

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(a3) that the State Board of Education intends to adopt the rule cited as 16 NCAC 06G .0601.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: February 2, 2023.

Public Hearing:

Date: February 16, 2023

Time: 9:00 a.m.

Location:

Webex: <https://ncgov.webex.com/meet/lou.martin>

1-415-655-0003

Access Code: 243 712 94829

Reason for Proposed Temporary Action: S.L. 2022-59 enacted Chapter 234 of the General Statutes which authorizes the State Board of Education to approve local school administrative units' applications to operate remote academies beginning with the 2023-24 school year. Remote academies must meet the requirements outlined in Chapter 234. G.S. 115C-234.10(b)(1) requires remote academies to provide students with any hardware and software needed to participate in the remote academy. G.S. 115C-234.10(b)(1) specifically states: "Students may not be charged rental fees but may be charged damage fees for abuse or loss of hardware or software under rules adopted by the State Board of Education." The State Board of Education has adopted this temporary rule to define damage fees and rental fees for hardware and software provided to students enrolled in remote academies. The effect of the rule will be to permit local school administrative units to charge students for damage to school issued hardware or software.

Comment Procedures: Comments from the public shall be directed to: Thomas Ziko, 6301 Mail Service Center, Raleigh, NC 27699-6302; email thomas.ziko@dpi.nc.gov. The comment period begins February 9, 2023 and ends March 10, 2023.

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS

SECTION .0600 – REMOTE ACADEMIES

16 NCAC 06G .0601 REMOTE ACADEMIES HARDWARE AND SOFTWARE FEES

(a) Definitions:

- (1) "Damage fee" means "any mandatory payments 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 payments 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.

Authority G.S. 115C-234.10(1)(b).