

NORTH CAROLINA REGISTER

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February 3, 2025

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2025 – December 2025

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
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40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	*01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	*01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	*02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	*02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	*03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	*03/26/2026	04/01/26	09/11/26

*Dates not approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.



State of North Carolina

JOSH STEIN
GOVERNOR

January 2, 2025

EXECUTIVE ORDER NO. 1
INCREASING THE SUPPLY OF TEMPORARY HOUSING IN
WESTERN NORTH CAROLINA

WHEREAS, Hurricane Helene ("Helene") entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the Governor issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12(a)(1), the Governor supervises the official conduct of all executive officers; and

WHEREAS, more than 12,000 western North Carolinians are displaced from their homes due to the effects of Helene; and

WHEREAS, there is an urgent need for temporary housing units in the areas affected by Helene; and

WHEREAS, temporary housing units provide residents of western North Carolina displaced from their homes shelter from winter conditions; and

WHEREAS, state leaders are committed to ensuring that displaced residents have resilient, permanent housing options, and many displaced residents have immediate need for temporary and semi-permanent housing options; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the Governor may, with the concurrence of the Council of State, waive a provision of any regulation or ordinance of a State agency or a political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the Governor may, with the concurrence of the Council of State, perform and exercise such functions and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(7), the Governor may, with the concurrence of the Council of State, procure by purchase materials and facilities for emergency management without regard to the limitation of any existing law; and

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. Limited Waiver of Regulations to Increase Supply of Temporary Housing

This Executive Order relates only to the purchase of Transportable Temporary Housing Units to be placed in the North Carolina Counties identified in the FEMA Major Disaster Declaration, FEMA-4827-DR (“Designated Counties”). For purposes of this section, a Transportable Temporary Housing Unit (“Unit”) is a manufactured housing unit that is designed for utilization as a temporary dwelling in the designated county.

The Secretary of the North Carolina Department of Public Safety (“DPS”) is authorized to purchase up to 1000 Units. Solely for the purpose of permitting DPS to purchase up to 1000 Units, the Secretary of the North Carolina Department of Administration (“DOA”) is authorized to waive the following:

- a. Requirements for DPS to engage in formal or informal bidding procedures, including those contained in 01 N.C. Admin. Code 05B .0301 - .0313.
- b. Requirements for DPS to use certain solicitation documents, including those contained in 01 N.C. Admin. Code 05B .0314 and .0317.
- c. Requirement for DPS to make certain advertisements, including those contained in 01 N.C. Admin. Code 05B .0316.
- d. Any other requirement contained Title 01, Chapter 5, SubChapter B that unreasonably delays DPS’s efforts to immediately procure up to 1000 Units.

Notwithstanding the above, the Secretary of DOA shall not waive regulations 01 N.C. Admin. Code 05B .1509 and .1511. The Secretary of DOA shall notify the Office of the Governor of any regulations that have been waived and the duration of any such waiver.

In procuring the Units, DPS shall comply with all applicable FEMA and federal regulations and make all reasonable efforts to obtain the highest quality units at the best price to the State.

Section 2. Implementation

DPS shall continue to procure Units beyond those discussed in Section 1 as needed. For procurement under this section, DPS shall comply with all applicable regulations.

DPS shall ensure that the receipt of assistance under this Executive Order does not adversely affect any person’s or entity’s eligibility for any federal disaster assistance program including but not limited to those under the Stafford Act, the Community Development Block Grant Program for Disaster Recovery (“CDBG-DR”), or other programs.

Section 3. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 4. No Private Right of Action

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any part against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 5. Effect and Duration

This Executive Order is effective immediately. Section 1 shall remain in effect through the earlier of DPS procuring 1000 Units or February 28, 2025, or until repealed, replaced, or rescinded by another applicable Executive Order.

