II, and III;
 - (iii) two credits in science, which shall be Life Skills Science I and II;
 - (iv) two credits in social studies, which shall be Government/U.S. History and Self-Advocacy/Problem Solving;
 - (v) one credit in health and physical education;
 - (vi) six credits in occupational preparation education, which shall be Occupational Preparation I, II, III, IV, 300 hours of school-based training, 240 hours of community-based training, and 360 hours of paid employment;
 - (vii) four vocational education elective credits;
 - (viii) computer proficiency as specified in the student's IEP;
 - (ix) a career portfolio; and
 - (x) completion of the student's IEP objectives.

(2) Effective with the class entering ninth grade for the first time in the 2006-2007 school year, students who are following the career preparation, college technical preparation, or college/university preparation courses of study shall meet the following exit standards:

- (A) successfully complete a senior project that is developed, monitored, and scored within the LEA using state-adopted rubrics; and
- (B) score at proficiency level III or above on the end-of-course assessment for English I, U.S. History, Biology, Civics and Economics, and Algebra I. A student who does not score at proficiency level III or above on the end-of-course assessment for any of these courses but who passes the course shall be offered the opportunity to retake the assessment no later than three weeks from the receipt of assessment results. If the student does not score at or above proficiency level III on the retest, school officials shall apply the review process described in Rule .0504 of this Section to provide focused intervention, a second retest opportunity, and a review of the student's documentation to

determine whether the student has met the exit standard for the course. The principal shall make the final decision as to whether the student has met the exit standard.

- (3) LEAs may count successful completion of course work in the ninth grade at a school system which does not award course units in the ninth grade toward the requirements of this Rule.
- (4) LEAs may count successful completion of course work in grades 9-12 at a summer school session toward the requirements of this Rule.
- (5) LEAs may count successful completion of course work in grades 9-12 at an off-campus institution toward the locally-designated electives requirements of this Rule. 23 NCAC 02C .0305 shall govern enrollment in community college institutions.

(f) Effective with the class of 2001, all students must demonstrate computer proficiency as a prerequisite for high school graduation. The passing scores for this proficiency shall be 47 on the multiple choice test and 49 on the performance test. This assessment shall begin at the eighth grade. A student with disabilities shall demonstrate proficiency by the use of a portfolio if this method is required by the student's IEP.

(g) Special needs students as defined by G.S. 115C-109, excluding gifted and pregnant, who do not meet the requirements for a high school diploma shall receive a graduation certificate and shall be allowed to participate in graduation exercises if they meet the following criteria:

- (1) successful completion of 20 course units by general subject area (4 English, 3 math, 3 science, 3 social studies, 1 health and physical education, and 6 local electives) under Paragraph (e) of this Rule. These students are not required to pass the specifically designated courses such as Algebra I, Biology or United States history; and
- (2) completion of all IEP requirements.

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;
Eff. December 1, 1999;
Amended Eff. January 2, 2006; April 1, 2005; September 1, 2002; December 1, 2001; December 1, 2000.

16 NCAC 06D .0504 REVIEW PROCEDURES

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;
Eff. December 1, 1999;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06D .0505 LOCAL ACCOUNTABILITY PROCEDURES

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;
Eff. December 1, 1999;
Amended Eff. April 1, 2005;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06D .0506 STUDENTS WITH DISABILITIES

(a) Unless exempted pursuant to Paragraph (b) of this Rule, all students with disabilities shall participate in the statewide student accountability promotion standards for elementary, middle, and high school levels.

(b) Students with disabilities may be exempted from the statewide student accountability promotion standards by the IEP team, including the principal or school district representative. These students shall demonstrate evidence of progress on alternate assessments. Alternate assessments shall be performance measures that assess the educational progress of students with disabilities who are unable to participate in the general large-scale assessment system even when accommodations are provided to the student.

(c) All interventions/remediation and other opportunities, benefits and resources that are made available to students without disabilities shall be made available to students with disabilities who participate in the student promotion standards. All services offered shall be in addition to the special education services provided to the student.

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;
Eff. December 1, 1999;
Amended Eff. April 1, 2005.

16 NCAC 06D .0507 STUDENTS WITH LIMITED ENGLISH PROFICIENCY

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;
Eff. December 1, 1999;
Amended Eff. April 1, 2005;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06D .0508 NC GENERAL ASSEMBLY'S READ TO ACHIEVE PROGRAM

(a) Local education agencies (LEAs) shall enact third grade retention and promotion policies consistent with G.S. 115C-83.1, 83.3, and 83.7.

(b) Pursuant to G.S. 115C-83.3(2), LEAs shall use the Read to Achieve test as the alternative assessment in connection with G.S. 115C-83.7 and 83.8.

History Note: Authority G.S. 115C-83.1; 115C-83.3; 115C-83.7; 115C-83.8;
Eff. July 1, 2014.

16 NCAC 06D .0509 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06D .0510 THREE-YEAR GRADUATION

(a) For the purposes of this Rule, the following definitions shall apply:

- (1) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a). This Rule shall not apply to a charter school unless the charter school has elected to offer a three-year sequence of courses under G.S. 115C-218.85, or to a regional school unless the regional school has elected to offer a three-year sequence of courses under G.S. 115C-238.66.
- (2) "Superintendent" means the superintendent of a local school administrative unit or the staff member with the highest decision-making authority for a public school unit, if there is no superintendent.

(b) A student enrolled in a PSU who requests to graduate from high school 3 years after entering Grade 9 shall do so in accordance with this Rule. This Rule shall apply to a student who enters Grade 11 on or after July 1, 2024 and is at least 16 years of age at the time of graduation.

(c) The student shall complete and sign a 3-year graduation request form provided by the student's PSU. The form must be signed by the student's parent or legal guardian, unless the student is at least 18 years of age or has been emancipated in accordance with Chapter 7B, Article 35 of the General Statutes.

(d) An administrator from the student's high school or the PSU shall meet with the student and, if the student is under 18 years of age and not emancipated, the student's parent or legal guardian, to discuss the implications of graduating after three years. The administrator shall address, at minimum, the following topics:

- (1) Plans for transitioning into higher education, employment, or enlistment in the Armed Forces of the United States;
- (2) Discontinued access to high school services and programming, including extracurricular activities and interscholastic athletics; and
- (3) Support structures available to the student in the high school environment, such as nutrition and school counseling services, which will no longer be available upon graduation.

(e) The superintendent or designee shall verify that the student has met the minimum graduation requirements established by the State Board of Education ("SBE"), as defined in 16 NCAC 06D .0503.

(f) The superintendent shall approve the request upon verification of the student's eligibility and compliance with the procedures set forth above, no later than 45 school days after receipt of a request. If the request is approved during the semester after classes have started, the student may elect to graduate immediately or graduate at the end of the semester. However, if the student does not submit the request until after classes have started, the student shall be required to complete the current semester.

(g) PSUs shall provide students with information on how to graduate from high school within three years prior to the student selecting the student's course schedule for Grade 9. Such information shall include the topics listed in Paragraph (d) in this Rule as well as a recommended course schedule to allow the student to satisfy the minimum graduation requirements established by the SBE.

History Note: Authority G.S. 115C-12(9d); 115C-218.85; 115C-238.66;
Codifier determined that rule did not meet criteria for emergency rule on November 6, 2023.

Emergency Adoption Eff. November. 16, 2023;
Temporary Adoption Eff. February 8, 2024.

SUBCHAPTER 6E - STUDENTS

SECTION .0100 - ATTENDANCE

16 NCAC 06E .0101 ATTENDANCE DEFINED

To be considered in attendance, a student shall be present in the school or at a place other than the school with the approval of the appropriate school official to attend an authorized school activity. These activities include field trips, athletic contests, student conventions, music festivals or similar activities.

History Note: Authority G.S. 115C-379;
Eff. July 1, 1986;
Amended Eff. June 1, 1996.

16 NCAC 06E .0102 ATTENDANCE EXCUSED

(a) LEAs shall excuse the temporary absence of a student upon a showing of satisfactory evidence of one of the following bases:

- (1) Illness or injury prevents the student from being physically able to attend school.
- (2) The local health officer or the State Board of Health orders the isolation of the student.
- (3) The student is absent due to the death of a member of the immediate family.
- (4) The student has a medical or dental appointment.
- (5) The student is a party to or is under subpoena as a witness in the proceedings of a court or administrative tribunal.
- (6) The student is absent due to a religious observance in accordance with local school board policy.
- (7) The student obtains prior approval to take advantage of a valid educational opportunity, such as travel.

(b) LEAs may excuse temporary or occasional absences for other reasons in accordance with local board policies, provided that the student has been in attendance for at least one-half of the school day.

History Note: Authority G.S. 115C-379;
Eff. July 1, 1986;
Amended Eff. June 1, 1996.

16 NCAC 06E .0103 ENFORCEMENT

Each LEA must enforce the state laws and regulations which relate to compulsory attendance. LEAs may adopt rules which allow teachers to consider a student's absences in the computation of the student's grades.

History Note: Authority G.S. 115C-379;
Eff. July 1, 1986.

16 NCAC 06E .0104 INVOLUNTARY SUSPENSIONS

The absence of a student which results from the suspension or expulsion of that student for misconduct pursuant to the provisions of G.S. 115C-391 shall not be used for a compulsory attendance violation action.

History Note: Authority G.S. 115C-379;
Eff. July 1, 1986;
Amended Eff. June 1, 1996.

16 NCAC 06E .0105 EARLY ADMISSION TO KINDERGARTEN

(a) To determine the eligibility of a four-year-old child to enter kindergarten pursuant to the provisions of G.S. 115C-364(d), the principal shall confer with a committee of professional educators to consider for each child the following factors:

- (1) Student Aptitude. The child shall be precocious in academic and social development and shall score at the 98th percentile on a standard individual test of intelligence such as the Stanford-Binet, The Wechsler Preschool and Primary Scale of Intelligence, the Kaufman Anderson, or any other comparable test administered by a licensed psychologist.
- (2) Achievement. The child shall be functioning from two to three years beyond the child's peers. The child shall score at the 98th percentile on either reading or mathematics on a standard test of achievement such as the Metropolitan Readiness Test, the Stanford Early School Achievement Test, The Mini Battery of Achievement, the Woodcock-Johnson, the Test of Early Mathematics Ability (TEMA), the Test of Early Reading Ability (TERA), or any other comparable test administered by a licensed psychologist, a member of the psychologist's professional staff, or a professional educator who is trained in the use of the instrument and who has no conflict of interest in the outcome of the assessment.
- (3) Performance. The child shall be able to perform tasks well above age peers as evidenced by behaviors in one or more areas such as independent reading, problem solving skills, advanced vocabulary, and some writing fluency. The parent shall submit a sample of the child's work that shows outstanding examples of ability in any area including, but not limited to, art, mathematics, writing, dramatic play, creative productions, science, or social interactions. The principal may also require a teacher to complete an informal reading assessment of the child.
- (4) Observable Student Behavior/Student Interest. The child shall demonstrate social and developmental maturity sufficient to participate in a structured setting for a full school day. The child shall be capable of following verbal instructions and functioning independently within a group. The parent shall provide two recommendation letters with specific documentation of physical and social maturity from preschool teachers, child care workers, pediatricians, or others who have direct knowledge of the child. Useful documentation checklists include the California Preschool Competency Scale, the Harrison Scale, or any other comparable scale of early social development.
- (5) Motivation/Student Interest. The principal or principal's designee shall conduct an informal interview with the child and a more structured interview with the parent to determine if the child displays a thirst for knowledge and seeks new and challenging learning situations.

(b) The parent shall present the information required by this Rule to the principal within the first 30 calendar days of the school's instructional year. All testing shall be administered after the April 16th that follows the child's fourth birthday. The principal shall decide whether to grant the parent's request for enrollment within three weeks after receiving this information. The principal may conditionally enroll the child for up to 90 days in order to observe whether the child is able to adjust to the school setting. If the principal determines that the child has not adjusted to the school setting, the principal shall deny the request for enrollment. However, before the child is exited from school, the principal shall invite the parent to assist in the development of intervention strategies for the child. If those strategies are not successful, the principal shall provide the parent at least 10 days notice before exiting the child from school so the parent may arrange child care, if needed.

(c) LEAs may require parents to supply information in addition to that required by this Rule. LEAs may also require specific tests or other measures to provide information relating to the factors listed in Paragraph (a) of this Rule.

(d) Early admission to kindergarten shall not automatically result in the placement of the child in the program for academically gifted students. By the time the child has been enrolled for 90 calendar days, or at any earlier time that school officials determine that the child has adjusted satisfactorily and shall be allowed to remain in school, the gifted identification team shall review the child's information to determine if the child shall receive gifted services. If the team determines that the child shall receive gifted services, it shall develop either a differentiated education plan or an individual differentiated education plan for the child.

History Note: Authority G.S. 115C-364(d); N.C. Constitution, Article IX, Sec. 5; Temporary Adoption Eff. August 18, 1997; Eff. March 15, 1999.

16 NCAC 06E .0106 DEFINITION OF "STUDENT CHRONIC ABSENTEE"

20 U.S.C. 6311 (h)(1)(C)(viii), requires North Carolina to disseminate an annual State report card that includes student chronic absentee rates. When local school administrative units report student chronic absentee rates, a "Student Chronic Absentee" shall mean a student who has been enrolled in a North Carolina public school for at least 10 school days during a school year and who has been absent for at least 10 percent of the days enrolled.

History Note: Authority G.S. 115C-12(27) and (27a); 20 U.S.C. 6311 (h)(1)(C)(viii);

Eff. September 1, 2020.

16 NCAC 06E .0107 SCHOOL VIOLENCE ACTS DEFINED AND THE ANNUAL REPORT OF THESE CRIMES

(a) Local Education Agencies (LEAs) shall report the following crimes and offenses within five school days to the Department of Public Instruction:

- (1) Homicide as defined in G.S. 14-17 and 14-18;
- (2) Assault resulting in serious personal injury as defined in G.S. 14-32.4;
- (3) Assault involving the use of a weapon as defined in G.S. 14-32 through 14-34.10;
- (4) Rape as defined in G.S. 14-27.21 through 14-27.25;
- (5) Sexual offense as defined in G.S. 14-27.26 through 14-27.30;
- (6) Sexual activity, battery, contact and penetration under pretext of medical treatment as defined in G.S. 14-31 through 33;
- (7) Kidnapping as defined in G.S. 14-39;
- (8) Robbery with a dangerous weapon as defined in G.S. 14-87;
- (9) Indecent liberties with a minor as defined in G.S. 14-202.1, 14-202.2 and 14-202.4;
- (10) Assault with a firearm or powerful explosive as defined in G.S. 14-34 through 14-34.10 and 14-49 through 14-50.1;
- (11) Robbery with a firearm or dangerous explosive as defined in G.S. 14-87;
- (12) Willfully burning a school building as defined in G.S. 14-60;
- (13) Making bomb threats or engaging in bomb hoaxes as defined in G.S. 14-69.2;
- (14) Assault on school officials, employees, and volunteers as defined in G.S. 14-33(c)(6);
- (15) Possession of a controlled substance in violation of the law as defined in G.S. 90-86 through 90-113.8;
- (16) Possession of a weapon on campus or other educational property in violation of G.S. 14-269.2;
- (17) Unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages as defined in G.S. 18B-302;
- (18) Assault as defined in G.S. 14-33 but not resulting in an injury as severe as defined in G.S. 14-32.4;
- (19) Fighting, or affray as defined in G.S. 14-33;
- (20) Gang activity as defined in G.S. 14-50.17, 14-50.19 and 14-50.20;
- (21) Robbery as defined in G.S. 14-87, but without the use of a dangerous weapon;
- (22) Extortion as defined in G.S. 14-118.4;
- (23) Communicating threats in violation of G.S. 14-277.1;
- (24) Possession or use of tobacco products as defined in G.S. 14-313;
- (25) Property damage as defined in G.S. 115C-398;
- (26) Bullying or harassing behavior prohibited under policies adopted under G.S. 115C-407.16;
- (27) Cyberbullying as defined in G.S. 14-458.1 and 14-458.2;
- (28) Verbal harassment as defined in G.S. 115C-407.15;
- (29) Sexual harassment as defined in G.S. 115C-335.5; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e;
- (30) Discrimination as defined in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1688; Americans with Disabilities Act, 42 U.S.C. 12101.

(b) These offenses shall be reported when they occur under the following conditions and circumstances:

- (1) on school property, defined as any public school building, bus, public school campus, grounds, recreational area, or athletic field in the charge of the principal; or
- (2) off school property on a school-sponsored field trip.

History Note: G.S. 115C-12(18), (21); 115C-288(g);
Emergency Adoption Eff. August 20, 2019;
Eff. December 1, 2020.

SECTION .0200 – INTERSCHOLASTIC ATHLETICS

16 NCAC 06E .0201 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Administering organization" is defined in G.S. 115C-407.50(1).
- (2) "Aggrieved party" means a student, coach, participating school, PSU, or other party that is directly and adversely affected by a final decision of an administering organization that applies or enforces the rules established by this Section, including a determination of ineligibility under Rule .0207 of this Section, a penalty imposed under Rule .0209 of this Section, or a finding of undue influence or a recruiting violation under Rule .0210 of this Section. If a student is affected, the student's parent shall be allowed to appeal the final decision pursuant to Rule .0215 of this Section.
- (3) "Bona fide purpose" means for a purpose not primarily related to participation in interscholastic athletics.
- (4) "High school" means a public school offering education in Grades 9 through 12 or 10 through 12.
- (5) "Initial entry" means:
 - (A) a student's first day of attendance at a participating school in which the student is enrolled as recorded by that school; or
 - (B) the first day on which a student practices or otherwise participates as a member of an interscholastic athletics team at a participating school.
- (6) "Interscholastic athletics" or "interscholastic athletic activity" means any extracurricular athletic activity that:
 - (A) involves students in any Grades 6 through 12;
 - (B) is sponsored by an individual school, PSU, or administering organization; and
 - (C) includes students from more than one school or PSU.
- (7) "Junior high school" means a public school offering education in Grades 7 through 9.
- (8) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
- (9) "Middle school" means a public school offering education in Grades 6 through 8.
- (10) "Parent" is defined in G.S. 115C-407.50(6).
- (11) "Participating school" means a middle school, junior high school, or high school that elects to participate in interscholastic athletic activities.
- (12) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-making authority at a school, if there is no principal.
- (13) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).
- (14) "Student" means a person enrolled in Grade 6 through 12 in any public school.

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

16 NCAC 06E .0202 INTERSCHOLASTIC ATHLETICS
16 NCAC 06E .0203 ATHLETIC INJURY MANAGEMENT

History Note: Authority G.S. 115C-12(12); 115C-47(4); 150B-19(4);
 Eff. July 1, 1986;
 Amended Eff. July 1, 1994; July 1, 1990;
 Codifier of Rules objected to the Findings of Need for the Temporary Rule Eff. December 9, 1994;
 Temporary Amendment Eff. December 27, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Amended Eff. August 1, 2000; June 1, 1996; June 1, 1995;
 Codifier determined that findings did not meet criteria for temporary rule on December 10, 2001;
 Temporary Amendment Eff. December 31, 2001;
 Amended Eff. September 30, 2002 (Executive Order No. 33);
 Repealed Eff. March 1, 2021.

16 NCAC 06E .0204 ADMINISTRATION OF INTERSCHOLASTIC ATHLETICS

(a) Public school units may allow high schools under their jurisdiction to belong to an administering organization designated by the Superintendent of Public Instruction ("Superintendent").

(b) An administering organization that has entered into a memorandum of understanding with the Superintendent for the purpose of administering interscholastic athletics under this Section shall apply and enforce all of the requirements of this Section. An administering organization shall provide training and resources to ensure that all students, parents, and PSU personnel involved in the administration of interscholastic athletics understand and comply with the provisions of this Section.

(c) If the Superintendent enters a memorandum of understanding with one or more administering organizations consistent with G.S. 115C-407.61, the SBE shall delegate to the administering organization(s) its authority over participating high schools to:

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

(d) An administering organization shall:

- (1) Enter into a memorandum of understanding, consistent with the requirements of G.S. 115C-407.55(8) and 115C-407.61, with the Superintendent no later than March 15 prior to the academic year in which it is to begin administering interscholastic athletics and no later than the March 15 before the expiration of an existing memorandum of understanding;
- (2) Submit an audit report signed by an independent certified public accountant or accounting firm, which is in good standing with the North Carolina State Board of Certified Public Accountant Examiners and performs no other tasks or functions for the administering organization besides the annual audit, to the State Board of Education no later than March 15 each year;
- (3) Broadcast the meetings of its membership and board of directors in a manner that is announced on its website and which may be viewed electronically by any member of the public;
- (4) Provide to the State Board of Education within 30 days any requested organizational records, such as, financial information, annual audit reports, and any matters related to or impacting participating schools;
- (5) Enter into written agreements with PSUs that allow their eligible schools to participate in interscholastic athletics, which agreements shall include an explanation of the fees to be charged, the obligations of the PSU and participating schools, penalties for the violation of this Section that may be imposed, and an explanation of the process to file an appeal pursuant to Rule .0215 of this Section; and
- (6) Publish the organization's rules through a link on the home page of its website.

