



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

May 20, 2022

Eric C. Davis, Chairman
State Board of Education
Sent via email only: eric.davis@dpi.nc.gov

Re: Objection to Rule 16 NCAC 06E .0204.

Dear Mr. Davis:

At its meeting on May 19, 2022, the Rules Review Commission objected to the above-captioned temporary Rule in accordance with G.S. 150B-21.1(b).

The Rules Review Commission objected to 16 NCAC 06E .0204 for lack of statutory authority. Specifically, the Commission found that the State Board of Education lacked statutory authority to delegate the authority to waive student eligibility requirements to an administering organization.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Rule Review Commission's action, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Liebman'.

Brian Liebman
Commission Counsel

cc: Brandon Walker, Rulemaking Coordinator

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

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