The remainder of this Executive Order shall remain in effect through the duration of the State of Emergency unless repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2nd day of January in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

January 2, 2025

EXECUTIVE ORDER NO. 2

TIMELY REPAIRING PRIVATE ROADS AND BRIDGES

WHEREAS, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the Governor issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12(a)(1), the Governor supervises the official conduct of all executive officers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the Governor may, with the concurrence of the Council of State, waive a provision of any regulation or ordinance of a State agency or a political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the Governor may, with the concurrence of the Council of State, perform and exercise such functions and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3), the Governor may delegate any authority vested in him under the Emergency Management Act and provide for the subdelegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41(a), the Governor may establish emergency assistance programs and funds to administer the distribution of State funds for emergency assistance; and

WHEREAS, the execution of the Governor's emergency powers under N.C. Gen. Stat. § 166A-19.30 is appropriate to ensure the public safety of residents and visitors located in North Carolina during the State of Emergency; and

WHEREAS, Helene caused significant damage to more than 8,000 private roads and bridges; and

WHEREAS, these private roads and bridges serve as the only access route for ambulances, fire trucks, mail and parcel delivery vehicles, school buses, and personal automobiles to private residences; and

WHEREAS, if left unrepaired, these private roads and bridges pose a substantial risk to public safety and welfare, including preventing repairs to private residences; and

WHEREAS, repairing these private roads and bridges will immediately relieve human suffering.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. State Assistance for Repair of Private Roads and Bridges

The Governor hereby delegates his authority to establish emergency assistance funds to the Director of the Division of Emergency Management ("Division") to administer state assistance for the repair of private roads and bridges. The Division Director is further directed to exercise the Division's authority to contract for services from vendors to repair private residential structures, private roads and bridges.

The Division is further directed to enter a memorandum of understanding with the Office of State Budget and Management Disaster Recovery ("OSBM-DR") or other state agency the Governor designates to secure assistance with administering state assistance for the repair of private roads and bridges.

Section 2. Limited Waiver of Regulations to Procure Additional Vendors to Repair Private Roads and Bridges

The Division Director shall procure services necessary to complete the repairs contemplated by this Executive Order, to the extent possible, using vendors with which the Division, the North Carolina Department of Transportation, or other state agencies have existing statewide contracts.

Solely to the extent the Division Director must procure additional vendors to complete the repairs contemplated by this Executive Order, the Secretary of the North Carolina Department of Administration ("DOA") is authorized to waive the following:

- a. Requirements for the Division to engage in formal or informal bidding procedures, including those contained in 01 N.C. Admin. Code 05B .0301 - .0313.
- b. Requirements for the Division to use certain solicitation documents, including those contained in 01 N.C. Admin. Code 05B .0314 and .0317.
- c. Requirement for the Division to make certain advertisements, including those contained in 01 N.C. Admin. Code 05B .0316.
- d. Any other requirement contained in Title 01, Chapter 5, Subchapter B of the North Carolina Administrative Code that unreasonably delays the Division's efforts to timely repair private roads and bridges.

Notwithstanding the above, the Secretary of DOA shall not waive regulations 01 N.C. Admin. Code 05B .1509 and .1511. The Secretary of DOA shall notify the Office of the Governor of any regulations that have been waived and the duration of any such waiver.

In procuring vendors to complete the repairs, the Division shall comply with all applicable FEMA and federal regulations and make all reasonable efforts to obtain the highest quality services at the best price to the State.

Section 3. Limited Waiver of Regulations to Expedite Inspection and Permitting of Repairs.

The Governor hereby delegates to the Secretary of the North Carolina Department of Environmental Quality (“DEQ”) his authority under N.C. Gen. Stat. § 166A-19.30(b)(4) to, at the request of the Division and in his discretion, waive any regulation contained in Title 15A of the North Carolina Administrative Code that unreasonably delays the Division’s efforts to timely repair private roads and bridges.

The Secretary of DEQ shall notify the Office of the Governor of any regulations that have been waived and the duration of any such waiver.

Section 4. Implementation

In implementing programs for the repair of private roads and bridges, the Division is directed—to the maximum extent permitted by state and federal law—to develop standards that allow owners to prove ownership through indicia of ownership such as a recent property tax bill, mortgage documents, homeowners’ insurance documents, will or affidavit of ownership, home purchase contracts, and receipts for major repairs or maintenance.

The Division shall ensure that the receipt of assistance under this Executive Order does not adversely affect any person’s or entity’s eligibility for any federal disaster assistance program including but not limited to those under the Stafford Act, the Community Development Block Grant Program for Disaster Recovery (“CDBG-DR”), or other programs.

Section 5. No Private Right of Action

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any part against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 6. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 7. Effect and Duration

This Executive Order is effective immediately. Section 2 shall remain in effect through February 28, 2025. Section 3 shall remain in effect through the duration of the State of Emergency unless repealed, replaced, or rescinded by another applicable Executive Order. The remainder of this Executive Order shall remain in effect until repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2nd day of January in the year of our Lord two thousand and twenty-five.