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

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

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

(h) The Superintendent shall be responsible for general oversight of interscholastic athletic activities at participating middle and junior high schools. Public school units shall apply and enforce the requirements of this Section for participating middle and junior high schools under their jurisdiction. A PSU may also waive any student participation rule as applied to a specific

student enrolled at a middle or junior high school under the jurisdiction of the PSU, in accordance with .0207(k) of this Section.

*History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50, 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Emergency Adoption Eff. August 20, 2019;
Eff. March 1, 2021;
Temporary Amendment Eff. July 1, 2022;
Amended Eff. July 1, 2023;
Temporary Amendment Eff. July 1, 2024.*

16 NCAC 06E .0205 STUDENT HEALTH AND SAFETY REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC COMPETITION

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

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

- (1) The definitions and symptoms of concussions and head injuries;
- (2) A description of the physiology and the potential short-term and long-term effects of concussions and other head injuries;
- (3) The medical return-to-play protocol for post-concussion participation in interscholastic athletic activities; and
- (4) Any other information deemed necessary by the PSU.

(c) School employees, first responders, volunteers, and students shall sign the information sheet and return it to the coach before participating in interscholastic athletic activities, including tryouts, practices, or competition. Parents shall sign the information sheet and return it to the coach before a child may participate in any such interscholastic athletic activities. The signed sheets shall be maintained in accordance with .0207(b) of this Section.

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

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

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

- (1) In writing;
- (2) Reviewed by an athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
- (3) Approved by the principal of the school;
- (4) Distributed to all appropriate personnel;
- (5) Posted conspicuously for community and parental awareness at all athletic-sponsored venues; and
- (6) Reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.

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

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

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

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.57; 115C-407.58; 115C-407.60;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Rule Eff. August 20, 2019;
Emergency Rule Exp. Eff. August 20, 2020;
Temporary Adoption Eff. July 1, 2024.

16 NCAC 06E .0206 ATHLETIC TRAINERS

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

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

- (1) Complete and maintain certification in cardiopulmonary resuscitation as certified by an organization such as the American Red Cross or the American Heart Association;
- (2) Complete and maintain certification in first aid as certified by an organization such as the American Red Cross or the American Heart Association;
- (3) Complete and maintain training in concussion management as offered by an organization such as the National Federation of State High School Associations ("NFHS");
- (4) Complete and maintain continuing education in injury prevention and management as offered by an organization such as the NFHS; and
- (5) Complete 10 hours total of staff development each school year specific to first aid and injury recognition and prevention. The 10 hours may include hours necessary for recertifications or renewals.

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

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

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

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Emergency Adoption Eff. August 20, 2019;
Eff. March 1, 2021;
Temporary Amendment Eff. July 1, 2024.

16 NCAC 06E .0207 STUDENT PARTICIPATION RULES FOR INTERSCHOLASTIC ATHLETICS

(a) A student shall not participate in interscholastic athletics on behalf of a North Carolina public school unless the student has satisfied the eligibility requirements set forth in this Rule. PSUs are authorized to determine whether and to what extent students under their jurisdiction may participate in interscholastic athletics, not inconsistent with the requirements of this Rule.

(b) Each PSU shall require the principal of a participating school to sign and date a list of eligible students for each sport. The PSU shall maintain a copy of the most current list in the principal's office and the office of the superintendent.

(c) Residency Requirements

- (1) For purposes of this Rule, a student's primary residence shall be determined as follows:
 - (A) If the student lives with both parents, the residence of both parents.
 - (B) If the student lives with a single parent, the residence of that parent.
 - (C) If the student's parents are separated or divorced, the residence of the parent to whom a court of competent jurisdiction has awarded primary custody of the student. If no custody order has been entered, the student's primary residence shall be deemed to be that at which the student is residing more than half-time at the beginning of the school year.
 - (D) If a student lives with an individual to whom a court of competent jurisdiction has awarded legal guardianship of the student, the residence of that individual.
 - (E) If a student has been emancipated in accordance with Chapter 7B, Article 35 of the General Statutes, the student's residence at the time of emancipation.

- (F) If a student is a foreign national participating in a foreign exchange program authorized by federal and state law, the residence to which the student is assigned by the program or host PSU.
 - (2) A student shall not participate in interscholastic athletics following a change in primary residence unless the change was made for a bona fide purpose and with the intent that it be permanent. An administering organization shall resolve, by a preponderance of the evidence, any disputes regarding a high school student's primary residence or whether a change in a student's primary residence was for a bona fide purpose.
- (d) Enrollment Requirements
- (1) A student who attends a school supervised by a local board of education shall only participate in interscholastic athletics on behalf of the school to which the student is assigned under G.S. 115C-366.
 - (2) A student enrolled in a charter school, regional statewide public school, or school operated by the University of North Carolina shall meet all the enrollment criteria for that school and attend that school. A student who attends a school described in this Subparagraph shall not participate in interscholastic athletics on behalf of that school unless the student's primary residence is within either:
 - (A) the county in which the school is located, or
 - (B) twenty-five miles of the school as determined by an administering organization.
 - (3) A local board of education may by policy allow a person who is enrolled in Grade 6 through 12 in a home school, as defined in G.S. 115C-563(a), and whose primary residence is within the board's jurisdiction to participate in interscholastic athletics on behalf of a participating school under the board's jurisdiction, provided that the board either agrees to cover any such person whom it allows to participate under its catastrophic athletic accident insurance policy or verifies that the person is independently covered by catastrophic accident insurance.
- (e) Transfer Requirements
- (1) After a student's initial entry into Grade 9, and absent a change in residence for a bona fide purpose as provided in Paragraph (c) of this Rule:
 - (A) a student who transfers from one school to another school within the same PSU shall not participate in interscholastic athletics for 365 calendar days following the student's enrollment in the new school, unless the governing authority of the PSU has adopted a policy allowing immediate eligibility for students who are assigned by the PSU to a different school within the same PSU.
 - (B) a student who transfers from a school in one PSU to a school in a different PSU shall not participate in interscholastic athletics for 365 calendar days following the student's enrollment in the new school, except by mutual agreement of the governing authorities of each PSU.
 - (2) After a student's initial entry into Grade 9, if a student transfers to a new school within 365 calendar days after that school hires a coach for an interscholastic athletics team who was previously employed as a coach for an equivalent sport by the school from which the student is transferring, the student shall be ineligible to participate in interscholastic athletics for that sport for 365 calendar days following the student's enrollment in the new school. An administering organization may waive this restriction it determines by a preponderance of the evidence that the student's transfer was for a bona fide purpose.
 - (3) A student who receives priority enrollment as the child of a full-time employee of a charter school pursuant to G.S. 115C-218.45(f)(3) shall not be eligible to participate in interscholastic athletics for that charter school if the Department of Public Instruction determines that the parent's employment was a fraudulent basis for the student's priority enrollment. A student determined to be ineligible under this Subparagraph shall be ineligible to participate in interscholastic athletics for 365 calendar days following discovery of the violation.
 - (4) For purposes of this Paragraph, if a student transfers from a public school to a nonpublic school, including a home school as defined in G.S. 115C-563(a), and within 365 calendar days transfers to a different public school, the transfer from the nonpublic school shall be treated as a transfer from a public school.
 - (5) A student who transfers to the North Carolina School of Science and Mathematics is exempt from the requirements of this Paragraph upon initial entry into that school.
 - (6) No student shall participate in more than one season of interscholastic athletics per year in the same sport, regardless of the school on behalf of which the student participated.
- (f) Scholastic Requirements

- (1) To be eligible to participate in interscholastic athletics, a student must be in good academic standing. For purposes of this Rule, a student shall be deemed to be in good academic standing under the following circumstances:
 - (A) The student attended at least 85 percent of the total number of instructional days in the PSU during the previous semester;
 - (B) The student passed at least 70 percent of the courses taken in the preceding semester; and
 - (C) The student is making sufficient progress toward meeting the academic and curricular requirements of the PSU and the State Board of Education to be promoted to the next grade level or to graduate within the next calendar year.
 - (2) For the purpose of determining good academic standing during the fall semester, a student may count courses that the student passed in a summer school session in which the student was enrolled during the same calendar year toward the total number of courses passed in the preceding spring semester, provided that summer school courses shall not affect the total number of courses attempted in the preceding spring semester.
 - (3) A student who is promoted from Grade 5 to Grade 6 shall be deemed to have satisfied the requirements set forth in this Paragraph to participate in the first semester of Grade 6.
 - (4) A student who is promoted from Grade 8 to Grade 9 shall be deemed to have satisfied the requirements set forth in this Paragraph to participate in the first semester of Grade 9.
 - (5) For interscholastic athletic activities occurring between July 1, 2024, and December 31, 2024, any student who has satisfied the requirements of 16 NCAC 06E .0204(d), as it was written on June 30, 2024, shall be deemed to have satisfied the requirements of this Paragraph.
- (g) Age Requirements
- (1) Each PSU shall determine the age of a student participating in interscholastic athletics based on a preponderance of the evidence known to the PSU.
 - (2) A student who is ineligible to participate at one grade level due to age shall be eligible to participate at the next higher grade level only, provided that a student:
 - (A) Shall be eligible to participate at the middle school level for no more than six consecutive semesters, beginning with the student's initial entry into Grade 6.
 - (B) Shall be eligible to participate at the high school level for no more than eight consecutive semesters, beginning with the student's initial entry into Grade 9.
 - (C) Shall not participate on a middle school team if the student becomes 15 years of age before August 31 of that school year.
 - (D) Shall not participate on a junior high school team if the student becomes 16 years of age on or before August 31 of that school year.
 - (E) Shall not participate on a high school team if the student becomes 19 years of age on or before August 31 of that school year.
 - (3) A student in Grade 6 shall not participate in tackle football.
- (h) Biological Requirements. All students participating in interscholastic athletics shall comply with the biological participation requirements as provided in G.S. 115C-407.59.
- (i) Medical Requirements. To be eligible to participate in interscholastic athletics, a student shall receive a medical examination every 395 days by a licensed physician, nurse practitioner, or physician assistant, subject to the provisions of Chapter 90 of the General Statutes.
- (j) A student shall not participate in interscholastic athletics after pleading guilty or "no contest" to, or being convicted of, a felony under the laws of North Carolina, the United States, or any other state. Prior to deeming the student ineligible, an administering organization shall receive a certified copy of a criminal record reflecting the conviction and verify that the student is the same individual identified in the criminal record.
- (k) An administering organization shall, in an individual student's case, waive any eligibility requirement contained in this Rule if it finds that enforcing the requirement:
- (1) fails to promote academic progress, health, safety, and fair play;
 - (2) works an undue hardship on a student who has lost eligibility due to circumstances that made participation impossible, such as prolonged illness or injury; or
 - (3) prevents the reasonable accommodation of a student's disability, as required by the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;

*115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024.*

16 NCAC 06E .0208 AMATEUR RULES FOR INTERSCHOLASTIC ATHLETICS

(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.

(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:

- (1) Public appearances or commercials.
- (2) Autograph signings.
- (3) Athletic camps and clinics.
- (4) Sale of non-fungible tokens ("NFTs").
- (5) Product or service endorsements.
- (6) Promotional activities, including in-person events and social media advertisements.

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

- (1) Graduation from high school, except that the student may continue to participate in playoff and state championship contests in spring sports after graduation;
- (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.
- (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:
 - (A) The value does not exceed two hundred-fifty dollars (\$250.00) per student per season;
 - (B) The item is totally consumable and nontransferable, or labeled in a permanent manner (e.g., an engraved or monogrammed item); and
 - (C) The item is approved by the principal of the student's school and the local superintendent.
- (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.

(d) A student shall not be deemed ineligible under this Rule for 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.

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

*History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60;
115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024.*

16 NCAC 06E .0209 PENALTY RULES FOR INTERSCHOLASTIC ATHLETICS

(a) A PSU shall impose at least the following penalties on a student, coach, or school official in Grades 6 through 12 who is ejected from an interscholastic athletic contest:

- (1) for the first offense, the person shall be reprimanded and suspended from participating in the next game;
- (2) for a second offense, the person shall be placed on probation and suspended from participating in the next two games;
- (3) for a third offense, the person shall be suspended from participation in interscholastic athletics for one calendar year;
- (4) a coach who is suspended shall not coach any team for any grade level during the period of suspension.

(b) Penalties shall be cumulative from sport to sport and from sport season to sport season. If no member of the school's coaching staff is present to assume an ejected coach's duties, the contest shall be terminated by forfeit.

(c) The PSU that has jurisdiction over a participating school may impose penalties in addition to those required by an administering organization.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024.

16 NCAC 06E .0210 LIMITATIONS ON RECRUITING AND UNDUE INFLUENCE

(a) No student, coach, professional educator, or other employee of a PSU or administering organization shall subject a student to undue influence by any other student, coach, principal, local superintendent, or other PSU employee for the purpose of inducing or causing the student to transfer from one participating school to another to participate in interscholastic athletics on behalf of the receiving school.

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

- (1) Initiating or arranging communication or contact in any form, including letters, email, or phone calls, with the student or a member of the student's family.
- (2) Visiting or entertaining the student or a member of the student's family.
- (3) Providing or arranging for transportation for the student or member of the student's family to visit a participating school or meet with anyone associated with the participating school.
- (4) Communicating to a student or a member of the student's family, either implicitly or explicitly, that a participating school's athletic program or sports team is superior to that of another participating school, or that it would be advantageous for the student to participate in athletics at a specific participating school. Such communication may be oral, written, or audiovisual in format.

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

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

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024.

16 NCAC 06E .0215 APPEALS

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

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

- (1) Findings of fact.
- (2) Conclusions of law, including citation to and a copy of any rules related to the decision.
- (3) A description of any penalties imposed.
- (4) A statement that the aggrieved party may file a notice of appeal within five days of receipt of the administering organization's decision by sending the notice to the Superintendent via electronic mail or the United States Postal Service.

(c) An aggrieved party may file an appeal with the Superintendent within five days after receipt of the administering organization's final decision. The final decision shall be mailed to the aggrieved party, with a copy to the local superintendent and principal with jurisdiction over the aggrieved party.

(d) The aggrieved party's appeal shall:

- (1) Be in writing.
- (2) Include a description of the facts of the dispute.
- (3) Include any evidence submitted to the administering organization.
- (4) Present an argument explaining with the aggrieved party believes the administering organization's final decision was not based on substantial evidence, as defined in G.S. 150B-2(8c), or is affected by an error of law.

(e) The administering organization may file a response to the aggrieved party's submissions within five days. The appeals board may shorten the time for filing the administering organization's response if the decision affects a student's or coach's eligibility to participate in an intervening athletic contest.

(f) All documents filed in the appeal shall be simultaneously served on all parties via email and the United States Postal Service. If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the documents via electronic mail or the United States Postal Service to the local superintendent and principal with jurisdiction over the aggrieved party.

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

(h) No later than 30 days after the Superintendent's receipt of the appeal, the panel shall issue its decision. The panel shall affirm the administering organization's final decision unless a majority of the panel determines that the final decision is not supported by substantial evidence or is affected by an error of law. The panel may also remand the decision to the administering organization for further review if there is an intervening change in any relevant law or if the panel determines that additional information is necessary to inform its decision.

(i) The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a penalty imposed by the administering organization pending the final decision of the appeals board.

(j) The panel's decision shall be final.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b); Temporary Adoption Eff. July 1, 2024.

SECTION .0300 – DRIVER TRAINING

16 NCAC 06E .0301 DRIVER TRAINING

(a) In discharging their duty to provide a course of training and instruction in the operation of motor vehicles as set forth in G.S. 115C-216, local boards of education shall provide a program which meets the following standards and requirements:

- (1) Principals shall enroll students who meet the criteria established by G.S. 20-88.1(a)(i), (iii) and (iv);
- (2) The program will be free of charge to eligible students;
- (3) Enrollees must obtain either a temporary learner's permit or a restricted instruction permit before they begin behind-the-wheel instruction.
- (4) Classroom instruction will consist of at least 30 clock hours of instruction. Beginning in school year 1992-93, students may take and pass a proficiency examination developed or designated by the Department of Public Instruction to waive the classroom instruction. Each student must complete a minimum of 6 hours of behind-the-wheel instruction.
- (5) The program will be reasonably available on a year-round basis to all eligible persons.
- (6) The local board of education will determine class size restrictions, but may not allow instruction in the car to less than two nor more than four students.
- (7) The local board of education will determine the amount of instruction per day for classroom or in-car instruction or a combination of both.
- (8) The local board of education will issue a certificate to students who satisfactorily complete the prescribed course.
- (9) Driver education instructors must possess a valid North Carolina driver's license and must have a driving record acceptable to the local board of education. In addition, instructors hired for driver education shall either:
 - (A) hold a driver education certificate issued by the SBE; or
 - (B) have non-certified status according to minimum standards established by Rule .0302 of this Section.

(10) The program shall not be provided during the regular instructional day.

(b) Two or more local boards of education may jointly operate a program under a written agreement meeting the requirements of G.S. 160A-460 et seq. The agreement shall provide for one local board of education to assume administrative responsibility for the program.

(c) For purposes of G.S. 20-11, G.S. 20-13.2(c1), and G.S. 115C-12(28), the following definitions shall apply:

- (1) "High school diploma or its equivalent" means and includes the General Equivalency Diploma (G.E.D.) and the adult high school diploma.

- (2) "Making progress toward obtaining a high school diploma" means that the student must pass at least seventy percent (70%) of the maximum of possible courses each semester and meet promotion standards established by the LEA.
- (3) "Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:
 - (A) The parent is unable to drive due to sickness or other impairment and the student is the only person of driving age in the household.
 - (B) The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.
 - (C) The student has been unable to attend school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma.
- (4) A "student who cannot make progress toward obtaining a high school diploma or its equivalent" shall mean a student who has been identified by the principal or principal's designee, together with the IEP committee or the school's student assistance team, as not having the capacity to meet the requirements for a high school diploma or its equivalent due to a disability.
- (5) "Exemplary behavior" shall mean that a student whose operator's permit or license has been revoked pursuant to G.S. 20-13.2(c1) and who has returned to school has, since returning to school:
 - (A) had no additional incidents of misconduct for which expulsion, suspension, or assignment to an alternative educational setting is required; and
 - (B) had no violations of local school board policies such as attendance, dress codes, or other behaviors that may result in disciplinary action against the student.
- (6) "Successful completion of a treatment counseling program" shall mean completion of a minimum of 12 hours of drug or alcohol treatment, counseling, a mental health treatment program, or other intervention program required by the LEA.

(d) Each LEA shall determine the process by which decisions concerning the issuance of a driving eligibility certificate shall be appealed.

(e) The principal of a high school or the principal's designee shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma or its equivalent or when the student has dropped out of school.

(f) Each charter school, non-public school, and community college shall designate an official who shall notify the Division of Motor Vehicles whenever a student is no longer making progress toward obtaining a high school diploma.

*History Note: Filed as a Temporary Adoption Eff. August 12, 1991 for a period of 180 days to expire on February 7, 1992;
 Authority G.S. 20-88.1; 115C-12(28); 115C-216;
 ARRC Objection Lodged August 22, 1991;
 Eff. March 1, 1992;
 Temporary Amendment Eff. August 15, 1998;
 Temporary Amendment Eff. March 15, 2000;
 Amended Eff. July 1, 2000;
 Temporary Amendment Eff. March 15, 2000 expired on December 10, 2000;
 Amended Eff. July 18, 2002.*

16 NCAC 06E .0302 NON-CERTIFIED INSTRUCTOR STATUS

To qualify for non-certified instructor status, a person must, as a minimum:

- (1) be at least 21 years of age and have graduated from high school or hold a high school equivalency certificate;
- (2) be of good moral character;
- (3) not have had convictions of moving violations totaling seven or more points in the three years preceding the date of application;
- (4) have at least four years' experience as a licensed operator of a motor vehicle;
- (5) not have had a revocation or suspension of his or her driver's license in the four years immediately preceding the date of application; and
- (6) have completed the licensed instructor course offered through the community college system and approved by the Department and the Division of Motor Vehicles.

History Note: Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on February 7, 1992;
Authority G.S. 20-88.1; 115C-216;
Eff. March 1, 1992.

16 NCAC 06E .0303 DRIVER EDUCATION CONTRACTS

(a) Local boards of education may enter into contracts with public or private entities or individuals to provide a program of driver education for students.

(b) Contracts shall be awarded on a competitive basis through requests for proposals to contract. Local boards of education shall establish the process for soliciting proposals, the number of proposals required, and the time and place for receiving and opening proposals. In addition, local boards of education shall determine whether bid bonds or performance bonds shall be required. Decisions to award contracts shall be based on quality, safety, costs and such other reasonable factors as local boards of education may establish.

