

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

Notice is hereby given in accordance with G.S. 150B-21.1 that the State Board of Education intends to adopt the rule cited as 16 NCAC 06D .0510.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: November 3, 2023.

Public Hearing:

Date: December 14, 2023

Time: 9:00 a.m.

Location: <https://ncgov/webex.com/ncgov/j.php?MTID=m44ab59323c09726db387a42f799aabd4>

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress, cite: S.L. 2023-134, Sections 8A.6.(k)-(s), effective date: October 3, 2024. S.L. 2023-134, Sections 8A.6.(k)-(r), requires the State board of Education ("SBE") to establish a set of graduation requirements that allow students enrolled in North Carolina public high schools to graduate within 3 years of enrollment in 9th Grade. Sections 8A.6.(k) also amends G.S. 115C-12(9d) to prohibit local boards of education from establishing additional requirements beyond those established by the State Board. Section 8A.6.(s) directs the SBE to adopt an emergency rule to implement these requirements by November 1, 2023. The SBE is providing notice of the proposed temporary rule in accordance with G.S. 150B-21.1A(a).

Comment Procedures: Comments from the public shall be directed to: Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27601; email ryan.collins@dpi.nc.gov. The comment period begins November 10, 2023 and ends December 15, 2023.

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06D - INSTRUCTION

SECTION .0500 - DEFINITIONS

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 at the beginning of the 2024-2025 school year or thereafter 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;
- (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 PSU shall verify that the student has met the minimum graduation requirements established by the State Board of Education, as defined in 16 NCAC 06D .0503, and submit the request to the superintendent for approval.

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.

Authority G.S. 115C-12(9d); 115C-218.85; 115C-238.66.