Josh Stein
Governor

ATTEST:

Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

January 2, 2025

EXECUTIVE ORDER NO. 3

REORGANIZING THE EXECUTIVE BRANCH TO MEET THE NEEDS OF WESTERN NORTH CAROLINA

WHEREAS, Hurricane Helene ("Helene") entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the Governor issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, several state agencies and organizations, including the Department of Public Safety, the Department of Transportation, the Department of Environmental Quality, the Department of Health and Human Services, and the Department of Commerce, among others, have initiatives and programs that address Helene relief and recovery efforts; and

WHEREAS, North Carolina state government can better promote relief and recovery efforts by enhancing coordination across state agencies; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive officers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the Governor may utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the State and of the political subdivisions thereof. The officers and personnel of all such

departments, offices, and agencies are required to cooperate with and extend such services and facilities to the Governor upon request; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the Governor may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, N.C. Gen. Stat. § 147-12(a)(9) authorizes the Governor to appoint staff necessary to carry out his duties as Governor.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. The Governor's Recovery Office for Western North Carolina

The Governor's Recovery Office for Western North Carolina ("GROW NC") is hereby established within the Office of the Governor.

GROW NC shall be responsible for:

- a. Creating the Executive Branch's cross-agency vision for Helene recovery efforts and developing strategies and plans related thereto;
- b. Overseeing, coordinating, and accelerating the western North Carolina revitalization efforts of the Executive Branch and its agencies;
- c. Developing and deploying the expertise and innovation necessary for a swift and robust recovery effort;
- d. Providing transparency regarding the progress of recovery efforts through updates to the public;
- e. Coordinating recovery-related intergovernmental communications, including liaising with the North Carolina General Assembly and federal officials regarding North Carolina's recovery-related needs;
- f. Satisfying the Executive Branch's reporting requirements regarding the use of disaster relief funds as set out in Parts VI and VII of N.C. Sess. Law 2024-51; and
- g. Staffing and providing administrative assistance to the Governor's Advisory Committee on western North Carolina Recovery.

GROW NC shall be led by a Director of GROW NC and shall have such additional staff as he or she or the Governor deem necessary.

Section 2. Division of Community Revitalization

The North Carolina Department of Commerce ("Commerce") is hereby directed to establish the Division of Community Revitalization ("Division"). The Division shall be established with Commerce. The Division shall:

- a. Coordinate with divisions of Commerce, state agencies (including GROW NC, local governments, the federal government, and nonprofit organizations) to oversee the rebuilding of homes destroyed or damaged by Helene.
- b. Coordinate and lead efforts to revitalize the economy of western North Carolina.
- c. Any other recovery programs as assigned by the Governor or the Secretary of Commerce.

The Secretary of Commerce shall designate a director to lead the Division. The Division shall have such additional staff as the director or the Secretary deem necessary.

Section 3. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 4. Effect and Duration

This Executive Order is effective immediately. It shall remain in effect until repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2nd day of January in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

January 2, 2025

EXECUTIVE ORDER NO. 4

ESTABLISHING THE GOVERNOR'S ADVISORY COMMITTEE ON WESTERN NORTH CAROLINA RECOVERY

WHEREAS, Hurricane Helene ("Helene") entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

WHEREAS, the State of North Carolina is committed to rebuilding and revitalizing western North Carolina following Helene; and

WHEREAS, residents, elected officials, and community leaders from western North Carolina can offer invaluable insights on the region's needs following Helene; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the Governor issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. Establishment

The Governor's Advisory Committee on Western North Carolina Recovery ("Committee") is hereby established.

Section 2. Membership

The Committee shall be composed of up to thirty-five (35) members appointed by the Governor. Members should represent the geographic, professional, and demographic diversity of

western North Carolina. Committee members shall serve a term of one (1) year and may be reappointed to successive terms. Committee members serve at the pleasure of the Governor.

The Committee shall have two (2) co-chairs selected by the Governor. The co-chairs shall not reside in the same county.