(c) A contract may not be awarded to an entity not licensed by the Division of Motor Vehicles as a commercial driving school pursuant to G.S. 20-322. A contract may be awarded to an individual not licensed as a commercial driving school by the Division of Motor Vehicles if he or she is certified by the SBE in driver education or hold non-certified instructor status.

(d) All contracts shall specifically require the contractor to adhere to the requirements of these Rules, 16 NCAC 6E .0301 - .0303. In addition, all contracts shall prescribe:

- (1) the term of the contract, which may not exceed one year;
- (2) the procedure for renewal of the term of the contract, if any, except that a contract may not be renewed for more than two successive one-year terms;
- (3) the grounds for termination of the contract, including automatic termination in the event of revocation of the license required by G.S. 20-325;
- (4) whether school facilities or vehicles are to be leased or used by the contractor and, if so, the terms and conditions of the lease;
- (5) whether the contractor will provide transportation home for students;
- (6) the types of vehicles and equipment to be provided by the contractor, if any; and
- (7) such other terms and conditions, including the purchase of insurance by the contractor, as the local board of education may determine to be reasonable and appropriate.

History Note: Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on February 7, 1992;
Authority G.S. 20-88.1; 115C-216;
Eff. March 1, 1992.

SUBCHAPTER 6F - GENERAL PUBLIC RELATIONS

16 NCAC 06F .0101 DEFINITIONS

As used in this Section:

- (1) "Local matching funds" included in the community schools approved budget means that fiscal support which is derived from all local revenue sources, except that LEAs may not use fees charged to program participants or funds derived from charges for the use of facilities as revenue for this budget.
- (2) "Local interagency advisory council" means a system-wide council comprised of community agency representatives. The council may also include representatives from local organizations, groups and institutions as deemed appropriate.

History Note: Authority G.S. 115C-206;
Eff. July 1, 1986.

16 NCAC 06F .0102 LOCAL REQUIREMENTS

LEAs which elect to apply for state community schools funds and to develop a local program must:

- (1) appoint a community schools advisory council;
- (2) adopt policies, rules and plans for increased community involvement in public schools and their programs; and
- (3) adopt policies, rules and plans for increased use of public school facilities by individuals, organizations and agencies.

*History Note: Authority G.S. 115C-206;
Eff. July 1, 1986.*

16 NCAC 06F .0103 APPLICATION PROCESS

LEAs make application to participate on forms supplied by the Department. The LEA must include in the application:

- (1) plans for establishing and involving local community schools advisory councils;
- (2) policies for increased community involvement including volunteers in public schools and increased community use of public school facilities;
- (3) procedures by which the needs of the community and the existing resources available to meet them are assessed;
- (4) the goals and objectives of the proposed program;
- (5) the methods and techniques of cooperation, coordination and collaboration with other agencies;
- (6) the plan for evaluating the program;
- (7) a budget which shows state and local funds to be expended; and
- (8) a program description to include:
 - (a) number of school sites to be used;
 - (b) age groups to be served;
 - (c) types of services to be offered; and
 - (d) administrative organization for implementation of the program.

*History Note: Authority G.S. 115C-206;
Eff. July 1, 1986.*

16 NCAC 06F .0104 CRITERIA FOR REVIEW

- (a) The interagency advisory council on community schools reviews applications according to the following criteria:
 - (1) definite statement of goals and objectives specifically related to the purposes of the Community Schools Act;
 - (2) specific, clearly defined program plans which include:
 - (A) the recruitment, training and use of volunteers as stated in the act;
 - (B) the involvement of community schools advisory councils throughout the program's existence;
 - (C) the involvement of agencies in program planning and implementation so as to avoid duplicating or competing with programs offered by other agencies; and
 - (D) the maximum use of school facilities by individuals, groups, organizations, and agencies;
 - (3) a locally developed evaluation plan to measure the impact of the program; and
 - (4) the community schools program budget.
- (b) The interagency council makes recommendations to the superintendent, who presents all proposals to the SBE for final approval.

*History Note: Authority G.S. 115C-206;
Eff. July 1, 1986.*

SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS

SECTION .0100 - PRIVATE BUSINESS AND TRADE SCHOOLS AND CORRESPONDENCE SCHOOLS

- 16 NCAC 06G .0101 LICENSING PROCEDURES**
16 NCAC 06G .0102 BUSINESS SCHOOL REQUIREMENTS

History Note: Authority G.S. 115C-570(c);
Eff. July 1, 1986;
Repealed Eff. March 1, 1993.

SECTION .0200 - ACCREDITATION

16 NCAC 06G .0201 ACCREDITATION PURPOSE

History Note: Authority G.S. 115C-81; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06G .0202 ACCREDITATION PROCEDURES

History Note: Authority G.S. 115C-81; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. September 1, 1990;
Repealed Eff. August 1, 1999.

16 NCAC 06G .0203 HIGH SCHOOL ACCREDITATION FRAMEWORK

- (a) The High School Accreditation Framework is the process whereby public schools or school districts undergo a quality assurance process that includes outside review by the North Carolina Department of Public Instruction (NCDPI).
- (b) The process to request an accreditation review and determine high school accreditation is as follows:
- (1) The district superintendent shall make the request in writing and submit it to the SBE;
 - (2) The NCDPI shall conduct the review using three years of data;
 - (3) The NCDPI shall provide findings to the SBE, and the SBE shall make a decision regarding accreditation; and
 - (4) The LEA shall be notified of the SBE decision.
- (c) The NCDPI shall use the following indicators to conduct its accreditation review:
- (1) The school's performance composite;
 - (2) The cohort graduation rate, which is the percentage of ninth graders who graduate high school within the same four-year period; and
 - (3) Factors of post-secondary readiness measures, including:
 - (A) successful completion of Mathematics III;
 - (B) ACT, a college readiness assessment; and
 - (C) WorkKeys, a career readiness assessment.
- (d) Accreditation shall be valid for five years.

History Note: Authority G.S. 115C-12(39); N.C. Const. Art. IX, Sect. 2 and 5;
Eff. April 1, 2014.

SECTION .0300 -SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY PROGRAM

16 NCAC 06G .0301 LOCAL SCHOOL IMPROVEMENT PLANS

16 NCAC 06G .0302 DIFFERENTIATED PAY

History Note: Filed as a Temporary Rule Eff. November 7, 1989 for a period of 180 days to expire on May 6, 1990;
Authority G.S. 115C-238.1; 115C-238.4;
Eff. May 1, 1990;
Amended Eff. July 1, 1994; March 1, 1993;
Repealed Eff. June 1, 1996.

16 NCAC 06G .0303 FLEXIBLE FUNDING

The SBE shall not consider or grant waivers for:

- (1) teacher assistants;
- (2) matching state funds for federal vocational education;
- (3) transportation;
- (4) employee benefits, including annual leave and longevity;
- (5) Willie M.; and
- (6) all federal funds.

History Note: Filed as a Temporary Rule Eff. November 7, 1989 for a period of 180 days to expire on May 6, 1990; Authority G.S. 115C-238.1; Eff. May 1, 1990; Amended Eff. June 1, 1996.

16 NCAC 06G .0304 DISPUTE RESOLUTION PROCESS

- (a) In the event a local board of education does not accept a school's improvement plan within 60 days after the school initially submitted the plan to the board, the local board or the school may request the SBE to mediate the disagreement.
- (b) Either the principal of the school or the local board of education may submit a request for mediation to the Department, office of instructional and accountability services.
- (c) The request shall summarize the dispute issues. Both the principal of the school and the chair of the local board of education shall sign the request.
- (d) The office of instructional and accountability services shall review the request and shall inform the principal of the school and the chair of the local board of education of the time and place for the mediation.
- (e) The office of instructional and accountability services shall assign a mediator from persons who have been selected as assistance team members pursuant to G.S. 115C-105.31.
- (f) The mediator shall assist the parties to identify options for solving the disagreement.
- (g) If the mediator determines that the parties can reach an agreement, the mediator shall suggest language and shall write the agreement. Each party involved shall agree on each part.
- (h) Each party shall sign the agreement. The agreement shall become a part of the school's improvement plan. The school shall then submit the improvement plan to the local board of education for its approval.

History Note: Authority G.S. 115C-12(9)c4; Eff. November 1, 1997.

16 NCAC 06G .0305 DEFINITIONS

For purposes of this Section, the following definitions shall apply:

- (1) "Accountability measures" are SBE-adopted tests designed to gauge student performance and achievement.
- (2) "Adequate yearly progress" or "AYP" shall have the same definition as set out in P.L. 107-110, section 1111(b)(2)(C).
- (3) "Compliance commission" means that group of persons selected by the SBE to advise the SBE on testing and other issues related to school accountability and improvement. The commission shall be composed of teachers, principals, central office staff representatives, local school board representatives, a charter schools representative, and at-large members who represent parents, business, and the community.
- (4) "C-scale" means change scale, which is a standardized scale to measure student performance across the years and content areas. To convert the developmental scale scores to c-scale scores, subtract the state mean for the standard setting year from the developmental scale score, and then divide by the standard deviation for the standard setting year.
- (5) "C-ratio" means the ratio of student scores that achieve an academic change of "0.00" or greater to those with an academic change of less than "0.00", including in the numerator for high schools when used for calculating high growth, the factor for change in college tech prep and college university prep graduation rate and the change in competency test pass rate and including in the denominator, the factor for change in drop out rate.
- (6) "Eligible students" means the total number of students in membership in the respective grades or enrolled in the respective EOC courses at the time the assessments are administered in a statewide assessment.
- (7) "Expected growth" means having met the standard defined by students on average performing as well in their current grade or content as is typical for the same student in previous grades and contents when using the change scale to compare and allowing for a factor of regression to the mean as defined in this policy.

- (8) "High growth" means the school has met the standard of having a c-ratio of 1.50 or greater.
- (9) "Growth standards" means and includes collectively all the factors defined in this Rule that are used in the calculations described in Paragraph (h) of Rule .0312 of this Section to determine a school's growth/gain composite.
- (10) "Performance Composite" is the percent of scores of students in a school that are at or above Achievement Level III, are at a passing level on the North Carolina Computer Skills Test (students in eighth grade only) as specified by 16 NCAC 06D .0503(f), and at proficiency level or above on the state alternate assessments to the extent that any apply in a given school and consistent with United States Department of Education regulations concerning alternate assessments. The SBE shall:
 - (a) determine the number of scores that are at Level III or IV in reading, or mathematics, or writing across grades 3 through 8, or on all EOC assessments administered as a part of the statewide testing program; add the number of scores that are at a passing level on the North Carolina Computer Skills Test (students in eighth grade only); add the number of scores that are proficient or above on the state alternate assessments and use the total of these numbers as the numerator;
 - (b) determine the number of student scores in reading, or mathematics, or writing (starting in the 2004-05 school year), across grades 3 through 8, or on all EOC assessments administered as part of the statewide testing program; add the number of students in grade 8; add the number of student scores on the state alternate assessments and use the total of these numbers as the denominator; and
 - (c) total the numerators for each content area and subject, total the denominators for each content area and subject, and divide the denominator into the numerator and multiply the quotient by 100 to compute the performance composite.
- (11) "Regression coefficient" means an adjustment factored into the expected growth formula for the purpose of making a prediction about expected student performance. For the purposes of figuring student growth (academic change) the factor shall be 0.08 when using the average of two previous assessments and 0.18 when using a single assessment.
- (12) "Standard setting year" means the first year of the test edition implementation.
- (13) "Students with the most significant cognitive disabilities" means students with disabilities whose IEP has determined shall be assessed using an alternate assessment based on alternate achievement standards as determined by their IEP.
- (14) "Students with persistent academic disabilities" means students with disabilities assessed using an alternate assessment based on modified grade-level achievement standards as determined by their IEP.
- (15) "Weight" means the number of students used in the calculation of the amount of growth for a subject or content area, and the College University Prep/College Tech Prep, the Competency Passing Rate, and the ABCs Dropout Rate components.

History Note: Authority G.S. 115C-12(9)c4.;
 Eff. January 1, 1998;
 Amended Eff. December 1, 2000;
 Temporary Amendment Eff. March 5, 2001;
 Amended Eff. January 2, 2006; April 1, 2005; April 1, 2002; September 1, 2001.

16 NCAC 06G .0306 IDENTIFICATION OF LOW-PERFORMING SCHOOLS

The SBE shall identify a school as low-performing if its expected growth composite score is less than zero and its composite performance score is less than 50 percent.

History Note: Authority G.S. 115C-12(9)c4.;
 Eff. January 2, 1998.

16 NCAC 06G .0307 ASSISTANCE TEAMS

- (a) When performing its duties under G.S. 115C-105.38, each assistance team appointed by the SBE shall act in an advisory capacity to local school personnel, local school boards, and the SBE.
- (b) Local boards of education and local school employees shall cooperate with assistance teams in the performance of their duties.
- (c) Members of the assistance teams shall be subject to all confidentiality requirements that apply to local school employees.

(d) In the event of a disagreement between the assistance team and the school improvement team, the assistance team may request help from the central office and the local board of education.

(e) In carrying out its duty to evaluate employees, members of the assistance team shall:

- (1) be familiar with and follow the provisions of G.S. 115C-326;
- (2) use the appropriate form of the performance evaluation for the category of personnel being evaluated, such as teachers, support personnel, and administrators;
- (3) share its evaluation and recommendations with each employee and the employee's supervisor; and
- (4) notify the SBE of the evaluations for an employee who receives two consecutive evaluations by the assistance team that include findings and recommendations regarding the employee's inadequate performance.

(f) An assistance team that is assigned by the SBE to a low-performing school may at any time recommend to the SBE that a teacher, assistant principal, director, or supervisor be dismissed or demoted for one or more of the grounds established in G.S. 115C-325(e)(1). The SBE shall provide written notice to the employee of the grounds for the recommendation for dismissal or demotion.

(g) In reviewing evaluations of a local school employee, the SBE may deem the evaluations of the assistance team to supersede previous evaluations of the employee.

History Note: Authority G.S. 115C-12(9)c4;
Eff. January 2, 1998.

16 NCAC 06G .0308 DUE PROCESS PROTECTIONS

(a) At any hearing conducted by a panel of the SBE pursuant to the provisions of G.S. 115C-325(q)(1), (q)(2), or (q)(2a), the panel shall sit as an impartial tribunal to receive evidence and to decide on the basis of that evidence whether the principal, assistant principal, teacher, supervisor, or director, hereafter referred to as "the employee," shall be dismissed. The assistance team assigned to the school where the employee was assigned shall present the case against the employee.

(b) Both the employee and the assistance team shall have the right:

- (1) to be represented by counsel at the hearing;
- (2) to subpoena witnesses and documents;
- (3) to examine and cross-examine witnesses under oath; and
- (4) to present relevant evidence using witnesses and documents.

(c) The panel of the SBE which conducts the hearing shall:

- (1) give written notice to the parties of the time and place of the hearing;
- (2) make a complete record of the evidence received during the hearing; and
- (3) issue subpoenas for witnesses and documents on behalf of any party to the proceedings.

(d) In any hearing pursuant to the provisions of G.S. 115C-325(q)(2) or (q)(2a), the assistance team shall have the burden of proof.

(e) Either the employee or the assistance team may within 10 days of notification of the panel's decision give notice of appeal to the full SBE. The appeal shall be on the record with no arguments by counsel except in the form of written briefs of no more than 25 pages. The SBE shall consider the appeal at its next regularly-scheduled meeting that is at least 20 days following receipt of notice of the appeal and shall render a decision within 30 days unless the SBE determines that good cause, as defined by 26 NCAC 03 .0118, exists to extend the period or the parties agree to extend the period. The panel which sat and decided the case shall not be excluded from the full SBE hearing. Appeal from the SBE decision shall be in accordance with G.S. 150B.

(f) If the SBE appoints an interim superintendent, revokes the superintendent's license, or dismisses the superintendent pursuant to G.S. 115C-105.39(c), the superintendent shall not have the right to a hearing under this Rule but shall have the right to file a contested case petition pursuant to the provisions of G.S. 150B. The SBE shall make written findings to support any of these actions taken pursuant to the provisions of G.S. 115C-105.39(c).

(g) If the SBE revokes or refuses to renew a teacher's license pursuant to G.S. 115C-296(d), the procedures set forth in 16 NCAC 6C .0312 shall apply.

History Note: Authority G.S. 115C-12(9)c4.; 115C-325(q);
Eff. January 2, 1998;
Amended Eff. August 1, 1999.

16 NCAC 06G .0309 SUSPENSION OF POWERS AND DUTIES OF SCHOOL BOARDS

Before the SBE suspends any of the powers and duties of a local board of education pursuant to the provisions of G.S. 115C-39(b) and 115C-105.39(e), the SBE shall provide written notice to the local board of the reasons for which it is considering suspending those powers and duties. If the local board fails to remedy the reasons presented to it by the SBE within 60 days after receiving written notice, the SBE shall enter an order that incorporates the reasons for suspending the powers and duties, the efforts that the local board has made to remedy those reasons, and the period of time during which those powers and duties shall be suspended. Within the first 45 days following the SBE's notification to the local board, the SBE shall provide the local board an opportunity to present a response in an attempt to reach agreement.

History Note: Authority G.S. 115C-12(9)c4;
Eff. November 1, 1997;
Amended Eff. August 1, 1999.

16 NCAC 06G .0310 ANNUAL PERFORMANCE STANDARDS, GRADES 9-12

History Note: Authority G.S. 115C-12(9)c4;
Eff. September 1, 1998;
Repealed Eff. December 1, 2000.

16 NCAC 06G .0311 GENERAL KNOWLEDGE TEST FOR CERTIFIED STAFF

History Note: Authority G.S. 115C-105.38A;
Codifier of Rules Objected to the Findings of Need for the Temporary Rule Eff. April 15, 1998;
Temporary Adoption Eff. April 24, 1998;
Temporary Adoption Expired February 9, 1999;
Eff. August 1, 1999;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06G .0312 ANNUAL PERFORMANCE STANDARDS

16 NCAC 06G .0313 ALTERNATIVE SCHOOLS

History Note: Authority G.S. 115C-12(9)c4.;;
Eff. April 1, 2005;
Amended Eff. June 1, 2007; January 2, 2006;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06G .0314 ALTERNATIVE SCHOOLS' MODIFIED ACCOUNTABILITY SYSTEM

(a) This Rule establishes the State Board of Education's (SBE) procedures for alternative schools' participation in the State's Accountability System and shall apply to all alternative schools, including charter schools approved to use the modified accountability system, that have an NCDPI-assigned local education agency (LEA) school code. Accountability indicators and results for students who attend programs or classes in a facility that does not have an LEA school code shall be reported to and included in the students' base school's accountability results.

(b) At the beginning of each school year, local public school and charter school boards shall determine the Option that each alternative school under their jurisdiction will follow for participation in the Alternative Schools' Modified Accountability System. The local board's participation decision shall be reported to the NCDPI's Director of Accountability Services by August 1 of each school year.

(c) Local public school and charter school boards shall select from the following Alternative Schools' Modified Accountability System Options:

- (1) Option A. Alternative schools can participate in School Performance Grades as defined by G.S. 115C-83.15 or
- (2) Option B. Alternative schools electing to participate in this Option shall be evaluated as follows:
 - (A) The Components used in the overall school score shall be: 20 percent Student Persistence, which is defined as the percent of alternative students who remain enrolled in any North Carolina public school; 20 percent School Achievement, which is comprised of three years of data using the following indicators: End-of-Grade (EOG) English Language Arts/Reading and Mathematics Assessments at Grades 3–8; EOG Science Assessments at Grades 5 and 8; End-of-Course (EOC)

Assessments in Biology, NC Math 1, NC Math 3, and English II; ACT®; ACT WorkKeys; 4-year graduation rate; 5-year graduation rate; and math course rigor; 60 percent Growth, which will be calculated using the Education Value-Added Assessment System (EVAAS).

(B) A change rating will be assigned to schools comparing their previous year score to the current year score. All schools will receive a rating of either: "Progressing," which indicates a change in the score from the previous year by at least +3 points; "Maintaining," which indicates a change in the score from the previous year by -2.9 to +2.9 points; or, "Declining," which indicates a change in the score from the previous year by at least -3 points.

(3) Option C. Alternative schools electing to participate in this Option shall propose modifications to the Accountability System for approval by the SBE. The SBE shall approve the proposed modifications to the system if a preponderance of the evidence proves that the modifications comprise valid and reliable measures of the achievement and growth of the school's students. A request to participate in Option C must be submitted annually to the SBE for approval at its October meeting.

(d) Schools that are identified as Developmental Day Centers (as determined by the Department of Health and Human Services) and schools which are providing special education and related services in public separate settings to students with disabilities shall participate in the Accountability System by administering the appropriate assessment, based on the student's Individualized Education Program created under the Individuals with Disabilities Education Act, 33 U.S.C. 1414, and regulations adopted pursuant to that Act, to all enrolled students, and participating in either Option B or Option C as defined herein. Schools that meet the criteria in this Section shall be reviewed and approved by the Exceptional Children's Division and the Accountability Services Division of the North Carolina Department of Public Instruction before implementing these modifications to the Accountability System.