Section 3. Duties

Committee members shall have the following responsibilities:

- a. Advise the Governor regarding his work to address the needs of communities affected by Helene, including but not limited to:
 - 1. Expanding access to temporary housing and accelerating permanent housing solutions; and
 - 2. Providing relief to small businesses; and
 - 3. Repairing roads, bridges, and other critical infrastructure; and
 - 4. Making recommendations for relief funding to the North Carolina General Assembly and North Carolina’s Congressional Delegation; and
 - 5. Coordinating with local, state, federal, and nonprofit agencies on relief efforts.
- b. Advise the Governor regarding other issues related to rebuilding western North Carolina as requested.
- c. Seek formal and informal public input on community needs from a broad array of affected people.

Section 4. Meetings

The Committee shall meet as a body of the whole once a month and at other times at the call of the Co-Chairs or the Governor. The Committee may conduct meetings using electronic conferencing or other electronic means. The Committee’s meetings shall be governed by the North Carolina Open Meetings Act, N.C. Gen. Stat. § 143-318.9, *et seq.*

A simple majority of the Committee members shall constitute a quorum for the purpose of transacting the business of the Committee.

Section 5. Administration

The Governor’s Recovery Office for Western North Carolina shall serve as staff and administrative support services for the Committee.

Members shall serve without compensation but may receive necessary travel and subsistence expenses in accordance with State law and policies and regulations of the Office of State Budget and Management.

Section 6. Effect and Duration

This Executive Order is effective immediately. It shall remain in effect until December 31, 2026, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2nd day of January in the year of our Lord two thousand and twenty-five.



 Josh Stein
 Governor

ATTEST:


 Elaine F. Marshall
 Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

January 2, 2025

EXECUTIVE ORDER NO. 5

CONTINUING TO MEET NORTH CAROLINA'S STATE HUMAN RESOURCES NEEDS IN SUPPORT OF HURRICANE HELENE RECOVERY EFFORTS

WHEREAS, Hurricane Helene ("Helene") entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the Governor issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, there is an acute need for emergency responders and others to help with disaster relief; and

WHEREAS, many state employees across western North Carolina have been impacted by Helene; and

WHEREAS, many state employees are eager to assist with disaster relief and recovery efforts; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the Governor is authorized and empowered to utilize the services, equipment, supplies, and facilities of departments, offices, and agencies of the state in response to the emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the Governor may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, on October 4, 2024, the Governor issued Executive Order No. 317, which provided several forms of leave to assist state agency employees who were recovering from the disaster and granted employees of cabinet agencies and participating Council of State agencies, commissions, and boards an additional sixteen (16) hours of paid Community Service Leave to be used specifically to volunteer for storm-related efforts coordinated by a local government entity or established nonprofit; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the undersigned to make and amend orders as necessary to respond to the emergency.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, IT IS ORDERED:

Section 1. Expanding Community Service Leave

Cabinet agencies and participating Council of State agencies, commissions, and boards shall provide employees an additional sixteen (16) hours of paid Community Service Leave. These additional sixteen (16) hours shall be used in calendar year 2025 to volunteer for organized Helene-related efforts coordinated by a local government entity or an established nonprofit. This is available in addition to the twenty-four (24) hours of paid Community Service Leave available under ordinary state policy, which also can be used for the same storm-related efforts. Employees must obtain prior approval from their supervisor before using Community Service Leave.

To the extent, if any, that the leave option described above is not available under existing State Human Resources policies, the Office of State Human Resources (“OSHR”) is directed to issue an exception under 25 N.C. Admin. Code 01A .0104 to provide this leave.

Section 2. Continuing Certain Exceptions to State Human Resources Policies

OSHR is further directed to continue providing any existing exceptions to State Human Resources policies created by Executive Order No. 317 that are reasonably requested by agencies and that had the purpose of furthering recovery efforts.

Section 3. No Private Right of Action

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any part against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 4. Effect and Duration

This Executive Order is effective immediately and shall remain in effect through the duration of the State of Emergency unless repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2nd day of January in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

January 7, 2025

EXECUTIVE ORDER NO. 6

TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE ADEQUATE TRANSPORTATION OF HEATING FUELS THROUGHOUT THE STATE

WHEREAS, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

WHEREAS, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, on September 25, 2024, the Governor issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, an anticipated weather event may have impacts on the State of North Carolina; and

WHEREAS, the anticipated impacts from the current and forecasted period of prolonged cold weather in the state and in other parts of the United States have increased the demand for drivers of propane and other heating fuels; and

WHEREAS, propane and other heating fuels currently remain in adequate supply for North Carolina residents; and

WHEREAS, because of the current and forecast period of prolonged cold weather, maintaining adequate supply of propane and heating fuels is necessary to protect the health and safety of North Carolinians; and

WHEREAS, damage to roads from Helene may cause delays to the transport of propane and other heating fuels; and

WHEREAS, this Executive Order is essential to enable drivers transporting propane and other heating fuels across the state to do so quickly and efficiently; and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and to coordinate the emergency response among state and local entities and officials; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the Governor, state agencies, and local governments to “provide for the rapid and orderly rehabilitation of persons and restoration of property”; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the Governor, state agencies, and local governments to “provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations”; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments is essential, and any interruption in the delivery of those commodities threatens the public welfare; and

WHEREAS, 49 C.F.R. § 390.23 allows the governor of a state to suspend the rules and regulations under 49 C.F.R. Parts 390-399 if the governor has declared a state of emergency; and

WHEREAS, nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 C.F.R. Part 382), the commercial driver’s license requirements (49 C.F.R. Part 383), the financial responsibility (insurance) requirements (49 C.F.R. Part 387), operating authority (49 C.F.R. Part 365), applicable size and weight requirements, ill or fatigued operator standards (49 C.F.R. § 392.3) or any other portion of the regulations not specifically identified herein; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property in this State require that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 be waived for persons transporting propane and essential heating fuels.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

The North Carolina Department of Public Safety (“DPS”), in conjunction with the North Carolina Department of Transportation (“DOT”), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to 49 C.F.R. § 395.3 and N.C. Gen. Stat. § 20-381 for drivers transporting propane or essential heating fuels in the emergency area.

Section 2.

Pursuant to 49 C.F.R. § 390.23, I hereby waive 49 C.F.R. § 395.3 for vehicles transporting propane and other heating fuels.

Section 3.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 1 and 2 of this Executive Order in a manner that does not endanger motorists in North Carolina.

Section 4.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are for use in providing direct assistance supporting emergency relief efforts including transporting propane and essential heating fuels.

Direct assistance terminates when a driver or commercial motor vehicle is used in intrastate/interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to transporting propane and essential heating fuel in North

Carolina, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 C.F.R. § 390.23(b)).

Upon termination of direct assistance to emergency relief efforts related to transporting propane and essential heating fuels in North Carolina or affected states, the motor carrier and driver are subject to the requirements of 49 C.F.R. § 395.3, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 C.F.R. § 395.3. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required if the total time a driver operated, whether conducting emergency relief efforts or a combination of emergency relief efforts and normal operations, equals or exceeds fourteen (14) hours.

Section 5.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less, unless this Executive Order is otherwise extended.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 7th day of January in the year of our Lord two thousand and twenty-five.


Josh Stein
Governor

ATTEST:


Elaine F. Marshall
Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

January 9, 2025

EXECUTIVE ORDER NO. 7

DECLARATION OF A STATE OF EMERGENCY AND TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS

WHEREAS, current weather projections indicate that a winter storm is anticipated to hit the State of North Carolina on or about January 10–11, 2025, causing significant impacts; and

WHEREAS, the projected winter storm will likely damage public and private property and seriously disrupt essential utility services and systems; and

WHEREAS, the projected winter storm constitutes a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19); and

WHEREAS, the projected winter storm is likely to impact, and thereby create a state of emergency throughout, the entire state; and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and to coordinate the emergency response among state and local entities and officials; and

WHEREAS, the need to prepare for and respond to the winter storm as western North Carolina continues to recover from Hurricane Helene (“Helene”) requires increased planning and preparation to protect public health and public safety in North Carolina; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the Governor to “provide for the rapid and orderly rehabilitation of persons and restoration of property”; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the Governor, state agencies, and local governments to “provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations”; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the projected winter storm may result in extensive damage, including widespread power outages throughout the State that will require the vehicles bearing equipment and supplies for utility restoration and debris removal to be moved through North Carolina on the interstate and intrastate highways; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, and medical supplies to residential and commercial

establishments is essential before, during, and after the projected winter storm and any interruption in the delivery of those commodities threatens the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the State's residents; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(3) authorizes the Governor to delegate any authority vested in him under the Emergency Management Act, and to provide for the subdelegation of that authority; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(3), the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(4), the Governor, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, the Governor has found that residents may suffer losses and further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3; and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a State to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists; and