History Note: G.S. 115C-12(24); 115C-105.35; 115C-83.15;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0315 ACCOUNTABILITY ANNUAL PERFORMANCE STANDARDS

(a) All students enrolled in a public school unit (PSU) in grades 3 through 8 or in high school courses in which an end-of-course (EOC) assessment is administered shall participate in the State Annual Testing Program. PSUs shall report to the North Carolina Department of Public Instruction (NCDPI) test results for:

- (1) beginning of grade 3 reading proficiency
- (2) grades 3 through 8 end-of-grade (EOG) English language arts/reading and mathematics;
- (3) grades 5 and 8 EOG science;
- (4) grade 10 EOC English II;
- (5) grade 11 EOC assessments in NC Math 1, NC Math 3, and EOC Biology;
- (6) grade 11 ACT; and
- (7) grade 12 Career and Technical Education Concentrators and WorkKeys.

(b) PSUs shall administer the tests in the Annual Testing Program in accordance with the rules in this Subchapter and the Elementary and Secondary Education Act of 1965 (ESEA), Pub. L. 89-10, 79 Stat. 27, amended by the Every Student Succeeds Act (ESSA), Pub. L. No. 114-95, 129 Stat. 1802 (2015), and the regulations adopted thereunder.

(c) All students entitled to testing accommodations shall participate in the State Annual Testing Program using one of the following assessments as required by the student's accommodation:

- (1) The standard test administration with or without accommodations, or
- (2) An alternate assessment with or without accommodations.

(d) "Students entitled to testing accommodations" for purposes of this Chapter shall mean:

- (1) students with Individualized Education Programs (IEPs) created under the Individuals with Disabilities Education Act, 33 U.S.C. 1414, and regulations adopted pursuant to that Act;
- (2) students with a plan created under 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 as implemented through 34 C.F.R. 104.44, and other regulations adopted pursuant to that Act;
- (3) students with documented transitory impairments with actual or expected duration of six months or less that affect their ability to demonstrate their knowledge on standard test administrations without accommodation as determined by the LEA; and
- (4) students who score below Level 5.0 Bridging on the reading domain of the WIDA Screener/ACCESS for ELLs®.

History Note: G.S. 115C-12; 115C-105.35; 115C-83.15; 115C-174.11(c); 115C-288.66(11); 115C-218.65; 116-239.8(b)(14);
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0316 PURPOSE AND COMPOSITION OF THE STATE BOARD OF EDUCATION'S COMPLIANCE COMMISSION FOR ACCOUNTABILITY

History Note: Authority G.S. 115C-105.35; Every Student Succeeds Act (ESSA); N.C. Constitution, Article IX, Sec. 5; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. November 19, 2020.

SECTION .0400 - LOW PERFORMING SCHOOL UNITS

16 NCAC 06G .0401 DEFINITIONS

16 NCAC 06G .0402 IMPROVEMENT PLANS

16 NCAC 06G .0403 CARETAKER ADMINISTRATORS AND BOARDS

16 NCAC 06G .0404 TERMINATION OF LOW PERFORMING SCHOOL UNIT STATUS AND CARETAKERS

History Note: Authority G.S. 115C-64.5;
Eff. June 1, 1992;
Repealed Eff. November 1, 1997.

SECTION .0500 - CHARTER SCHOOLS

16 NCAC 06G .0501 LIABILITY INSURANCE

(a) Each charter school shall obtain and maintain liability insurance and fidelity bonding of the types and amounts specified in the charter agreement.

(b) The provisions of this Rule shall not preclude any charter school from obtaining liability insurance coverage in addition to or in excess of the requirements of this Rule.

History Note: Authority G.S. 115C-238.29F(c)(1);
Temporary Adoption Eff. November 14, 1997;
Eff. March 15, 1999;
Amended Eff. April 1, 2005.

16 NCAC 06G .0502 CHARTER SCHOOL ADVISORY COMMITTEE

The Charter School Advisory Committee referred to in G.S. 115C-238.29I(d) shall represent the following categories:

- (1) charter school officials;
- (2) public school employees;
- (3) business and community leaders;
- (4) local boards of education;
- (5) the North Carolina Parents and Teachers Association; and
- (6) county commissioners.

History Note: Authority G.S. 115C-238.29G(b);
Eff. August 1, 2000;
Amended Eff. April 1, 2003.

16 NCAC 06G .0503 CHARTER SCHOOL ACCOUNTABILITY REQUIREMENTS

History Note: Authority G.S. 115C-83.15, 115C-83.16, 115C-105.20, 115C-218(a)(6), 115C-218.85(a)(3); N.C. Constitution, Article IX, Sec. 5;

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. November 19, 2020.*

16 NCAC 06G .0504 CHARTER SCHOOLS STUDENT ADMISSION

All charter schools admission procedures and policies shall comply with G.S. 115C-118.45. Open enrollment for a charter school shall follow the mission statement and targeted population in the State Board of Education approved application. The admissions period shall be no less than 30 consecutive calendar days. If there are more applications than seats available, the charter school shall determine a date, time, and location to hold the lottery required by G.S. 115C-218.45(h). The lottery shall occur during an official meeting that shall be open to the public and subject to Article 33C of Chapter 143 of the General Statutes.

*History Note: Authority G.S. 115C-12; 115C-218.45;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0505 CHARTER SCHOOLS FINANCIAL NONCOMPLIANCE – IMPACT OF FINANCIAL NONCOMPLIANCE

(a) There are three stages of financial noncompliance under which a charter school may be placed: cautionary, probationary, and disciplinary.

(b) The presence of any one of the following financial conditions shall result in a charter school being assigned a noncompliance status:

- (1) if the charter school fails to report financial, personnel or student data within 10 days of the required or agreed-upon reporting date or does not submit accurate data ;
- (2) if the charter school fails to respond to a specific financial, personnel, or student information request for information or data from the Department of Public Instruction by the required reporting date;
- (3) if the charter school fails to submit the required audited financial statements to the North Carolina Department of State Treasurer's Local Government Commission, as prescribed by G.S. 115C-218.30 and G.S. 115C-447.
- (4) if the charter school shows signs of financial insolvency or weakness, including a decline in student membership based on evaluation of financial statements by an accountant;
- (5) if the Office of State Treasurer receives a "non-sufficient funds (NSF)" notification during the course of cash certification processing;
- (6) if the charter school receives a material audit finding in its annual independent financial statement audit which indicates a violation of State law, a violation of any of the conditions or procedures set forth in its Charter, a failure to meet generally accepted accounting practices and principles, including sound fiscal management in accordance with G.S. 115C-218.95 and remains unresolved; or
- (7) if the charter school's staff fails to attend required financial training.

(c) For these warning conditions, the school's access to the cash management system may be revoked if necessary to prevent the expenditure of funds in violation of the standards in Subparagraph (b)(6) of this Rule until the exception is corrected. Decisions to place a school in Cautionary, Probationary, or Disciplinary status will be based on the evidence of how likely the financial problems of the school are to force the school into an unplanned and unorganized closure if corrective actions are not implemented. Any combination of the above violations may result in a decision to move the charter school to Financial Disciplinary Status without first being held in either the Cautionary or Probationary status. Should a charter school have repeated violations of the same or similar non-compliance condition, the charter school may be moved to Financial Disciplinary Status.

(d) This policy does not preclude the State Board of Education from taking any action with regards to a charter school if so warranted, regardless of the charter school's financial noncompliance status.

(e) The stages of financial noncompliance are as follows:

- (1) Level 1: Financial Cautionary Status: A charter school may receive a notification of Financial Cautionary Status for any of the above conditions. The school shall remain in cautionary status for a minimum of 30 calendar days from the date of notification, and during that time must correct the exception(s) that caused the financial warning(s) if applicable. When the exception(s) is corrected as prescribed in the notification of noncompliance by NCDPI, the school will be notified of removal from cautionary status.

- (2) Level 2: Financial Probationary Status: A charter school may receive a notification of Financial Probationary Status for any of the above conditions. The school will be placed in Financial Probationary Status, if the school fails to correct the exception(s) during the 30 calendar days cautionary period, unless otherwise stated in the initial notification of noncompliance. The school remains in probationary status for a minimum of 30 calendar days from the date of notification, and during that time must correct the exceptions that caused the financial warnings if applicable. When all of the exceptions have been corrected, the school will be notified of removal from probationary status. While in probationary status, state funds for the school may be allotted on a monthly basis until the exceptions that caused the financial warnings are corrected. Failure to resolve the exceptions may result in the school being placed on Financial Disciplinary Status, referred to the Charter School Advisory Board and/or to the State Board of Education for further action.
- (3) Level 3: Financial Disciplinary Status: The school will be placed in Financial Disciplinary Status, if the school fails to correct all of the exceptions during the established timeframe. Any of the financial conditions noted in this policy, or combination thereof, may result in the charter school being placed on Financial Noncompliance Disciplinary status without the benefit of being first held in either the Cautionary or Probationary status. Also, should a charter school have repeat violations of the same or similar non-compliance condition, the charter school may be moved to Financial Disciplinary Status without the benefit of completing either the Cautionary or Probationary status periods.

(f) When in Disciplinary status, the school shall address all of the exceptions that caused the financial noncompliance within 10 business days from the date of notification or otherwise stated. State funds for the school may be allotted on a monthly basis until the exceptions causing the noncompliance are corrected. When all of the exceptions have been corrected, the school will be notified of removal from disciplinary status. Failure to resolve the exceptions will result in the school being referred to the Charter School Advisory Board or to the State Board of Education for further action.

History Note: Authority G.S. 115C-12(5); 115C-218, 115C-218.15, 115C-218.30, 115C-218.95; 115C-408; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021.

16 NCAC 06G .0506 CHARTER SCHOOLS GOVERNANCE NONCOMPLIANCE

(a) There are three stages of Governance Noncompliance: Governance Cautionary Status, Governance Probationary Status, and Governance Disciplinary Status. The State Board of Education shall place a charter school within a governance non-compliance status based on substantial evidence of any one of the following governance warning conditions. The status imposed shall be based on the degree to which the non-compliance reflects the charter school board's neglect of its corporate obligations.

- (1) Failure of the board to conduct meetings in accordance with schedule in the bylaws or the approved charter application and failure to adopt and follow policies regarding the operation of the charter school including Personnel, Disciplinary, and Parental Grievance policies.
- (2) Failure to show progress towards the educational and organizational goals described in the approved charter school application.
- (3) Failure to maintain minimum student enrollment stated in the charter application or approved waiver to operate under the minimum of 80 students.
- (4) Bylaws violations including, failure to follow the Open Meetings Law, failure to maintain Public Records, failure to implement a Conflict of Interest Policy, failure to adhere to rules of Parliamentary Procedure.
- (5) Charter Agreement violations including, failure to follow State or federal laws, failure to meet the health and safety standards required in G.S. 115C-218.75, failure to make adequate academic progress as described in the charter application, failure to comply with State testing and accountability statutes and rules in this Chapter, and failure to supply all reports and documentation as requested by the Office of Charter Schools to ensure legal compliance with General Statutes, State Board of Education rules in this Chapter, and the Charter Agreement.
- (6) Failure to maintain certification of at least 50 percent of teachers in all grades pursuant to G.S. 115C-218.90 from December 31 of each year through the end of the school calendar year.

(b) The stages of noncompliance are as follows:

- (1) Level 1: Governance Cautionary Status: Upon receiving a governance warning for any of the above conditions, the charter school will be placed on Governance Cautionary Status. The school remains in cautionary status for 30 calendar days and during that time must correct the exception that caused the warning. When the 30 calendar days have ended and the exception is corrected, the governance warning

will be removed and the school will be removed from cautionary status. Failure to correct the exception during the 30 calendar days cautionary period constitutes a second governance warning and the school will be placed on Governance Probationary Status.

- (2) Level 2: Governance Probationary Status: The school remains on Governance Probationary Status for 30 calendar days and during that time must correct the exceptions that caused all of the governance warnings. When the 30 calendar days have ended and the exception is corrected, the governance warning will be removed and the school will be removed from probationary status. Failure to correct the exception during the 30 calendar days probationary period constitutes a third governance warning and the school will be placed on Governance Noncompliance Status.
- (3) Level 3: Governance Noncompliance Status: The school remains on Governance Noncompliance Status for 10 calendar days. When in Noncompliance Status, the school is expected to correct all of the exceptions that caused the governance warnings within 10 calendar days. State funds for the school may be allotted on a monthly basis until the exceptions that caused all of the governance warnings are corrected. A School placed in Governance Noncompliance Status may be referred to the Charter Schools Advisory Board for appropriate inquiry and action as determined by the State Board of Education.

History Note Authority G.S. 115C-12; 115C-218; 115C-218.15; 115C-218.30; 115C-218.95;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0507 CHARTER SCHOOLS RENEWAL PROCESS

(a) To request renewal of a charter, a charter school shall submit a Self-Study form. The North Carolina State Board of Education shall review the Self-Study form and other available information, including information obtained through public records requests, when determining whether the charter school is meeting the standards in G.S. 115C-218.6, the academic goals and mission in the approved charter application, and is operating in accordance with the financial and governance standards in this Subchapter.

(b) The charter holder shall provide the following information in the Self-Study on the form, available on the Office of Charter School's website:

- (1) school name;
- (2) school mailing address;
- (3) primary contact person, including name, title, phone number, fax number, email address, and dated signature;
- (4) contact information for the board of directors' chairperson, including name, term of office, mailing address, phone number, fax number, email address, and dated signature;
- (5) a letter signed by the Board Chairperson stating the charter holder's intent to seek charter renewal;
- (6) school mission statement as stated in the original or amended charter application;
- (7) if applicable, revised school mission statement approved by the State Board of Education;
- (8) a narrative statement not to exceed two pages explaining how the school is fulfilling the State Board approved mission statement;
- (9) five goals the charter holder has for the school during the next five years, including at least one academic goal, one financial goal, and one operational goal;
- (10) the name of or a description of the curriculum design currently used by the school;
- (11) a summary of instructional methodology or instructional techniques utilized used at the school;
- (12) the names of evaluation instruments, other than State-mandated tests, used to assess student performance, including descriptions of those assessments; and
- (13) a narrative statement explaining how the school uses student data to improve student learning and to raise the academic performance of all students.

(c) All pages of the Self-Study shall be numbered consecutively and include a table of contents.

(d) No font smaller than 12 point shall be used in the typed report.

(e) Any charter school seeking renewal may use help from outside the school to complete the Self-Study report.

History Note: Authority G.S. 115C-12; 115C-218(a)(6); 115C-218.6; 115C-218.95;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0508 CHARTER SCHOOLS APPLICATION AND REVIEW PROCESS

(a) Applicants shall complete and submit the charter application at <https://www.dpi.nc.gov/students-families/alternative-choices/charter-schools/applications> and deliver the nonrefundable one thousand dollar (\$1,000) fee to the Office of Charter Schools no later than 5:00 p.m. on the last Friday in April. The fee shall be in the form of a certified check or money order payable to NC DPI Office of Charter Schools. Applicants may mail the certified check or money order to the Office of Charter Schools, 6307 Mail Service Center Raleigh, NC 27699-6307; or deliver it to the Office of Charter Schools, Department of Public Instruction, 301 N. Wilmington Street, Raleigh, NC. Applicants are responsible for submitting applications and delivering fees to the Office of Charter School by the deadline.

(b) Applications and fees received after the deadline specified in Paragraph (a) of this Rule will not be considered. The Office of Charter Schools shall send written notice to the applicant and signatories of any statement required in G.S. 115C-218.1(a) informing them that the SBE will not consider the application because the applicant did not submit the application or deliver the fee to the Office of Charter School by the deadline.

(c) When determining whether to award a charter, the SBE shall consider any factors relevant to the applicant's academic, financial, and governance plans for the school, including the extent to which the application:

- (1) reflects the applicant's commitment to the purposes of the charter school law stated in G.S. 115C-218(a);
- (2) describes how the applicant will promote the use of different and innovative teaching methods;
- (3) reflects the applicant's understanding of, research into, and planning for educational issues, particularly budgeting, financing, and accounting issues;
- (4) describes a board whose size, diversity, and regional affiliations represent the community and are likely to promote community support for the school;
- (5) contains articles of incorporation and by-laws;
- (6) contains a budget that reflects anticipated revenues and costs, including costs associated with maintenance of the school facilities and projected growth;
- (7) contains a plan for acquisition and utilization of a facility consistent with the proposed budget and timeline for opening school;
- (8) describes a five year marketing plan that promotes a diverse student population; and
- (9) describes other factors that will promote the purposes of the Charter School Act, G.S. 115C-218 et seq.

*History Note: Authority G.S. 115C-12; 115C-218; 115C-218.1; 115C-218.5;
Emergency Adoption Eff. August 20, 2019;
Eff. August 23, 2022;
Amended Eff. December 1, 2022.*

16 NCAC 06G .0509 PLANNING YEAR FOR NEW PRELIMINARY CHARTER SCHOOLS

(a) All nonprofit boards eligible to receive a charter for the first time shall participate in a year-long planning program prior to the charter school's opening for students. During this planning year, directors from nonprofit boards holding charters shall attend meetings conducted by consultants from the Office of Charter Schools regarding the following topics: school opening plans, staff development, finance, governance, board training, marketing, statutes and rules governing operation of the school, securing a school site, and hiring a school administrator. Final approval of the charter shall be contingent upon the nonprofit board attending the planning meetings, acquisition of a facility, and commitments from parents or guardians to enroll students that comprise at least 75 percent of the projected enrollment.

(b) The State Board of Education may accelerate the mandatory planning year for a charter applicant that meets the following requirements:

- (1) agrees to participate in the planning year while the charter application is being reviewed without any guarantee of charter award; and
- (2) demonstrates that there is a facility identified by the applicant that is feasible for opening on an accelerated schedule.

(c) The State Board shall also consider the presence or absence of evidence of the following factors in making its determination of whether to accelerate a planning year:

- (1) whether the mission and educational program outlined in the nonprofit board's application will provide parents and students with different educational opportunities than are currently available in the area;
- (2) whether local, state, or national nonprofit partnerships have committed to assisting the school;
- (3) whether the school will contribute to potential for economic and educational development of the region;
- (4) whether an organization that has experience in creating public schools is mentoring the applicant;
- (5) whether obstacles to educational reform efforts leave chartering as an available option;

- (6) whether an existing charter school board has agreed to mentor the applicant;
 - (7) whether the nonprofit corporation has existed for more than two years; and
 - (8) whether the proposed board has previously operated or currently operates a public charter school.
- (d) An applicant requesting acceleration shall submit the request to the State Board of Education prior to the application due date for consideration.

History Note: Authority G.S. 115C-12; 115C-218; 115C-218.1; 115C-218.5(b);
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0510 CHARTER AMENDMENTS FOR EXISTING PUBLIC CHARTER SCHOOLS - APPROVAL PROCESS

(a) The following constitute material charter amendments that require the State Board of Education's ("SBE") approval prior to implementation:

- (1) Grade expansion beyond increases contemplated in G.S. 115C-218.8(3);
- (2) Relocation outside a 5-mile radius or outside of the Local Education Agency (LEA) identified in the charter;
- (3) Transferring the charter to another non-profit entity;
- (4) Altering the mission or targeted student population;
- (5) Employing or terminating a management company;
- (6) Change to the charter application with respect to the National School Lunch program;
- (7) Enrollment growth, consistent with requirements in G.S. 115C-218.7.

(b) In determining whether to approve a material charter amendment, the SBE shall consider:

- (1) Demonstrated need for the amendment by the charter school;
- (2) Impact of the amendment on the student population, governing board of directors, and staff; and
- (3) Impact on the LEA.

(c) The following constitute charter amendments that require Department of Public Instruction staff approval prior to implementation, but do not require further approval from the SBE:

- (1) Bylaws;
- (2) The name of the charter school;
- (3) The Articles of Incorporation;
- (4) Relocation within a 5-mile radius or outside of the Local Education Agency (LEA) identified in the approved charter application;
- (5) Class sizes as stated in the approved charter application;
- (6) Length of school day;
- (7) Length of academic year;
- (8) Curriculum changes;
- (9) Change to the charter application with respect to student transportation;
- (10) Change to the charter application with respect to changing its food service plan;
- (11) Requests to delay the opening of the school by one year; and
- (12) Enrollment changes due to an approved one year delay.

(d) In determining whether to approve a material charter amendment, Office of Charter Schools staff shall consider:

- (1) Demonstrated need for the amendment by the charter school;
- (2) Impact of the amendment on the student population, governing board of directors, and staff; and
- (3) Impact on the LEA.

(e) Notwithstanding the foregoing, the Department of Public Instruction may submit any proposed amendment to the SBE for its review and approval or denial.

History Note: Authority G.S. 115C-12; 115C-218.5; 115C-218.7; 115C-218.8;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0511 CHARTER AMENDMENTS FOR EXISTING PUBLIC CHARTER SCHOOLS - REQUIRED DOCUMENTATION

(a) A charter holder shall submit the following documentation to the State Board of Education when it seeks to amend its approved charter application:

- (1) Board meeting minutes reflecting the vote of the Board of Directors for the charter school;
- (2) A cover letter explaining the request signed by the nonprofit board chair and lead administrator of the charter school;
- (3) A version of the charter application showing proposed amendments as strikethroughs and underlines; and
- (4) The proposed amended text to the charter application without strikethroughs or underlines.

(b) If the charter holder does not provide the required documentation, its amendment proposal shall not be processed.

*History Note: Authority G.S. 115C-218.7; 115C-218.8;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0512 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – PURPOSE AND DEFINITIONS

(a) The State Board of Education (SBE) may grant permission for a non-profit corporation board of directors (board) to replicate either its own successful model, or to employ an educational management company (EMO) or a charter management organization (CMO) as defined Rule .0523 of this Section to replicate a successful model currently being operated under the management of the EMO or CMO. The SBE may also grant permission for a non-profit corporation board to "fast-track" such a replication by foregoing the planning year normally required for approved charter applicants. Rules .0512 through .0515 of this Section outline the criteria and process by which the SBE may authorize fast-track replication.

(b) Nothing in these Rules shall be construed to prohibit a North Carolina non-profit corporation board from applying to replicate another charter school through the regular application process in Rule .0508 of this Section and, upon approval, receive the planning year trainings from NCDPI.

(c) Definitions for terms used in Rules .0512 through .0515 of this Section.

- (1) "Charter school model" or "model" mean the mission as defined in the charter application and function of a charter school, including its governance, its curriculum, its organizational structure, its targeted population, and other key characteristics of the school, such as small class size, thematic academics, and extended day.
- (2) "Successful model" means a charter school model that meets the eligibility requirements in Rule .0513 of this Section.
- (3) "Replication" means the act of copying, recreating, or repeating, a successful charter school model. A "replication" requires the utilization of one charter school "model" to form the creation of a new charter school.
- (4) "Fast-Track Replication" is a special form of replication in which the approved applicant foregoes the planning year required of new charter school applicants.

(d) The "fast-track" applicant shall participate in a one-day basic training workshop that will be provided by the Department of Public Instruction. The State Board of Education shall make final decisions regarding "fast-track" replication applications in less than 120 days from the application submission.

*History Note: Authority G.S. 115C-218.3;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0513 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – ELIGIBILITY

(a) A non-profit corporation board that operates a charter school in North Carolina is eligible to apply to fast-track replicate its existing model only if the non-profit corporation board's current school or schools demonstrate a consistent track record of academic, financial, and operational success. If the board operates more than one school, each school shall meet this standard. To meet this standard, the non-profit corporation board shall meet each of the following conditions at all times while its application is pending:

- (1) Each school operated by the non-profit corporation shall:
 - (A) have academic outcomes comparable to or better than those of the students enrolled in the LEAs in which the charter schools are located; or
 - (B) meet or exceed growth for the three years preceding the application at issue, by measures contemplated by G.S. 115C-83.15;

- (2) Each school operated by the non-profit corporation shall have unqualified audits for the three years preceding the application.
- (3) Each school operated by the non-profit corporation shall have resolved any failures to comply with obligations in statute, rules, or the charter agreement cited by the Department of Public Instruction during the three years preceding the application.
- (4) A majority of the non-profit corporation board members and a majority of the board officers shall be North Carolina residents.

(b) A non-profit corporation board that does not operate a charter school in North Carolina is eligible to apply to replicate through fast-track replication an existing model operated by an EMO or CMO. The non-profit corporation board is eligible to apply only if the schools operated by the EMO or CMO have a consistent track record of academic, financial, and operational success. The non-profit corporation board is eligible to replicate an existing model operated by the EMO or CMO only if the non-profit corporation board shows that each of the following conditions at all times while its application is pending:

- (1) The non-profit corporation board shall demonstrate that each school managed by the EMO or CMO:
 - (A) have academic outcomes at least comparable to or better than those of the students enrolled in the LEAs in which the charter schools are located; or
 - (B) meets or exceeds growth for the three years preceding the application at issue based on the growth scores calculated using NC Accountability data.
- (2) The non-profit corporation board shall demonstrate that the schools operated in other states by the EMO or CMO meet similarly rigorous standards for academic performance through the presentation of academic performance data from the respective state board of education.
- (3) The non-profit corporation board shall demonstrate that each school managed by the EMO or CMO have unqualified audits for three years immediately preceding the application.
- (4) The non-profit corporation board shall demonstrate that the schools operated in other states by the EMO or CMO meet similarly rigorous standards for financial performance through the presentation of annual audit data.
- (5) A majority of the non-profit corporation board members and at least 50 percent of the board officers shall be North Carolina residents.

(c) "Comparable" means a proficiency score that is no more than five points below the LEA's Grade-Level Proficiency (GLP) score based on NC Accountability data as described in G.S. 115C-83.15, 83.16 and 83.17.

History Note: Authority G.S. 115C-218.3;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0514 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – GENERAL REQUIREMENTS

(a) In addition to the specific requirements set forth in Rules .0512 and .0513 of this Section, the State Board of Education ("SBE") may impose additional requirements in the review, application, and approval process as allowed by G.S. 115C-218(c) to assure that a "fast-tracked" charter school has at least the same probability of success as a charter that completes the planning process in Rule .0509 of this Section.

(b) In addition to considering evidence of student growth, proficiency, and financial audits in the applicant's other schools, the SBE may consider any other relevant factors in determining whether to grant a fast-track replication request, including the following:

- (1) the needs of the particular geographical area proposed to be served by the replicated model;
- (2) the ability of the non-profit corporation board to manage additional schools;
- (3) the abilities and strengths of the non-profit corporation board that seeks to employ the EMO or CMO; and
- (4) the community support for the replicated model.

(c) In determining the needs of the particular geographical area, the SBE shall consider whether there are similar charter school options in the geographical area and capacity data for the county's public schools. In determining the community support of the replicated model, the SBE shall consider community survey data, community letters of support, and any other evidence the applicant chooses to present.

History Note: Authority G.S. 115C-218.3;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0515 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – ACCOUNTABILITY

- (a) A "network" means one or more charter schools operated by a single non-profit corporation board or a single EMO or CMO."
- (b) Each school within a network of schools operated by a single non-profit corporation board or a single EMO or CMO is a separate and distinct charter school and shall be assessed based upon its own separate academic, financial, and operational performance.
- (c) The strengths or weaknesses of other schools are not factors in determining whether the State Board of Education ("SBE") shall take action against an individual school; however, the strengths and weaknesses of all schools in a network may influence the SBE's decision regarding whether or not to allow fast track replication of a school in that network.
- (d) Replicated charter schools shall be subject to the same requirements as other charter schools.

*History Note: Authority G.S. 115C-12; 115C-218.3;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0516 VIRTUAL CHARTER SCHOOLS ATTENDANCE AND MEMBERSHIP - APPLICABILITY

- (a) A pilot virtual charter school established pursuant to S.L. 2014-100 and approved by the State Board of Education (SBE) through the charter application process is not required to record and report daily attendance to the Department of Public Instruction.
- (b) A pilot virtual charter school established pursuant to S.L. 2014-100 as amended by S.L. 2016-94, s. 8.13(a), S.L. 2018-5, s. 7.13, and G.S. 115C-218 et. seq. and approved by the State Board of Education (SBE) through the charter application process is required to keep records of student activity by course and shall report that information to the Department of Public Instruction within 15 days of the end of each school month. The virtual charter school's measurements of student activity shall be defined by the school in a manner consistent with its SBE-approved charter.
- (c) A virtual charter school shall define a full instructional course load for each grade level it offers. A student shall be enrolled for at least half of the instructional course load to be considered in membership at the virtual charter school.
- (d) A student shall not be counted in the virtual charter school's average daily membership until the school has evidence of student activity in each of his or her courses.
- (e) When a student who has no evidence of student activity for 10 consecutive calendar days, excluding holidays, the virtual charter school shall remove the student from the school's enrollment and take the actions required in G.S. 115C-378(e). Upon a determination that the student is not returning to the school, the virtual charter school shall withdraw the student's enrollment and take any actions required in G.S. 115C-378(f). The effective date of withdrawal reported to the Department of Public Instruction shall be the first day after the last day for which there is evidence of student activity.
- (f) Virtual schools shall use the statewide student information management system to record and report school and student data.

*History Note: Authority G.S. 115C-12(18); 115C-218; 115C-218.30; S.L. 2014-101, s. 8.35; S.L. 2016-94, s. 8.13(a);
S.L. 2018-5, s. 7.13;
Emergency Adoption Eff. August 20, 2019;
Eff. October 1, 2020.*

16 NCAC 06G .0517 ALTERNATIVE CHARTER SCHOOL – PURPOSE AND APPLICABILITY

*History Note: Authority G.S. 115C-12(24); 115C-218(a)(2); N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. November 19, 2020.*

16 NCAC 06G .0518 ALTERNATIVE CHARTER SCHOOL – ELIGIBILITY

- (a) The following definitions apply for purposes of rules in this Chapter:
- (1) "Student at risk" means a child enrolled in a public school who, due to circumstances such as an unstable home life, poor socio-economic background, and other factors, either enter or continue in school from a

disadvantaged standpoint, at least in relation to other students who are not burdened with such circumstances. *Hoke County Board of Education v. State*, 358 N.C. 605 at 632 n.13, 599 S.E.2d 365 at 387 n.13 (2004).

(2) "Dropout" means any student who leaves school for any reason before graduation or completion of a program of studies without transferring to another elementary or secondary school.

(b) A charter school that desires to be designated an "alternative school" for purposes of determining and reporting school and student achievement and growth in accordance with G.S. 115C-83.15, 83.16 and 83.17 shall include the request in the charter school application or request for amendment to an approved application.

(c) The charter school application or request for amendment to be an alternative school shall state that the charter school will include grades 9-12, and that at least 75 percent of the school's population in grades 9-12 will be "students at risk" of academic failure.

(d) The charter school application or request for amendment shall also state that the charter school will meet one or more of the following indicators:

- (1) the students shall either be released from a juvenile justice facility within the last year, or otherwise be subject to and participating in the juvenile justice court;
- (2) the students shall be currently served by a treatment facility licensed pursuant to Chapter 122C of the General Statutes, or have been discharged from such a facility within the last year;
- (3) the students shall be currently under suspension for more than 10 days from a public or private school; or
- (4) the students shall be high-school dropouts as defined in Subparagraph (a)(2) of this Rule; or be "Student Chronic Absentee(s)" as defined in 16 NCAC 06E .0106.

History Note: Authority G.S. 115C-12(24); 115C-218(a)(2); 115C-105.46; 115C-218.85(a)(3);
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0519 ALTERNATIVE CHARTER SCHOOL - APPLICATION

A charter school that meets the eligibility criteria set forth in 16 NCAC 06G .0518 and seeks to be designated as an "alternative school" shall submit an application to the Office of Charter Schools that includes the following:

- (1) The school's mission as it relates to the request for designation as an "alternative school";
- (2) A designation of which alternative accountability option, as defined 16 NCAC 06G .0314, that it is requesting, which option cannot be changed except at the time of renewal;
- (3) The criteria the school plans to use that will meet the eligibility requirements, including the documentation the school will use to support its admissions process;
- (4) An admission plan for recruiting at-risk students as described in the application;
- (5) An explanation of how the school intends to serve its student population; and
- (6) The goals the school is setting for academic achievement for its student population.

History Note: Authority G.S. 115C-12(24); 115C-218(a)(2);
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06G .0520 ALTERNATIVE CHARTER SCHOOL – APPLICATION APPROVAL

(a) The Charter School Advisory Board ("CSAB") shall establish a timeline, available on the Office of Charter School's webpage, for the submission of applications for alternative charter schools and for the review and approval of applications.

(b) The CSAB shall develop an application template, available on the Office of Charter School's website, to be used for applicants for alternative charter school designation.

(c) The Office of Charter Schools ("OCS") will first review the alternative charter school application for completeness, give the applicant five days to provide missing information, and will then submit all complete applications to the CSAB for its review.

(d) The CSAB shall review complete applications and make recommendations to the State Board of Education.

(e) The State Board of Education's approval of alternative charter school designation is valid for three years from the effective date of the approval, which effective date will be set forth in the approval document.

History Note: Authority G.S. 115C-12(24); 115C-218(a)(2); 115C-218.2;
Emergency Adoption Eff. August 20, 2019;

Eff. March 17, 2021.

16 NCAC 06G .0521 ALTERNATIVE CHARTER SCHOOL – REVIEW AND RENEWAL OF DESIGNATION

(a) The Charter School Advisory Board ("CSAB") shall review each alternative charter school every three years to determine if the school shall continue with its alternative charter school designation. In its review the CSAB shall utilize the criteria set forth in Rule .0519 of this Section. The CSAB shall also evaluate the school's academic progress and compare the goals the school set in its application in Rule .0519(6) of this Section for academic achievement for its student population to its students' actual academic achievements.

(b) If the review shows that the school continues to meet eligibility criteria in Rule .0518 of this Section, is achieving its academic goals, and is in compliance with Chapter 115C, Article 14A of the General Statutes and the rules in this Section, the CSAB shall recommend the school to the State Board of Education for final approval for another three-year designation.

*History Note: Authority G.S. 115C-12(24); 115C-218(a)(2);
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0522 ALTERNATIVE CHARTER SCHOOL – TERMINATION OF DESIGNATION

(a) If at any time it appears the school is not meeting the criteria for designation as an alternative charter school under Rule .0518 of this Section, or is otherwise not in compliance with State or federal laws the Charter School Advisory Board ("CSAB") may:

- (1) direct the Office of Charter Schools or the Department of Public Instruction to investigate the school; or
- (2) direct the school to appear before the CSAB and respond to questions.

(b) In the event the CSAB finds an alternative charter school is in violation of the terms of its charter or no longer meets the eligibility criteria in Rule .0518 of this Section, the CSAB may recommend the State Board of Education ("SBE") terminate the alternative school designation.

*History Note: Authority G.S. 115C-12(24); 115C-218(a)(2); 115C-218(b)(10)(c); 115C-218.95;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0523 APPROVAL AND DISCLOSURE OF MANAGEMENT ORGANIZATIONS AND SUPPORT ORGANIZATIONS

(a) When used in this Section, "Management Organization" means an entity that meets one of the following definitions:

- (1) A "Charter Management Organization" (CMO) is a non-profit organization that operates or manages one or multiple charter schools by centralizing support and operations.
- (2) An "Education Management Organization" (EMO) is a for-profit organization that contracts with new or existing public-school districts, charter school districts, and charter schools to operate and manage one or multiple charter schools by centralizing support and operations.
- (3) A "Charter Support Organization" (CSO) is a for-profit or non-profit, nongovernmental entity that provides:
 - (A) assistance to developers during the application, planning, program design, and initial implementation of a charter school, or
 - (B) technical assistance to operating charter schools, including specific and limited services such as professional development, non-profit board development, payroll, and curriculum development.

(b) All applicants for a charter school shall receive SBE approval before partnering with a Management Organization. This approval may be sought as part of the application or renewal processes or through the amendment process. In determining whether to grant approval, the SBE shall consider whether the partnership with the Management Organization is in the best interest of the school, its staff, and its students.

(c) All applicants for a charter school shall disclose existing or contingent partnerships with Charter Support Organizations as part of the applicant's charter application.

*History Note: Authority G.S. 115C-218; 115C-218.1; 115C-218.5;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0524 CHARTER SCHOOLS PROCESS FOR ASSUMPTION OF INADEQUATELY PERFORMING CHARTER SCHOOLS

(a) In determining whether a different non-profit entity may assume a charter of an existing charter school the SBE shall comply with the provisions of S.L. 2014-101, s. 6 and consider all factors, including:

- (1) Factors relevant to the existing charter school whose charter may be eligible for assumption include:
 - (A) academic performance;
 - (B) financial status of the existing school, including outstanding debts;
 - (C) compliance with all applicable laws and rules;
 - (D) status of the school facility;
 - (E) feedback from the school community, including the parents, staff and students; and
 - (F) any other relevant factor.
- (2) Factors Relevant to the non-profit entity seeking to assume the charter of an existing charter school include:
 - (A) overall financial viability;
 - (B) academic performance;
 - (C) geographic location;
 - (D) existence of any financial and governance compliance issues;
 - (E) ability of the assuming school to retain existing students; and
 - (F) any other relevant factor.

(b) No single factor is determinative.

(c) The State Board of Education shall make its decision based on the best interests of the students in the existing charter school.

*History Note: Authority G.S. 115C-12; 115C-218.95;
Emergency Adoption Eff. August 20, 2019;
Eff. October 1, 2020.*

SECTION .0600 – REMOTE ACADEMIES

16 NCAC 06G .0601 REMOTE ACADEMIES HARDWARE AND SOFTWARE FEES

(a) Definitions:

- (1) "Damage fee" means "any mandatory payment that a local school administrative unit charges a student enrolled in a remote academy for injury to, abuse of, or loss of hardware or software that the local school administrative unit has provided to the student other than degradation arising from normal use, wear and tear, provided the payments cannot exceed the actual cost of repair or fair market value of the hardware or software, whichever is less."
- (2) "Rental fee" means "any mandatory payment that a local school administrative unit requires students enrolled in remote academies to make before the local school administrative unit will give a student access to or possession of any hardware and software needed to participate in the remote academy."

(b) Local administrative units shall not charge students enrolled in remote academies rental fees for use of hardware or software needed to participate in the remote academy but may charge them damage fees.

*History Note: Authority G.S. 115C-234.10(b)(1);
Eff. November 1, 2023.*

SECTION .0700 – PUBLIC SCHOOL UNIT OVERSIGHT

16 NCAC 06G .0701 PARENTAL CONCERN HEARINGS

(a) For the purposes of this Rule, the following definitions shall apply:

- (1) "Child" is defined in G.S. 115C-76.1(2).
- (2) "Hearing officer" means an individual who meets the requirements in G.S. 115C-76.60(b)(1)a.
- (3) "Parent" is defined in G.S. 115C-76.1(5).
- (4) "Practice" means a regular method, process, or course of conduct, whether or not established in the written policies of a PSU, by which the PSU provides the notices or information to parents as required by Chapter 115C, Article 7B, Part 4 of the General Statutes. "Practice" does not include isolated incidents or isolated

conduct by individual PSU personnel, including those inconsistent with the established procedures of the PSU.

- (5) "Principal" is defined in G.S. 115C-76.1(6).
- (6) "Procedure" means a regular method or process, as established in the written policies of a PSU, by which the PSU provides the notices or information to parents as required by G.S. 115C-76.45, or age-appropriate instruction on certain topics as described in G.S. 115C-76.55. "Procedure" does not include isolated incidents or isolated conduct by individual PSU personnel, including those inconsistent with the established procedures of the PSU.
- (7) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).
- (8) "Superintendent" is defined in G.S. 115C-76.1(8).

(b) A parent who wishes to request a parental concern hearing before the State Board of Education ("SBE") regarding the procedures or practices of a PSU required by Chapter 115C, Article 7B, Part 4 of the General Statutes shall do so in writing. The written request shall be submitted to the SBE, with a copy to the superintendent, and include the following information:

- (1) The specific procedures or practices of the PSU about which the parent is concerned.
- (2) The specific concerns that the parent has about the procedures or practices of the PSU.
- (3) Copies of all written correspondence and summaries of all verbal correspondence with PSU personnel, including date, times, and parties involved for any correspondence conducted by telephone or in person, regarding the parental concern and efforts by the PSU to resolve the concern. The parent shall also include documented evidence that the parent has notified the principal of the school at which the parent's child is enrolled about these concerns at least 30 days prior to requesting a hearing before the SBE.
- (4) A description of the relevant facts.
- (5) An explanation of why the parent believes that the concerns have not been resolved by the PSU.
- (6) A proposed resolution to address the parent's concerns.

(c) Upon receipt of a request in accordance with Paragraph (b) of this Rule, the SBE or its authorized designee shall review the request and determine whether the SBE has jurisdiction to review the matters therein addressed. The SBE may dismiss the request for any of the following reasons:

- (1) The parent has failed to provide any of the information required by Paragraph (b) of this Rule.
- (2) The parent's concern does not address the procedures or practices of a PSU required by Chapter 115C, Article 7B, Part 4 of the General Statutes.
- (3) The parent has failed to provide the PSU 30 days to resolve the parent's concern.
- (4) The parent's proposed resolution is not within the legal authority of the PSU or SBE.

(d) If the SBE determines that it has jurisdiction to review the matters addressed in the request, the SBE shall appoint a hearing officer to review the request.