WHEREAS, nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), operating authority (49 CFR Part 365), applicable size and weight requirements, ill or fatigued operator (49 CFR § 392.3) or any other portion of the regulations not specifically identified; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry, or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops ready to be harvested; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) persons transporting livestock, poultry, and crops ready to be harvested, and (3) vehicles used in the restoration of utility and transportation services; and

WHEREAS, this suspension does not permit the gross weight of any vehicle or combination to exceed the safe load-carrying capacity established by the North Carolina Department of Transportation ("DOT") on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. § 166A-19.3(6) exists in the State of North Carolina due to the anticipated impacts of the winter storm.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina ("the Emergency Area").

Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

I delegate to the Secretary of DPS ("the Secretary"), or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes to implement the Plan and deploy the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

The Secretary, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 3.

I further direct the Secretary, or his designee, to seek assistance from any agencies of the United States Government as may be needed to meet the emergency and to seek reimbursement for costs incurred by the state in responding to this emergency.

Section 4.

DPS, in conjunction with the North Carolina Department of Transportation ("DOT"), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381 for (1) persons transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry; (2) persons transporting livestock, poultry, and crops ready to be harvested; or (3) vehicles used in the restoration of utility and transportation services. In addition, DPS shall, pursuant to N.C. Gen. Stat. § 166A-19.70(g), temporarily suspend weighing pursuant to N.C. Gen. Stat. § 20-118.1 vehicles used to transport livestock, poultry, livestock or poultry feed, or crops ready to be harvested.

Section 5.

With the Concurrence of the Council of State, and subject to Section 8 below, DPS, in conjunction with DOT, shall waive enforcement of certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles supporting emergency relief efforts in the Emergency Area.

Section 6.

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer ("GVWR") or 90,000 pounds gross weight, whichever is less.
- b. When the vehicle weight exceeds a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
- c. When the vehicle consists of a five or more axle combination vehicle that exceeds a single-axle weight of 26,000 pounds, a tandem-axle weight of 42,000 pounds and a gross weight 90,000 pounds, with a length of at least forty-eight (48) feet between the center of axle one and the center of the last axle of the vehicle and a minimum of eleven (11) feet between the center of axle one and the center of axle two of the vehicle.
- d. When the vehicle consists of a two-axle vehicle that exceeds a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least fourteen (14) feet between the center of axle one and the center of axle two of the vehicle.
- e. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.

- f. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (A) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters, 1.5 inches wide and (B) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.
- g. Commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued permits by DOT. Said vehicles shall be subject to any special conditions DOT and DPS may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive Order or from any statute, rule, order, or other legal requirement not specifically waived herein.
- h. Oversize permits may be issued by the DOT, Oversize/Overweight Unit, during normal business hours, Monday through Friday by calling 1-888-221-8166 or contacting them through the online portal at <https://connect.ncdot.gov/business/trucking/Pages/overpermits.aspx>.

Section 7.

With Council of State Concurrence, vehicles covered by Sections 5 of this Executive Order shall be exempt from the following registration requirements, except where otherwise noted below:

- a. The requirement to obtain a temporary trip permit in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return.
- c. The registration requirements under N.C. Gen. Stat. §§ 20-382.1 and 20-382 concerning interstate for-hire authority; however, vehicles shall maintain the required limits of insurance as required.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 8.

The size and weight exemption for vehicles covered by Section 5 of this Executive Order will be allowed on all DOT-designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. Size and weight exemptions shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

Section 9.

The North Carolina State Highway Patrol shall enforce the provisions set forth in Sections 4 through 8 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 10.

Pursuant to 49 C.F.R. § 390.23, I hereby waive 49 C.F.R. § 395.3 for vehicles transporting loads that are for use in (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry; (2) transporting livestock, poultry, and crops ready to be harvested; or (3) the restoration of utility and transportation services in response to the winter storm in North Carolina and affected states for 14 days.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are for use in providing direct assistance supporting emergency relief efforts including transporting loads that are for use in (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry; (2) transporting livestock, poultry, and crops ready to be harvested; or (3) the restoration of utility and transportation services in response to the winter storm.

Direct assistance terminates when a driver or commercial motor vehicle is used in intrastate/interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the winter storm in North Carolina or affected states, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 C.F.R. § 390.23(b)).