(e) Upon appointment, the hearing officer shall hold a hearing, subject to the following requirements:

- (1) The parent and the superintendent shall attend as parties to the hearing and may be represented by legal counsel, provided that any party intending to be represented notifies the hearing officer at least three business days before the hearing. The hearing officer may delay the hearing if a party requests additional time to secure legal representation.
- (2) The hearing officer shall provide the parties with notice of the time and place for the hearing at least five business days in advance. The hearing may be held in person or via teleconference, at the discretion of the hearing officer.
- (3) Each party shall provide any documentation or written statements to the hearing officer and the other party at least three business days before the hearing.
- (4) Each party shall have up to 30 minutes to present the party's case to and answer questions from the hearing officer. The hearing officer may extend time for each party's presentation at the hearing officer's discretion.
- (5) The North Carolina Rules of Evidence, codified at Chapter 8C of the General Statutes, shall not apply to the hearing, and the hearing officer may consider any information that is relevant to the proceedings.
- (6) The hearing officer shall arrange for audio and video recording of the hearing.

(f) Within 30 days of appointment and after having conducted a hearing in accordance with Paragraph (d) of this Rule, the hearing officer shall provide a recommendation to the SBE that includes the following:

- (1) Findings of fact.
- (2) Conclusions of law, including citations to any relevant statutes, rules, or policies.
- (3) A proposed resolution to the case, which may include a finding that the parental concern lacks merit.

(g) At the next regularly scheduled meeting of the SBE held more than three days after receipt of the hearing officer's recommendation, the SBE shall vote to either approve, reject, or amend the hearing officer's recommendation. The decision of the SBE shall be final.

(h) The hearing officer shall provide an invoice to the PSU for the cost of the hearing officer's services, at a rate of two hundred dollars (\$200.00) per hour, within 45 days of submitting the hearing officer's recommendation to the SBE. The PSU shall pay the hearing officer within 60 days of receipt of the invoice.

History Note: Authority G.S. 115C-76.60;
Emergency Adoption Eff. November 16, 2023;
Temporary Adoption Eff. February 8, 2024.

SUBCHAPTER 06H - FEDERAL PROGRAMS

16 NCAC 06H .0101 DEFINITIONS

As used in this Subchapter:

- (1) "Free appropriate public education" (FAPE) is defined by 34 CFR 300.13.
- (2) "Individualized education program" (IEP) is defined by 34 CFR 300.340.
- (3) "Least restrictive environment" (LRE) is defined by 34 CFR 300.550 - 300.556.
- (4) "Parent" is defined by 34 CFR 300.20.
- (5) "Willie M." class members are children under age 18 who now or will in the future suffer from serious emotional, mental or neurological handicaps, which handicaps have been accompanied by behavior which is characterized as violent or assaultive; and who are or will be in the future involuntarily placed in institutions or otherwise placed in residential programs; and who have not been provided appropriate treatment and education programs by the state.

History Note: Authority G.S. 115C-141;
Eff. July 1, 1986;
Amended Eff. December 1, 1999; June 1, 1996.

16 NCAC 06H .0102 OPERATION OF FEDERAL PROGRAMS

(a) The Department administers in accordance with applicable federal regulations such federal education programs as are authorized by Congress and accepted by the SBE.

(b) In administering child nutrition programs, the Department will reclaim and/or withhold funds from any LEA or program sponsor which fails to comply with current federal regulations and state policies until the LEA or program sponsor complies.

History Note: Authority G.S. 115C-263; 115C-264; 115C-409;
Eff. July 1, 1986.

16 NCAC 06H .0103 COMPLAINT PROCEDURES FOR FEDERAL PROGRAMS

(a) The department shall receive, review and resolve complaints for which no other procedures or remedies are available. These complaints must involve the allegation that LEAs, another subgrantee or the department has violated a federal statute, regulation or interpretive rule. This Rule shall affect those federal education programs listed in 34 CFR Part 76.

(b) Any person(s) who believes that grounds exist for filing a complaint under Paragraph (a) of this Rule may file a written complaint with the department. The complaint must:

- (1) be signed by the person(s) making it;
- (2) show who has violated a specific federal requirement;
- (3) tell how the requirement has been violated;
- (4) state the facts upon which the complaint is based; and
- (5) tell what relief the person is seeking.

(c) If the department receives a complaint which is not complete, it shall contact the person making it and explain how the complaint may be made complete.

(d) The department shall send the complaint to staff for review and response. If the complaint involves a subgrantee, the department shall send the complaint to that subgrantee.

- (e) The department may, in its discretion, allow the person to appear and present evidence.
- (f) The department shall issue a final written resolution of each acceptable complaint to each party involved within 60 days of receipt, unless it finds good cause, as that term is defined in 26 NCAC 03 .0118, for an extension.
- (g) The resolution shall include:
 - (1) a summary of the facts involved;
 - (2) a statement of the federal requirement involved;
 - (3) the department's findings of fact and a summary of the evidence it considered;
 - (4) the department's conclusions regarding each allegation and a summary of its reasons for them; and
 - (5) the department's order for any technical assistance, negotiation or corrective action that must occur and when those actions must be taken.
- (h) If a federal education program requires a subgrantee to develop and use a complaint procedure, the person complaining may use either that or the department's procedure. If the person uses the subgrantee's procedure, the person may appeal that decision to the department within 30 days after receiving it.

History Note: Authority G.S. 115C-113; 15C-409; 34 C.F.R. 76.780; N.C. Constitution Article IX, s. 5; 34 C.F.R.. 300.660-662; Eff. July 1, 1986; Amended Eff. August 1, 2000.

16 NCAC 06H .0104 CHILD NUTRITION PROCEDURES

- (a) National School Lunch Program policies and standards are as follows:
 - (1) A la carte sales are limited to foods contributing to the nutritional well-being of the child and aiding in the establishment of good food habits. School food authorities and sponsoring organizations may provide these foods under the following conditions:
 - (A) Sponsors must operate all food and beverage services during or before the established lunch period through the school food service department.
 - (B) The school food service department retains all receipts from the sale of these items.
 - (C) Sponsors must use all food service income for the purpose of the school's non-profit child nutrition programs.
 - (D) A la carte items may not include foods of minimum nutritional value, as follows:
 - (i) soda water (soda pop),
 - (ii) water ices,
 - (iii) chewing gum,
 - (iv) processed foods made predominately from sweeteners or artificial sweeteners with a variety of minor ingredients. These foods include hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy-coated popcorn; and
 - (v) confections and carbonated drinks.
 - (E) Adults may purchase individual food items without purchasing a complete lunch.
 - (2) Competitive food sales by a school of extra food items in the lunchroom or its general environs must be on a non-profit basis. "On a non-profit basis" means that the sponsor deposits income from the sale of such food items to the account of the school's non-profit lunch and breakfast programs and uses the income solely for these programs.
 - (A) The school may sell extra food items after the established lunch hour is over, only with the approval of the LEA. The established lunch hour is over when the last pupil has been served for the day.
 - (B) Occupational home economics instructional programs which operate under an approved annual vocational education plan and which involve the preparation and sale of foods to individuals other than students are not in competition with the child nutrition program.
 - (C) The Department may deny the opportunity to participate in the program to any school food authority which operates in violation of state policy.
- (b) Sponsors must use receipts from child nutrition programs for the cost of operation as outlined in current federal regulations and state policy.
- (c) No full-time public school employee is eligible for part-time employment in food services.
- (d) The only adults who may eat in the school food service department are school employees, personnel on official school business and invited local patrons. These persons pay, as a minimum, the adult price for lunch.

*History Note: Authority G.S. 115C-263; 115C-264;
Eff. July 1, 1986.*

16 NCAC 06H .0105 ADMINISTRATION OF SPECIAL EDUCATION PROGRAMS

- (a) Implementation of the provisions of this Section which relate to providing special education and related services is the responsibility of the LEA. All agencies not associated with local school administrative units, the Department of Health and Human Services or the Department of Correction must also meet the standards described in this Section if they provide educational services to children with special needs. LEAs shall ensure that an agency meets these standards before they contract for services from such programs.
- (b) When a newly identified child with special needs has been diagnosed or evaluated by personnel under the Department of Health and Human Services, appropriate personnel from that department shall contact the LEA of the child's residence and inform that LEA in writing of the evaluation and results.
- (c) LEAs, including all local school administrative units and the Departments of Health and Human Services and Correction, shall work together to plan and implement programs and services for children with special needs.

*History Note: Authority G.S. 115C-141;
Eff. July 1, 1986;
Amended Eff. December 1, 1999.*

16 NCAC 06H .0106 NON-INSTRUCTIONAL SPECIAL EDUCATION SERVICES

- (a) Transportation.
- (1) LEAs shall provide or pay for the costs of transportation for children with disabilities enrolled in the schools or programs in their local school systems and shall also provide or pay for the costs of transportation to any private residential or nonresidential program if the student has been placed in or assigned to that private program by the LEA. Transportation funds for this purpose may be provided through local boards of education annual budget transportation allotments that are administered by the School Support Division of the Department. These funds shall be incorporated in the general transportation plan of each local board. For preschool children with disabilities, payment of these transportation costs must be made from either federal or state preschool program funds.
 - (2) If a child with disabilities is assigned to or enrolled in any residential or nonresidential program operated by or under the jurisdiction of the Departments of Health and Human Services or Correction, the department operating the program or having the program under its jurisdiction or control shall provide or pay the costs of transportation. This shall be applicable for programs for school age students with disabilities as well as programs for preschool children with disabilities. The only exception shall be when a child is enrolled in a LEA and is counted for funding purposes by the LEA, but attends a class or classes at a Department of Health and Human Services program. In this case, the LEA shall provide the transportation to the Department of Health and Human Services program and return to the LEA or home.
 - (3) The costs of transportation for a child with disabilities placed in or assigned to a school or program outside the state shall be paid by the LEA placing or assigning the child.
 - (4) Reimbursement for transportation costs paid for any one child may not exceed the Department of Transportation allowance per mile unless it is demonstrated by the child or his/her parents that this limitation will work a hardship or is unreasonable. The LEA and the appropriate state agency shall approve this justification.
- (b) LEAs shall determine and arrange for the provision of all materials, supplies and equipment essential to the instructional programs for children with special needs.

*History Note: Authority G.S. 115C-141;
Eff. July 1, 1986;
Amended Eff. August 1, 2000; June 1, 1996;*

16 NCAC 06H .0107 SPECIAL EDUCATION ASSESSMENT AND PLACEMENT PROCEDURES

- (a) Identification, screening, evaluation and placement.

- (1) LEAs shall be responsible for insuring that all children with special needs within their jurisdiction are identified, located and evaluated, including children in private agencies within their jurisdiction ages birth through 21.
 - (2) LEAs and private schools receiving placements pursuant to G.S. 115C-115 shall implement procedures for identification, screening, evaluation and placement of children with special needs. The governing body of each LEA and private school receiving placements pursuant to G.S. 115C-115 shall adopt these procedures and include the procedures described in this Rule.
 - (3) LEAs may vary these procedures when sufficient evidence exists to indicate that children can be identified and placed properly within the intent of the procedures.
- (b) Upon referral of a child pursuant to G.S. 115C-113(c), the parties shall follow the due process safeguards of Rule .0110 of this Subchapter.
- (c) The multi-disciplinary team shall evaluate or reevaluate each child with special needs in accordance with the provisions of 34 CFR 300.530 through 300.536. Evaluations of children suspected of having a specific learning disability shall be subject to the further provisions of 34 CFR 300.540 through 300.543.
- (d) Individualized education program.
- (1) Each LEA shall develop and implement an IEP for each child with a disability. The Department of Public Instruction shall monitor the effectiveness of these programs.
 - (2) All IEPs shall be developed in accordance with the provisions of 34 CFR 300.340 through 300.350.
 - (3) The LEA shall develop an IEP for any child with a disability who is enrolled in a parochial or other private school, but who receives special education or related services from the LEA.
 - (4) The LEA shall supply to the parent(s) or guardian during a conference or by mail, in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so:
 - (A) a copy of the IEP if requested;
 - (B) a description of the rights of the parent(s), including the right to review data, to challenge the data, and to provide additional data that could have some effect on the placement, program, and services of the child;
 - (C) information concerning their right to an independent educational evaluation, at public expense, if they disagree with the evaluation obtained by the LEA and a list of other agencies providing free evaluations; and
 - (D) information concerning the right to appeal the decision and a copy of the appeals procedure.
 - (5) The LEA shall prepare Group Education Programs (GEPs) for academically gifted students. The GEP describes a differentiated instructional program for students who share similar academic characteristics and program needs. The LEA may individualize the program to accommodate individual students' needs and any additional needs of a student not already addressed and a description of further necessary modifications.
 - (6) The LEA shall prepare and implement a written program to meet the special educational needs of pregnant students.
- (e) The LEA shall complete appropriate in-depth evaluations of children with a disability at least every three years in order to determine the appropriateness of the current educational status of students. Parent approval shall not be required prior to reevaluation. The parent(s) shall be notified in writing of the results of the reevaluation and the recommendations based on them, and the notice shall meet the requirements of 34 CFR 300.504. If the parent objects, the due process procedures set forth in Rule .0110 of this Subchapter shall apply.
- (f) Each LEA shall make available a continuum of programs, services and placements for each child with a disability in accordance with the provisions of 34 CFR 300.550 through 300.556.
- (g) Every private or nonpublic school which provides special education or related services to children with disabilities who have been placed in such school by the LEA is subject to the provisions of 34 CFR 300.400 through 300.402.
- (h) Willie M. Children.
- (1) Location and identification of class members.
 - (A) Local school administrative units shall nominate to area mental health centers children that are suspected to be members of the Willie M. class.
 - (B) Local school administrative units shall request informed consent from parents to conduct additional evaluations if needed.
 - (C) Local school administrative units shall notify the Department of Public Instruction regarding the number of children nominated.

- (D) Local school administrative units shall keep an ongoing register of all identified Willie M. class members.
 - (E) The Department of Public Instruction shall assign staff to the state level certification committee to assist in the certification of members of the Willie M. class.
- (2) Provision of educational services.
- (A) For certified Willie M. class members local school administrative units shall:
 - (i) provide special education services in compliance with an IEP.
 - (ii) use data received through the evaluations conducted by the area mental health centers and other sources in writing the IEP; and
 - (iii) provide special education or related services to certified class members who are located in group homes or special facilities. Certified class members may receive these special programs in the group home or special facility.
 - (B) The LEA shall decide the location of the program, with advice from the area mental health center.
 - (C) Local school administrative units shall notify the Department of Public Instruction of the special education program being provided, including:
 - (i) types of services;
 - (ii) the duration of services; and
 - (iii) any other information the Department deems relevant.
 - (D) The Department of Public Instruction shall provide training to personnel who provide educational services to class members.
- (3) Monitoring. The SBE through the Division for Exceptional Children shall monitor local school administrative units or other facilities which provide educational services to class members to determine if the program is appropriate to meet the needs of the child. This Paragraph (3) is not effective unless funds are appropriated for the specific purpose of implementing its provisions.

History Note: Authority G.S. 115C-141;
 Eff. July 1, 1986;
 Amended Eff. December 1, 1999; June 1, 1996.

16 NCAC 06H .0108 SURROGATE PARENTS FOR CHILDREN WITH DISABILITIES

LEAs shall appoint surrogate parents for children with disabilities as provided in 34 C.F.R. 300.515.

History Note: Authority G.S. 115C-141;
 Eff. July 1, 1986;
 Amended Eff. December 1, 1999; June 1, 1996.

16 NCAC 06H .0109 CONFIDENTIALITY: ACCESS TO RECORDS IN SPECIAL EDUCATION

All matters pertaining to the confidentiality of and access to education records are subject to the provisions of 34 CFR 300.560 through 300.577 and 34 CFR Part 99.

History Note: Authority G.S. 115C-141;
 Eff. July 1, 1986;
 Amended Eff. December 1, 1999.

16 NCAC 06H .0110 SPECIAL EDUCATION DUE PROCESS PROCEDURES

- (a) The due process procedures set forth in 34 CFR 300.500 through 300.517 are adopted herein by reference thereto.
- (b) Only review officers who meet the requirements of G.S. 115C-116(i) may review hearings.

History Note: Authority G.S. 115C-141;
 Eff. July 1, 1986;
 Amended Eff. December 1, 1999; May 1, 1991.

16 NCAC 06H .0111 QUALIFIED ZONE ACADEMY BONDS

History Note: Authority G.S. 115C-489.6; 150B-21.1(a7)(2);

*Temporary Adoption Eff. January 1, 2001;
Eff. July 18, 2002;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.*

16 NCAC 06H .0112 DISPUTE RESOLUTION PROCESS FOR HOMELESS STUDENTS

(a) As used in this Rule:

(1) The terms "homeless," "homeless child," and "homeless student" shall mean the same as the term "homeless children and youth" as defined by 42 U.S.C. § 11434a(2). These terms shall also be deemed to include the term "unaccompanied youth."

(2) The term "unaccompanied youth" shall mean the same as defined by 42 U.S.C. § 11434a(6).

(b) Each LEA shall appoint a liaison for homeless students. The LEA shall train the LEA liaison to carry out and mediate the dispute resolution process as expeditiously as possible and to ensure that each school and the LEA meets the requirements of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001. The LEA liaison shall also ensure that each unaccompanied youth and any student who meets the definition of "homeless children and youth" as defined by 42 U.S.C. § 11434a(2) is enrolled immediately in the school pending resolution of the dispute. The burden shall be on the school or LEA to show that the student is not a homeless student or unaccompanied youth.

(c) Each LEA shall develop and implement a process for parents, guardians, or unaccompanied youth who have complaints about enrollment to file an appeal to the LEA liaison upon registering, or attempting to register, at the school. Enrollment shall be deemed to include attending classes and participating fully in school activities. The appeal process shall provide that:

(1) faculty and staff of the school who know about the complaint must refer the child, youth, parent, or guardian to the LEA liaison;

(2) the LEA liaison shall expeditiously carry out the dispute resolution process;

(3) pending resolution of any complaint between the school or LEA and the parent, guardian, or unaccompanied youth over school enrollment, the LEA shall enroll the child or youth immediately in the school in which the child or youth seeks enrollment;

(4) the LEA shall provide the student with all the services for which the student is eligible and shall permit the student to participate fully in school activities while the dispute is being resolved;

(5) the LEA shall provide the parent, guardian, or unaccompanied youth who makes a complaint to the LEA liaison with a written statement of the rights and procedures, in language the parent, guardian, or unaccompanied youth can understand, that informs them of:

(A) contact information including telephone number and address of the LEA liaison and of the State coordinator for homeless education, with a brief description of their roles;

(B) the right to initiate the dispute resolution process either orally or in writing;

(C) a simple form that parents, guardians, or unaccompanied youth can complete and submit to the LEA liaison to initiate the dispute resolution process;

(D) a step-by-step description of how to dispute the school's decision;

(E) notice of the right to enroll immediately in the school of choice or remain in the school of origin with transportation provided pending resolution of the dispute;

(F) notice that immediate enrollment includes full participation in all school activities; and

(G) notice of the right to obtain assistance of advocates or attorneys.

(6) the LEA shall provide the parent, guardian, or unaccompanied youth with the name and contact information of the State coordinator for homeless education; and

(7) the LEA shall inform the parent, guardian, or unaccompanied youth about the right to appeal any decision regarding the student's enrollment to the State coordinator.

(d) Each LEA shall include in the dispute resolution process the following components:

(1) The LEA shall allow the parent, guardian, or unaccompanied youth to initiate the dispute resolution process at the school at which enrollment is sought or at the LEA liaison's office.

(2) The LEA shall inform the parent, guardian, or unaccompanied youth of the right to provide supporting written or oral documentation.

(3) The LEA shall inform the parent, guardian, or unaccompanied youth of the right to seek the assistance of advocates or attorneys.

(4) The LEA shall provide the parent, guardian, or unaccompanied youth with a written statement of the final LEA decision.

(5) The LEA shall inform the parent, guardian, or unaccompanied youth of the right to appeal the final LEA decision to the State coordinator.

- (e) The Superintendent of Public Instruction shall designate a State coordinator for homeless education.
- (f) Any parent, guardian, or unaccompanied youth who is not satisfied with the final LEA decision regarding enrollment may appeal the decision to the State coordinator. In addition, any interested person who believes that grounds for an appeal exist may present an oral or written appeal to the State coordinator, including:
- (1) the name, address, and telephone number of the person filing the appeal;
 - (2) the relationship or connection of the person to the child in question;
 - (3) the name of the school system and the specific school in question;
 - (4) the federal requirement alleged to have been violated;
 - (5) how the requirement has been violated; and
 - (6) the relief the person is seeking.
- (g) If the State coordinator receives an appeal that is not complete, the coordinator shall contact the person making the appeal, explain the deficiency, and offer the person the opportunity to complete the appeal.
- (h) Upon request of the State coordinator, the LEA liaison shall provide the State coordinator with the record of the complaint and the LEA's actions. If the matter involves more than one LEA, then the LEA liaisons shall cooperate to provide the State coordinator with a complete record. In either event, the liaison or liaisons shall provide the complete record within five school days following the State coordinator's request.
- (i) The LEA shall provide the State coordinator with any information that the State coordinator requests regarding the issues presented in the appeal.
- (j) The State coordinator shall provide the LEA and the parent, guardian, or unaccompanied youth with the opportunity to respond to the LEA decision and to provide any additional evidence they deem relevant.
- (k) The State Coordinator shall issue a final written decision to the parent, guardian, or unaccompanied youth and the LEA involved within 10 school days following receipt of the complete appeal.
- (l) The State coordinator's decision shall include:
- (1) a summary of the issue appealed;
 - (2) the federal requirement at issue; and
 - (3) a description of the State coordinator's decision in plain language.
- (m) Nothing contained in this Rule shall prohibit the State coordinator from investigating whether the parent, guardian, or unaccompanied youth knowingly and voluntarily entered into any agreement affecting their rights under McKinney-Vento Homeless Education Assistance Improvements Act of 2001. If the coordinator determines that the parent, guardian, or unaccompanied youth did not knowingly and voluntarily enter into the agreement, then the coordinator may void the agreement and enter a decision consistent with the applicable facts and law.

History Note: Authority G.S. 115C-366(a2); N.C. Constitution, Article IX, s. 5; 42 U.S.C. § 11432; Eff. February 2, 2007.

16 NCAC 06H .0113 NUTRITION STANDARDS FOR ELEMENTARY SCHOOLS

History Note: Authority G.S. 115C-264.3; N.C. Constitution, Article IX, Sec. 5; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b); Emergency Adoption Eff. August 20, 2019; Emergency Adoption Expired Eff. November 19, 2020.

16 NCAC 06H .0114 DISPUTE RESOLUTION PROCESS FOR HOMELESS STUDENTS - DEFINITIONS

As used in this Section, the following terms shall have the following definitions:

- (1) "Homeless," "homeless child," and "homeless student" shall mean the same as the term "homeless children and youths" as defined by 42 U.S.C. 11434a(2). These terms shall also be deemed to include the term "unaccompanied youth."
- (8) "Unaccompanied youth" shall mean the same as defined by 42 U.S.C. 11434a(6).
- (3) "Local educational agency" (LEA) includes local school administrative units, charter schools, laboratory schools, regional schools, Innovative School District schools, and Innovation Zone schools.
- (2) "LEA dispute resolution process" shall refer to the LEA's policy on resolving complaints brought by parents, guardians, or unaccompanied youth regarding students experiencing homelessness. The term shall refer to appeals processes within the LEA, prior to any appeal by the parent, guardian, or unaccompanied youth appeals to the State Coordinator.

- (4) "Local liaison" shall refer to the official at each LEA, who ensures the LEA dispute resolution process for homeless children and youth is mediated in accordance with local, State, and federal policy as required by 42 U.S.C. 11432(g)(6)(A)(vii).
- (5) "School business day" means days when students are scheduled to be in attendance at school, according to the academic calendar adopted by the LEA.
- (7) "State Coordinator" shall refer to the Department of Public Instruction staff person who carries out federally mandated duties regarding students experiencing homelessness as required by 42 U.S.C. 11432(d)(3).
- (6) "State appeal process" shall refer to the policies the State Coordinator, LEAs, parents, guardians, and unaccompanied youth must follow when a parent, guardian, or unaccompanied youth seeks to appeal a dispute to the State Coordinator.

History Note: Authority G.S. 115C-12; 115C-366; 42 U.S.C. 11431; 42 U.S.C. 11432; Emergency Adoption Eff. August 20, 2019; Eff. October 1, 2020.

16 NCAC 06H .0115 DISPUTE RESOLUTION PROCESS FOR HOMELESS STUDENTS – LEA DISPUTE RESOLUTION PROCESS

(a) Each LEA shall develop and implement an LEA dispute resolution process for parents, guardians, or unaccompanied youth who have complaints about eligibility, school selection, or enrollment to file an appeal to the local liaison upon registering, or attempting to register, the child or youth at the school where enrollment is sought. For purposes of this process, the phrase "school where enrollment is sought" may be either the school of origin or the school located in the attendance zone of the child or youth's temporary residence. Enrollment shall be deemed to include attending classes and participating fully in all school activities, as required by 42 USC 11434a(1). The LEA shall publish the LEA dispute resolution process on its website or in any school unit publication that sets forth the rules, procedures, and standards for students or parents. The LEA dispute resolution process shall provide that:

- (1) the parent, guardian, or unaccompanied youth may initiate the dispute resolution process with the local liaison at the school where enrollment is sought or at the local liaison's office;
- (2) faculty and staff of the school who know about the complaint must refer the parent, guardian, or unaccompanied youth to the local liaison;
- (3) the local liaison shall carry out the LEA dispute resolution process within 15 school business days, or 30 calendar days, whichever is less;
- (4) the LEA official(s) responsible for making the final LEA decision shall be identified in the local policy;
- (5) the LEA shall enroll the child or youth immediately as required by 42 USC 11432 in the school where enrollment is sought pending resolution of any complaint between the school or LEA and the parent, guardian, or unaccompanied youth over school enrollment;
- (6) the LEA shall provide the student with all services for which the student is eligible and shall permit the student to participate in school activities while the dispute is being resolved;
- (7) the LEA shall, within one school business day, provide the parent, guardian, or unaccompanied youth with a statement of rights and procedures, written in a language, manner, and form they understand, to the extent the LEA deems practicable, that informs them of:
 - (A) contact information including telephone number, e-mail address, and physical address of the local liaison and of the State Coordinator for homeless education, with a description of their roles;
 - (B) the right to notify the local liaison, within two school business days of the school's decision, of the parent's, guardian's, or unaccompanied youth's intent to appeal the decision and the right to receive notice of the appeal procedure, including the timeline and process for making the initial appeal and any subsequent appeals available under LEA policy. This process must allow for requests for appeals to be made orally or in writing and must identify the LEA official(s) who makes the final LEA decision;
 - (C) a form that parents, guardians, or unaccompanied youth can understand, complete, and submit to the local liaison to formally initiate the appeal and any subsequent appeals available under LEA policy;
 - (D) the right to appeal, or request an extension of time to appeal, the final LEA decision to the State Coordinator within three school business days of receipt of the final LEA decision;

- (E) the right to enroll immediately in the school located in the attendance zone of the child or youth's temporary residence or remain in the school of origin with transportation provided by the LEA pending resolution of the dispute, if such transportation is requested by the parent, guardian, or local liaison on behalf of the youth;
 - (F) notice that the right to enroll includes the right to fully participate in all school activities;
 - (G) the right to obtain assistance of advocates or attorneys; and
 - (H) the right to provide supporting written or oral documentation during the appeals process.
- (b) Each LEA shall appoint a local liaison for identifying homeless students. The local liaison shall:
- (1) ensure that when parents, guardians, or unaccompanied youth initiate the dispute resolution process, all parties comply with the process and that the appellants are provided with the information required by Paragraph (a) of this Rule;
 - (2) ensure that each homeless child or youth who files a dispute about enrollment or whose parent or guardian files such a dispute is enrolled immediately in the school pending resolution of the dispute;
 - (3) communicate the LEA dispute resolution process to parents, guardians, and unaccompanied youth; and
 - (4) inform the LEA superintendent, other school officials participating in the LEA dispute resolution process, and the State Coordinator of the dispute no more than two school business days after the parent, guardian, or unaccompanied youth has initiated the dispute resolution process.
- (c) The State Coordinator shall train the local liaisons to carry out and mediate the dispute resolution process and to ensure that each school and the LEA meets the requirements of the McKinney-Vento Act as amended by the Every Student Succeeds Act of 2015, as set forth in 42 U.S.C. 11431 et seq.

History Note: Authority G.S. 115C-12; 115C-366; 42 U.S.C. 11431; 42 U.S.C. 11432; Emergency Adoption Eff. August 20, 2019; Eff. December 1, 2020.

16 NCAC 06H .0116 DISPUTE RESOLUTION PROCESS FOR HOMELESS STUDENTS – STATE APPEALS PROCESS

- (a) Any parent, guardian, or unaccompanied youth who is not satisfied with the final LEA decision regarding enrollment may appeal the decision, within three school business days after the final LEA decision or within the period of any extension granted, to the State Coordinator through an oral or written appeal to the State Coordinator, including:
- (1) the name of the person making the appeal and, if available, his or her physical address, e-mail address, and telephone number;
 - (2) the relationship or connection of the person to the child in question;
 - (3) the name of the school system and the school in question;
 - (4) the federal requirement alleged to have been violated;
 - (5) how the requirement has been violated; and
 - (6) the relief the person is seeking.
- (b) If the State Coordinator receives an appeal that is missing information listed in Paragraph (a) of this Rule, the State Coordinator shall contact the person making the appeal and the local liaison, explain the deficiency, and offer the person an opportunity to provide the missing information.
- (c) Upon request of the State Coordinator, the local liaison shall provide the State Coordinator with the record of the complaint, the LEA's actions, and other documents. If the matter involves more than one LEA, then the local liaisons shall cooperate to provide the State Coordinator with a complete record. The local liaison or liaisons shall provide the complete record within three school business days following the State Coordinator's request.
- (d) The State Coordinator shall provide the LEA and the parent, guardian, or unaccompanied youth with the opportunity to respond to the LEA decision and to provide any additional evidence he or she deems relevant within three school business days.
- (e) The State Coordinator shall issue a final written decision to the parent, guardian, or unaccompanied youth and the LEA involved within 10 school business days following receipt of the documents and information described with Paragraphs (a), (b), (c) and (d) of this Rule.
- (f) The State Coordinator's decision shall include:
- (1) a summary of the issue appealed;
 - (2) the federal requirement at issue; and
 - (3) a description of the State Coordinator's decision in a manner and form the parent, guardian, or unaccompanied youth understand, and, to the extent practicable as determined by the State Coordinator,

provided in a language that the parent, guardian, or unaccompanied youth can understand, including further steps that the LEA or parent, guardian, or unaccompanied youth are required to take.

(g) Nothing contained in this Rule shall prohibit the State Coordinator from investigating whether the parent, guardian, or unaccompanied youth knowingly and voluntarily entered into any agreement affecting his or her rights under McKinney-Vento Act as amended by the Every Student Succeeds Act of 2015. If the State Coordinator determines that the parent, guardian, or unaccompanied youth did not knowingly and voluntarily enter into the agreement, then the State Coordinator may void the agreement and enter a decision consistent with the applicable facts and State or federal law, as set forth in 42 U.S.C. 11431 et seq.

History Note: Authority G.S. 115C-12; 115C-366; 42 U.S.C. 11431; 42 U.S.C. 11432;
Emergency Adoption Eff. August 20, 2019;
Eff. December 1, 2020.

16 NCAC 06H .0117 OPERATION OF FEDERAL PROGRAMS

Participants in federal education programs administered by the Department of Public Instruction shall be subject to the enforcement mechanisms authorized under 2 CFR Part 200, which is hereby incorporated by reference, including subsequent editions and amendments. The CFRs may be accessed at no cost at ecfr.gov.

History Note: Authority G.S. 115C-12; 115C-263; 115C-264; 115C-409;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

SUBCHAPTER 06I – THE GOVERNER MOREHEAD SCHOOL

SECTION .0100 - ADMINISTRATIVE PROCEDURES

16 NCAC 06I .0101 PURPOSES AND RESPONSIBILITIES

The mission of the Governor Morehead School for the Blind is to provide educational, prevocational, vocational and transitional employment and living services to visually impaired children from birth to age 21 of North Carolina. This mission includes the responsibility to assist in the provision of a continuum of consultative and technical services to other public and private state and national agencies in an effort to meet the life-long needs of visually impaired people.

History Note: Authority G.S. 115C-127; 115C-128; 115C-130; 115C-131; 115C-132; 115C-135;
Eff. February 1, 1976;
Amended Eff. September 1, 1990;
Transferred from 10A NCAC 93 .0101 Eff. June 1, 2011.

16 NCAC 06I .0102 ELIGIBILITY

(a) School age requirements for 5-21 years of age students:

- (1) The prospective student's parents or legal guardians must reside in the state of North Carolina.
- (2) The prospective student must be between the ages of 5 and 21.
- (3) The prospective student must have an educationally significant visual impairment:
 - (A) Blind - a student who after best correction, has no usable vision and therefore must rely on tactile and auditory senses to obtain information.
 - (B) Partially sighted - student who has a visual acuity of 20/70 or less in the better eye corrected, has a peripheral field that is restrictive to learning or who has a progressive vision loss which will affect the student's ability to learn.
 - (C) Blind multihandicapped - a student who has a visual impairment as defined in this Rule and a concomitant handicapping condition or conditions.
 - (D) Deaf-Blind - a student who has concomitant hearing and visual impairments, the combination of which causes severe communication problems.
- (4) The prospective student must demonstrate a potential for educational progress during the initial evaluation process, in the areas of:
 - (A) self-help skills such as eating, dressing, assistive responses to bathing and toileting.

- (B) adaptation to new environments such as other children, teachers, support staff and dormitory staff as appropriate.
 - (C) tolerance for change from one setting to another such as classes, staff, support services.
 - (D) modification of undesirable or inappropriate behaviors.
 - (E) curiosity initiative in exploratory play, willingness or acceptance of manipulation through gross and fine motor activities.
- (5) The prospective student must be able to adjust socially and psychologically to the residential environment and present no long-lasting deficits in adaptive behavior that would interfere with either their or other student's educational progress.
 - (6) The prospective student must demonstrate at least the characteristics as outlined by the American Association on Mental Deficiency for the Moderate, Mentally Retarded including:
 - (A) schedule-trained in toileting;
 - (B) accepts solid foods;
 - (C) finger-feeds self and cooperates in bathing, dressing and grooming;
 - (D) expresses his or her needs through natural gestures, signs or vocalizations;
 - (E) shows a differential reaction to familiar adults and accepts tactual stimulation;
 - (F) demonstrates potential for academic learning, self-care and semi-independent functioning as an adult;
 - (G) demonstrates a level of intellectual or social and adaptive functioning of at least 40 on a standardized instrument.
 - (7) The Governor Morehead School cannot accept students with significant medical problems that would include, but are not limited to planned hospitalization for prolonged period during the school year, chronic moderate to severe respiratory difficulties, semi-consciousness or the requirement of substained medical support services, such as respirators, or seriously emotionally disturbed children who are disruptive that they require constant medical care and treatment by a psychiatrist.
- (b) Preschool requirements for birth - five years of age student:
- (1) The prospective student's parents or legal guardians must reside in the state of North Carolina.
 - (2) The prospective student must be between the ages of 5 and 21.
 - (3) The prospective student must have an educationally significant visual impairment:
 - (A) Blind - a student who after best correction, has no usable vision and therefore must rely on tactile and auditory senses to obtain information.
 - (B) Partially sighted - student who has a visual acuity of 20/70 or less in the better eye corrected, has a peripheral field that is restrictive to learning or who has a progressive vision loss which will affect the student's ability to learn.
 - (C) Blind multihandicapped - a student who has a visual impairment as defined in this Rule and a concomitant handicapping condition or conditions.
 - (D) Deaf-Blind - a student who has concomitant hearing and visual impairments, the combination of which causes severe communication problems.
 - (4) The prospective student must demonstrate a visual impairment significant enough to affect his or her development.
 - (5) The Governor of Morehead School cannot accept students with significant medical problems that would include, but are not limited to planned hospitalization for a prolonged period during the school year, chronic moderate to severe respiratory difficulties, semi-consciousness or the requirement of substained medical support services such as respirators or seriously emotionally disturbed children who are so disruptive that they require constant medical care and treatment by a psychiatrist.

*History Note: Authority G.S. 115C-127; 115C-106(b); 115C-113;
 Eff. February 1, 1976;
 Amended Eff. October 1, 1990;
 Transferred from 10A NCAC 93 .0102 Eff. June 1, 2011.*

16 NCAC 06I .0103 MEDICAL AND HEALTH SERVICES

(a) Health services at the Governor Morehead School consist of an infirmary and outpatient services. Extensive nursing care is not available for children actively needing special services to maintain their health and safety.

(b) The Governor Morehead School is not licensed as a hospital or treatment facility and is not staffed to serve the following types of students in a residential setting:

- (1) students whose primary need is for psychiatric treatment;
- (2) students in need of treatment for severe behavior disorders;
- (3) persons in need of around-the-clock, intensive medical care for severe health problems.

(c) Children who become ill may be kept in the infirmary, sent home for treatment, or if necessary taken to the emergency room of a nearby hospital.

History Note: Authority G.S. 115-325; 143B-173(b);
Eff. August 25, 1980;
Transferred from 10A NCAC 93 .0103 Eff. June 1, 2011.

16 NCAC 06I .0104 STUDENT INFORMATION

The Governor Morehead School is subject to the Department of Public Instruction rules governing the confidentiality of student information pursuant to 16 NCAC 06H .1514 in accordance with G.S. 150B-14(c).

History Note: Authority G.S. 115C-114; 115C-321; 143B-10; 150B-14(c);
Eff. February 1, 1976;
Amended Eff. October 1, 1990;
Transferred from 10A NCAC 93 .0104 Eff. June 1, 2011.

16 NCAC 06I .0105 THE GOVERNOR MOREHEAD SCHOOL CAMPUS PARKING

Parking on The Governor Morehead School Campus shall be in conformity with the following requirements:

- (1) Vehicles shall be parked only in designated parking spaces. Parking spaces are defined by painted lines in the surfaced areas and by wheel-stops in non-surfaced areas.
- (2) No parking is allowed on any streets.
- (3) No stopping to load or unload is allowed on any streets.
- (4) Signs shall be erected in specific areas indicating No Parking and Tow-away Zones.
- (5) The school may have removed to a place of storage, at the owner's expense, any unattended vehicle illegally parked in a designated tow-away zone.
- (6) No parking is allowed in any manner that would block or prohibit access to a designated crosswalk.

History Note: Authority G.S. 143-116.7;
Temporary Adoption Eff. March 9, 1998;
Eff. April 1, 1999;
Transferred from 10A NCAC 93 .0105 Eff. June 1, 2011.

SECTION .0200 - PERSONNEL

16 NCAC 06I .0201 AUTHORITY OF TEACHERS AND HOUSEPARENTS

Teachers and house parents may make rules or arrangements necessary for learning and the well-being of the classroom and cottage. Rules or arrangements are to be consistent with the Governor Morehead School policy and philosophy, and approved by the Director.

History Note: Authority G.S. 115C-127; 115C-307; 143B-10;
Eff. February 1, 1976;
Amended Eff. September 1, 1990;
Transferred from 10A NCAC 93 .0201 Eff. June 1, 2011.

16 NCAC 06I .0202 WHO MAY GIVE DIRECTIONS

Students shall comply with all directions of principals, supervisors, teachers, houseparents, nurses, recreation supervisors and other authorized school personnel during the period they are subject to the authority of such personnel.

History Note: Authority G.S. 115-321; 143B-10;
Eff. February 1, 1976;

Transferred from 10A NCAC 93 .0202 Eff. June 1, 2011.

SECTION .0300 - STUDENT RULES

16 NCAC 06I .0301 COMPLIANCE WITH CAMPUS RULES AND AUTHORIZED PERSONS

(a) Each student shall comply with all these Rules in this Chapter and all rules in Governor Morehead School parent/student handbook which are adopted by reference according to G.S. 150B-14(c).

(b) In addition to the rules contained in this booklet, each student shall comply with all directions of principals, supervisors, teachers, houseparents, nurses, recreation supervisors and all other school personnel, who are authorized to give such directions, during any period of time when they are subject to the authority of such personnel.

*History Note: Authority G.S. 115C-321; 143B-173(b); 150B-14(c);
Eff. August 25, 1980;
Amended Eff. October 1, 1990;
Transferred from 10A NCAC 93 .0301 Eff. June 1, 2011.*

16 NCAC 06I .0302 PROTECTION OF PROPERTY

Each student shall control his actions so that no private or school property is damaged. If property is damaged, the student may be required to reimburse the owner for the damages.

*History Note: Authority G.S. 115-321; 143B-173(b);
Eff. August 25, 1980;
Transferred from 10A NCAC 93 .0302 Eff. June 1, 2011.*

16 NCAC 06I .0303 USE OF DRUGS

The use, possession of or being under the influence of alcohol or any controlled substance as defined by Chapter 90 of the General Statutes, except by prescription and under the care of a licensed physician, is strictly forbidden, on or off campus, at any school activity or function.

*History Note: Authority G.S. 115C-391; 143B-173(b);
Eff. August 25, 1980;
Amended Eff. September 1, 1990;
Transferred from 10A NCAC 93 .0303 Eff. June 1, 2011.*

16 NCAC 06I .0304 CODE OF DRESS FOR STUDENTS

The following dress code shall apply to all students:

- (1) Staff should set the proper example in dress and decorum for each student.
- (2) Good grooming should be practiced every day. It includes:
 - (a) keeping the body clean (bathe daily);
 - (b) keeping the hair neat and clean;
 - (c) wearing clean, neat clothing.
- (3) Students will be required to dress appropriately for the occasion.
- (4) Students will be required to wear the clothing provided by their parents or sponsor. Wearing clothing belonging to other students is prohibited, unless parental permission to loan clothing and to wear another's clothing is secured for each individual concerned.
- (5) If makeup is worn, it is to be properly applied.