Upon termination of direct assistance to emergency relief efforts related to transporting loads that are for use in (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry; (2) transporting livestock, poultry, and crops ready to be harvested; or (3) the restoration of utility and transportation services in response to the winter storm in North Carolina or affected states, the motor carrier and driver are subject to the requirements of 49 C.F.R. § 395.3, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 C.F.R. § 395.3. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required if the total time a driver operated, whether conducting emergency relief efforts or a combination of emergency relief efforts and normal operations, equals or exceeds fourteen (14) hours.

Section 11.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale, or purchase of alcoholic beverages.

Section 12.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 13.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days, unless earlier terminated, provided, however, that the provisions in Section 10 shall remain in effect for fourteen (14) days.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 9th day of January in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

December 31, 2020

EXECUTIVE ORDER NO. 186

COMMISSION ON VOLUNTEERISM AND COMMUNITY SERVICE

WHEREAS, pursuant to 42 U.S.C. § 12638, a state shall maintain a Commission on National and Community Service that satisfies requirements for eligibility of grants; and

WHEREAS, the increasing realization of the importance of volunteerism and civic engagement; the growing recognition of community service as a means of community and state problem-solving; and the revival of national service as an avenue for addressing many of the country's unmet social, environmental, educational, public safety, and homeland security needs have revealed new options for enhancing the quality of life for North Carolinians; and

WHEREAS, promoting the capacity of North Carolina's people, communities, and enterprises to work collaboratively is vital to the long-term prosperity of this state; and

WHEREAS, building and encouraging community service as an integral component of the formula to our growth as a state and as a nation requires cooperative efforts by the public sector, the private sector, the nonprofit sector, and partnerships among these sectors; and

WHEREAS, a state commission is necessary to assist in the development and implementation of a comprehensive, statewide service plan for promoting and recognizing volunteer involvement and citizen participation in North Carolina.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Establishment

The North Carolina Commission on Volunteerism and Community Service ("Commission") is hereby established to encourage and recognize community service and volunteer participation as a means of community and state problem-solving; to promote and support voluntary citizen engagement in government and non-governmental programs throughout the state; to develop a long-term, comprehensive vision and plan of action for community service initiatives in North Carolina; and to serve as the state's liaison for national and state organizations that support its mission.

Section 2. Membership

- A. All members of the Commission shall be appointed by the Governor and shall serve at the pleasure of the Governor. The Commission shall consist of no fewer than 15, and no more than 25, voting members.
- B. Commission members shall serve terms of three (3) years. Terms shall be staggered for one, two, or three years so that approximately one-third of the terms expire each year. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term. All members appointed to the Commission prior to the effective date of this executive order shall continue to serve at the pleasure of the Governor for the remainder of their appointed terms.
- C. To the extent practicable, the members of the Commission shall be diverse with respect to ethnicity, age, disability, gender and race.
- D. Not more than 50 percent of the members of the Commission, plus one member, may be from the same political party.
- E. The number of voting members of the Commission who are officers or employees of the state may not exceed 25 percent (reduced to the nearest whole number) of the total membership of Commission members; although, additional state agency representatives may serve as non-voting members.
- F. The Commission shall include the following voting members:
 - 1. An individual with expertise in the educational, training and developmental needs of youth, particularly disadvantaged youth.
 - 2. An individual with experience in promoting the involvement of older adults in service and volunteerism.
 - 3. A representative community-based, nonprofit agency or organization within the state.
 - 4. The Superintendent of the Department of Public Instruction or Chairman of the State Board of Education, or their designee.
 - 5. A representative of the volunteer sector.
 - 6. A representative of the military or veterans.
 - 7. A representative of the faith community.
 - 8. A representative for local governments in the state.
 - 9. A representative of local labor organizations in the state.
 - 10. A representative of business.
 - 11. An individual between the ages of 16 and 25 who is a participant or supervisor in a national service program at the time of nomination.
 - 12. A representative of a national service program described in 42 U.S.C. § 12572(a), (b), or (c).
- G. The Commission also may include the following voting members:
 - 1. Members selected from among local educators.
 - 2. Members selected from among experts in the delivery of human, educational, environmental, homeland security, or public safety services to communities and persons.
 - 3. Representatives of Native American tribes.
 - 4. Members selected from among out-of-school youth or other “at-risk” youth.
 - 5. Representative of entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. § 4950 et seq.).
- H. The Commission shall include the following non-voting members:
 - 1. A representative from the AmeriCorps national office.
 - 2. A designee from the Governor’s Office.
 - 3. A representative of the service-learning community.