*History Note: Authority G.S. 115-321; 143B-173(b);
Eff. August 25, 1980;
Transferred from 10A NCAC 93 .0304 Eff. June 1, 2011.*

SECTION .0400 - DISCIPLINE

16 NCAC 06I .0401 DEFINITIONS OF DISCIPLINARY TERMS

- (a) "Discipline Team" means a committee that is chaired by the Director of Comprehensive Clinic and including Building Principal, Director of Residential Life or Dorm Director, Houseparent, Student's Classroom Teacher, and the Counselor or School Psychologist.
- (b) "Due Process" means the student has the right to tell his or her side of an incident to the Discipline Committee before disciplinary decisions are made regarding an incident. No matter what decision is made, the student or his parent or guardian have the right to talk to the administrative staff.
- (c) "Expulsion" means any action removing a student from the right to attend school for a designated period of time.
- (d) "Home Suspension" means removal of a student from the Governor Morehead School campus and exclusion (cannot participate) from all school-sponsored activities. This suspension by the administration is for a period of not more than ten school days per school year.
- (e) "Immediate Family" means spouse, parents, children, brother, sister, grandparents and legal guardians. Also included are the step, half, and in-law relationships.
- (f) "Isolation" means separating a student for up to two hours from activity in classroom or dorm into a quiet area within same room or in a separate room.
- (g) "In-Cottage Suspension" means removal of a student from the normal cottage activities and privileges and assignment to a specific area and staff member. Included is the loss of all privileges during dormitory hours.
- (h) "In-School Suspension" means removal of a student from the normal school day activities including school related extracurricular activities and assignment to a specific area and staff member. Included is the loss of all privileges during school hours.
- (i) "On-Campus Total Suspension" means removal of a student from normal classroom, cottage and after school activities with assignment to a specific area and staff member with loss of all privileges.
- (j) "Required Parent Conference" means conferences intended to prevent future incidents. Mandatory after suspension to reinstate student.
- (k) "Search and Seizure" means school personnel, with the approval of the Superintendent may conduct a reasonable search of students, student's personal property, or school property being used by a student when there is a reasonable suspicion that a student is concealing illegal contraband such as drugs, weapons, alcohol, or fireworks, or that a search is necessary to protect other students and staff.
- (l) "Time-Out" means separating a student up to 30 minutes from the activity in the classroom or dormitory into a quiet area within the same room or in a separate room. This may be done by the houseparent or teacher to calm a student who is upset.

History Note: Authority G.S. 115C-228; 143B-173(b);
 Eff. August 25, 1980;
 Amended Eff. September 1, 1990;
 Transferred from 10A NCAC 93 .0401 Eff. June 1, 2011.

16 NCAC 06I .0402 PROCEDURE FOR ADMINISTERING DISCIPLINE

The Discipline Team will convene and make decisions regarding disciplinary measures for behaviors considered to be too serious to be addressed by the school or dormitory rules and related consequences. The decision of the Discipline Team may be appealed to the Superintendent in writing within ten school days.

History Note: Authority G.S. 115C-288; 143B-173(b);
 Eff. August 25, 1980;
 Amended Eff. September 1, 1990;
 Transferred from 10A NCAC 93 .0402 Eff. June 1, 2011.

16 NCAC 06I .0403 DISTRIBUTION OF POLICY

Parents and students shall be given the Governor Morehead School Parent-Student Handbook at registration day. The Discipline Policy is contained in the handbook.

History Note: Authority G.S. 115C-288; 143B-173(b);
 Eff. August 25, 1980;
 Amended Eff. September 1, 1990;
 Transferred from 10A NCAC 93 .0403 Eff. June 1, 2011.

16 NCAC 06I .0404 DISCIPLINE VIOLATIONS

Violations of school or dormitory rules shall be handled by either established consequences for specific violations or with a referral to the school's Discipline Team. The Discipline Team shall determine the type of discipline most suitable for the violation and if any special circumstances may be considered in this determination.

History Note: Authority G.S. 115C-288; 143B-173(b);
Eff. August 25, 1980;
Amended Eff. September 1, 1990;
Transferred from 10A NCAC 93 .0404 Eff. June 1, 2011.

16 NCAC 06I .0405 DISCIPLINARY ACTIONS

The Disciplinary Team may implement any of the following:

- (1) "Time Out" or "Isolation". A teacher or houseparent may use time out as a method of allowing student to gain control of his or her own behavior. Isolation will require the approval of the appropriate supervisor.
- (2) "In-Program Suspension". In-Program Suspension such as the In-School Suspension from 8:00 a.m. to 3:30 p.m. and the in-cottage suspension from 3:30 p.m. to bedtime may last from one to five days. This procedure can only be implemented on the recommendation of the Discipline Team. Students are required to work on classroom assignments during In-School Suspension for credit in classes.
- (3) "On-Campus Total Suspension". On-Campus Total Suspension involves removing a student from both academic classes and cottage activities and placing that student in a designated suspension room. This procedure will be used to enable the student to continue academic progress and reflect upon his or her conduct. On-Campus Total Suspension may last more than one program day and up to 48 hours. This procedure can only be implemented by the recommendation of the Discipline Team.
- (4) "Home Suspension". Home Suspension is temporarily removing students from school by sending them home for a period not to exceed ten days per school year for the most serious infractions. Suspension is recommended to the Superintendent by the Discipline Team. The Superintendent or his designee is the only person who can suspend a student from school. Parents must attend the required parent conference to reinstate their child.

History Note: Authority G.S. 114-374; 143B-173(b);
Eff. August 25, 1980;
Amended Eff. September 1, 1990; March 9, 1981;
Transferred from 10A NCAC 93 .0405 Eff. June 1, 2011.

16 NCAC 06I .0406 REQUEST FOR DETERMINATION

- (a) In accordance with G.S. 150B-2(2), any person may request a determination of his or her legal rights privileges, or duties as they relate to laws or rules administered by the Governor Morehead School. All requests must be in writing and contain a statement of the facts prompting the request sufficient to allow for appropriate processing by the Governor Morehead School.
- (b) Any person seeking such a determination must exhaust all informal procedures available before requesting a hearing under G.S. 150B-23.
- (c) All petitions for hearings regarding matters under the control of the Governor Morehead School shall be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 and 26 NCAC 03 .0103. In accordance with G.S. 1A-1, Rule 4(j) 4, the petition shall be served on a registered agent for service of process for the Department of Human Resources.

History Note: Authority G.S. 143B-10; 150B-11; 150B-22; 150B-23;
Eff. August 25, 1980;
Amended Eff. September 1, 1990;
Transferred from 10A NCAC 93 .0406 Eff. June 1, 2011.

16 NCAC 06I .0407 APPLICABILITY OF PROCEDURES

In conducting formal appeals, G.S. 150B, Article 2 and the departmental rules on contested cases, as codified in 10A NCAC 01B shall be applied.

History Note: Authority G.S. 115C-288; 143B-173(b);
Eff. August 25, 1980;
Amended Eff. September 1, 1990;

Transferred from 10A NCAC 93 .0407 Eff. June 1, 2011.

SUBCHAPTER 06J – NORTH CAROLINA SCHOOLS FOR THE DEAF

SECTION .0100 - ADMINISTRATIVE PROCEDURES

16 NCAC 06J .0101 **CAMPUSES**

(a) The North Carolina School for the Deaf is located at the principal address on Highway 64 South in Morganton, North Carolina 28655. The Morganton school provides pre-school through eighth grade education for deaf and educationally hard-of-hearing children from the following 38 counties: Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davie, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey; and ninth through twelfth grade education for deaf or educationally hard-of-hearing children from the following 46 counties: Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Montgomery, Polk, Randolph, Richmond, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey.

(b) The Eastern North Carolina School for the Deaf is located on Highway 301, Wilson, North Carolina, 27894. The Wilson school provides pre-school through eighth grade education for deaf and educationally hard-of-hearing children from the following 43 counties: Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson; and ninth through twelfth grade education for deaf or educationally hard-of-hearing children from the following 54 counties: Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson.

(c) The Central North Carolina School for the Deaf is located on Highway 29 North, Greensboro, North Carolina, 27405. The Greensboro school provides pre-school through eighth grade education for deaf or educationally hard-of-hearing children from the following 19 counties: Alamance, Caswell, Chatham, Davidson, Durham, Forsyth, Granville, Hoke, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Scotland, and Stokes.

*History Note: Authority G.S. 115-336; 115C-123; 143B-10; 143B-216.33(a)(2);
 Eff. February 1, 1976;
 Amended Eff. June 1, 1990;
 Transferred from 10A NCAC 94 .0101 Eff. June 1, 2011.*

16 NCAC 06J .0102 **ELIGIBILITY**

(a) The Department of Health and Human Services, Office of Education Services, North Carolina Schools for the Deaf, shall upon application, admit into the school for the purposes of education all hearing impaired children who are residents of the state, who are between the ages of 6 and 21 years; provided that the Department of Health and Human Services, Office of Education Services, North Carolina Schools for the Deaf, may admit students under the age of six years when in its judgment, such admission will be in the best interests of the applicant and the facilities of the school.

(b) Only those who are bona fide citizens and or residents of North Carolina shall be eligible and entitled to receive free tuition and maintenance.

(c) Non-resident deaf or hard-of-hearing children may be admitted, but in no event shall the admission of non-residents in any way prevent the attendance of any eligible deaf or hard-of-hearing child, resident of North Carolina.

(d) Provided the non-resident child complies with Paragraphs (a) to (c) of this Rule, the child can be admitted to the school if he or she pays the per capita cost as reflected by the school's records.

History Note: Authority G.S. 115-340; 115C-110; 115C-111; 115C-124; 155C-366.1;

*143B-10; 143B-216.33(a)(2);
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Transferred from 10A NCAC 94 .0102 Eff. June 1, 2011.*

16 NCAC 06J .0103 APPLICATION PROCEDURES

The following procedures are required to be followed by all children requesting admission to the Office of Education Services Schools for the Deaf:

- (1) The parent or guardian shall complete the general application form available at the Division's Central Office, the school's principal office or at any campus office and submit the form to the superintendent, or his delegated representative.
- (2) Upon receipt of the application, the school will notify the parent or guardian of the date and time for an evaluation of the child's hearing loss.
- (3) As a result of this evaluation, the school shall make a decision concerning the child's admission to the school.
- (4) The parents or guardian will be promptly notified of the school's decision.

*History Note: Authority G.S. 115-340; 115C-110; 115C-111; 143B-10; 143B-216.33(a)(2);
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Transferred from 10A NCAC 94 .0103 Eff. June 1, 2011.*

16 NCAC 06J .0104 STUDENT FEE

A student fee of fifty dollars (\$50.00) per year is charged residential students and twenty-five dollars (\$25.00) per year for day students.

*History Note: Authority G.S. 115C-126.1; 143B-216.33(d);
Eff. February 1, 1976;
Transferred from 10A NCAC 94 .0104 Eff. June 1, 2011.*

16 NCAC 06J .0105 REFUNDS

- (a) A student entering school anytime after December 31st of the school year shall pay one-half of the yearly rate.
- (b) If the student pays the annual fee upon entering school and then leaves school on or before December 31st of the school year, one-half of the fee shall be refunded.
- (c) A student leaving school at anytime after December 31st of the school year shall not be entitled to any refund.

*History Note: Authority G.S. 115C-126.1; 143B-216.33(d);
Eff. February 1, 1976;
Transferred from 10A NCAC 94 .0105 Eff. June 1, 2011.*

16 NCAC 06J .0106 DEFINITION

This statement of policy shall define confidential information as being any personal facts or information pertaining to the student or his family which have been made available to the school for those needs and purposes related to the school's program.

*History Note: Authority G.S. 115C-114; 143B-216.33(d);
Eff. February 1, 1976;
Transferred from 10A NCAC 94 .0106 Eff. June 1, 2011.*

16 NCAC 06J .0107 CONSENT REQUIRED FROM STUDENT OR PARENT

Confidential information concerning a student will not be made available to any individual or agency outside the school without the consent of the parent, legal guardian or the student if 18 years of age or older.

*History Note: Authority G.S. 115C-114; 143B-216.33(d);
Eff. February 1, 1976;*

Transferred from 10A NCAC 94 .0107 Eff. June 1, 2011.

16 NCAC 06J .0108 CONSENT REQUIRED FROM FORMER STUDENT OR PARENT

Confidential information related to a former student is not to be divulged or sent to any agency or individual requesting such information without the consent of the former student if 18 or more years of age or his parent or legal guardian.

*History Note: Authority G.S. 115C-114; 143B-216.33(d);
Eff. February 1, 1976;
Transferred from 10A NCAC 94 .0108 Eff. June 1, 2011.*

16 NCAC 06J .0109 USE OF SCHOOL'S RECORDS FOR RESEARCH

(a) The superintendent or his delegated representative must approve the use of school records for research or training purposes. If permission is granted for research, the identity of the student and his family must be concealed.

(b) Individuals or groups who wish to observe, interview or conduct any type of research or evaluation must also obtain permission from the superintendent or his delegated representative.

*History Note: Authority G.S. 115C-114; 143B-10(a),(e),(f),(j); 143B-216.33;
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Transferred from 10A NCAC 94 .0109 Eff. June 1, 2011.*

16 NCAC 06J .0110 AVAILABILITY OF RECORDS TO STAFF MEMBERS

(a) Confidential treatment of files by staff members is mandatory.

(b) Records and files are available for use by staff members at the discretion of those responsible for keeping the files. Information gained about students or parents is not to be discussed or divulged to other staff members or any other person except as authorized in G.S. 115C-114.

(c) Volunteers, practice teachers or teacher trainees are not to have access to confidential and personal files.

(d) All discussions concerning confidential information are to be held in private.

*History Note: Authority G.S. 115C-114; 143B-216.33(d);
Eff. February 1, 1976;
Amended Eff. September 1, 1990;
Transferred from 10A NCAC 94 .0110 Eff. June 1, 2011.*

SECTION .0200 - STUDENT RULES

16 NCAC 06J .0201 HOME VISITS

(a) All students must sign out with the dormitory director on leaving and sign in on returning.

(b) Students must have their parent's permission to be picked up or travel with someone other than the parents for going home purposes.

*History Note: Authority G.S. 143B-216.33;
Eff. February 1, 1976;
Recodified from 10 NCAC 23B .0101 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0201 Eff. June 1, 2011.*

16 NCAC 06J .0202 VISITS TO OTHER STUDENT'S HOMES

Students are permitted to go home with other students with written permission from parents of both students.

*History Note: Authority G.S. 143B-10(a),(e),(j); 143B-216.33(a)(2),(d);
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Recodified from 10 NCAC 23B .0102 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0202 Eff. June 1, 2011.*

16 NCAC 06J .0203 REIMBURSEMENT FOR DAMAGED PROPERTY

A student who damages or defaces state property will be required to pay for repair or replacement of such property. Also, disciplinary action could be taken if deemed necessary by the administration.

History Note: Authority G.S. 115C-523; 143B-216.33(d);
Eff. February 1, 1976;
Recodified from 10 NCAC 23B .0401 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0203 Eff. June 1, 2011.

16 NCAC 06J .0204 ALCOHOLIC BEVERAGES

The possession or use of any alcoholic beverage is prohibited.

History Note: Authority G.S. 143B-216.33;
Eff. February 1, 1976;
Recodified from 10 NCAC 23B .0402 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0204 Eff. June 1, 2011.

16 NCAC 06J .0205 DRUGS

The possession or use of any drugs, except for over-the-counter drugs or those prescribed by a medical doctor, is prohibited.

History Note: Authority G.S. 143B-216.33;
Eff. February 1, 1976;
Recodified from 10 NCAC 23B .0403 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0205 Eff. June 1, 2011.

16 NCAC 06J .0206 TOBACCO PRODUCTS

The possession or use of tobacco products is prohibited, except in designated smoking areas.

History Note: Authority G.S. 143B-10(a),(e),(j); 143B-216.33(a)(2),(d);
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Recodified from 10 NCAC 23B .0404 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0206 Eff. June 1, 2011.

16 NCAC 06J .0207 LEAVING CAMPUS

The superintendent or his authorized representative shall determine the hours during which students are authorized to leave campus. The superintendent or his authorized representative shall determine social regulations for the students.

History Note: Authority G.S. 143B-10(a),(e),(j); 143B-216.33(a)(2),(d);
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Recodified from 10 NCAC 23B .0406 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0207 Eff. June 1, 2011.

16 NCAC 06J .0208 EXPULSION

The superintendent or his authorized representative shall have the authority to regulate student expulsion standards for violation of .0401 to .0404, of this Section and any other unacceptable behavior. Procedures specified in G.S. 115C-112 are hereby adopted by reference pursuant to G.S. 150B-14(c).

History Note: Authority G.S. 115C-111; 115C-112; 143B-10(a),(e),(j); 143B-216.33(a)(2),(d);
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Recodified from 10 NCAC 23B .0407 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0208 Eff. June 1, 2011.

SECTION .0300 - PERSONNEL

16 NCAC 06J .0301 AUTHORITY OF CLASSROOM TEACHERS/DORMITORY PERSONNEL

Teachers and house parents may make rules or arrangements necessary to provide the best atmosphere for learning and the well being of the students in the classroom and dormitory. All rules and arrangements are to be consistent with the approved policies and philosophy of the Office of Education Services Schools for the Deaf.

History Note: Authority G.S. 115C-307; 143B-10(a),(e),(j); 143B-216.33(a)(2),(d);
Eff. February 1, 1976;
Amended Eff. April 1, 1990;
Recodified from 10 NCAC 23B .0408 Eff. May 31, 1991;
Transferred from 10A NCAC 94 .0301 Eff. June 1, 2011.

SUBCHAPTER 06K – EDUCATION SERVICES FOR THE DEAF AND BLIND (EDSB)

16 NCAC 06K .0101 SCHOOL SECURITY

History Note: Authority G.S. 115C-150.13; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. November 19, 2020.

16 NCAC 06K .0102 DUE PROCESS FOR EXCEPTIONAL CHILDREN STUDENTS

History Note: Authority G.S. 115C-150.13; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06K .0103 NC STANDARD COURSE OF STUDY, OCCUPATIONAL COURSE AND EXTENDED CONTENT STANDARDS

History Note: Authority G.S. 115C-150.13; N.C. Constitution, Article IX, Sec. 5;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);
Emergency Adoption Eff. August 20, 2019;
Emergency Adoption Expired Eff. November 19, 2020.

16 NCAC 06K .0104 PLACEMENT PROCEDURES

(a) For purposes of this Section, "State residential school(s)" means the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, or the Governor Morehead School for the Blind.

(b) Education Services for the Deaf and Blind (ESDB) is the division within the Department of Public Instruction responsible for managing the administration of the State residential schools.

(c) All contact concerning possible admission to a State residential school must be initiated by the local education agency (LEA), as defined in G.S. 115C-106.3(11), or local school public school unit, as defined in G.S. 115C-5(7a), where the student seeking admission to a residential school is domiciled or that the student attends.

(d) The student's Individual Education Program (IEP) team established under the 2004 Individuals with Disabilities Education Improvement Act, 20 U.S.C. 1400, et seq., as amended, and federal regulations adopted under that Act, shall permit the ESDB to:

- (1) participate in discussions and decisions about the least restrictive environment for student in accordance with G.S. 115C-107.2(b)(2);
- (2) review any information or documents that the LEA or local public school unit, submits in support of its request for admission; and

- (3) observe the student referred in multiple settings, including the student's classroom, cafeteria, and a non-structured settings.
- (e) If the student's IEP team decides that residential school placement is the least restrictive environment for the student, the ESDB shall admit the student.

History Note: Authority G.S. 115C-12; 115C-107.2; 115C-150.13;
Emergency Adoption Eff. August 20, 2019;
Eff. December 1, 2020.

16 NCAC 06K .0105 WEAPONS PROHIBITED ON SCHOOL PROPERTY

- (a) No employee or other person shall carry, or engage another person to carry, whether openly or concealed, an unauthorized weapon as defined in Paragraph (b) of this Rule, on to residential school property at any time, except as authorized by Paragraph (d) this Rule.
- (b) "Unauthorized weapon" is defined as any weapon listed in G.S. 14-269.2(b) through (e).
- (c) "Residential school property" is defined as any building, bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, or the Governor Morehead School for the Blind.
- (d) This Rule shall not apply to weapons or persons listed in G.S. 14-269.2(g)(1), (1a), (2), and (7).
- (e) Any employee who is aware that an unauthorized weapon has been carried onto residential school property must immediately notify the school director.
 - (1) Violation of this Rule may subject the employee to disciplinary action up to and including dismissal.
 - (2) The school director shall immediately report violations of this Rule to law enforcement.

History Note: Authority G.S. 14-269; 14-269.2; 115C-12; 115C-150.11;
Emergency Adoption Eff. August 20, 2019;
Eff. December 1, 2020.