Section 3. Officers

The Officers of the Commission shall be the Chair and Vice-Chair. All officers shall be elected by the voting commission members from among their ranks. Election for Officers shall occur every three (3) years in conformity with the Commission's State Service Plan. Vacancies in any offices shall be filled by election conducted by the Commission for the remainder of the unexpired term.

- A. **Chair**. It shall be the responsibility of the Chair to preside at all meetings of the Commission, to ensure all committee chairs are appointed, to assist all committee chairs in the planning of the committee plans, to authorize and execute the wishes of the Commission, and to be an ex-officio member of all committees. Other specific committee responsibilities may be assigned to the Chair.
- B. **Vice-Chair**. The Vice-Chair shall assist the Chair and, in the absence of the Chair, shall perform the duties of the Chair. The Vice-Chair shall accept special assignments from the Chair and shall perform other duties as delegated by the Commission.

Section 4. Committees

- A. **Standing Committees**. Standing committees of the Commission shall include the Executive Committee, the Program Management Committee and the Nominating Committee. The standing committees shall advise and assist the Commission in carrying out its duties and responsibilities. Committee chairs shall be appointed by the Commission Chair from among Commission members; however, the committee members need not be limited to Commission members. The Commission Chair, in consultation with the committee chairs, shall name committee members.
 - 1. **Executive Committee**. The Executive Committee shall be comprised of the Chair and Vice-Chair of the Commission, along with the chairs (or co-chairs) of all standing committees, ad hoc committees and taskforces. The Chair of the Commission serves as chair of the Executive Committee.
 - 2. **Grant Review Committee**. The Grant Review Committee shall be comprised of a minimum of two members of the Commission. The Committee shall review all grant applications submitted by the Commission for funding by AmeriCorps. Committee members may participate in the peer review process, and shall make national service grant funding recommendations to the full Commission.
 - 3. **Nominating Committee**. The Nominating Committee shall be comprised of a chair and a minimum of two voting members of the Commission. The Commission Chair shall appoint nominated committee members at the third quarterly meeting of the Commission. The Nominating Committee shall provide a nominating report at the fourth quarterly meeting of the Commission.
- B. **Ad Hoc Committees**. The Commission may establish ad hoc committees or task forces, as necessary, to carry out the duties of the Commission.

Section 5. Meetings

- A. The Commission shall meet at least quarterly. Failure to attend 75 percent of called meetings in any calendar year may result in a recommendation to the Governor to remove the member from the Commission. For the purpose of transacting the business of the Commission, a quorum shall consist of a simple majority of voting members.
- B. A voting member of the Commission shall not participate in the administration of a grant program described below in Section 6(1) (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program entity) if: (1) a grant application related to the program is pending before the Commission, and (2) the application was submitted by a program or entity of which such Commission members is, or in the one-year period before submission of such application was, an officer, director, trustee, full-time volunteer, or employee.
- C. Exception: If, as a result of the operation of subsection (a), the number of voting members of the Commission is insufficient to establish a quorum for the purpose of administering

such program, then voting members excluded from participation by subsection (a) may participate in the administration of such program, notwithstanding the limitation in Subsection (b), to the extent permitted by regulations issued under Section 12651d(b)(12) of Title 42 by the Corporation for National and Community Service.

Section 6. Duties

The Commission shall perform the following tasks and functions:

- a. Ensure funding decisions meet all federal and state statutory requirements.
- b. Promote volunteerism and ensure strong interagency collaboration as an avenue for maximizing resources to strengthen communities and develop leaders.
- c. Encourage youth civic engagement and service through initiatives like the Governor's Page Program.
- d. Coordinate disaster related volunteer and donation activities in accordance with the State Emergency Plan.
- e. Prepare a three-year plan for the state, in accordance with state and federal guidelines, that is developed through an open and public process (such as regional forums, hearings, web-based surveys, and other means that provide maximum participation and input). The plan must be updated annually.
- f. Prepare the applications of the state under Section 12582 of Title 42 for assistance.
- g. Assist in the preparation of the application of the North Carolina Department of Public Instruction for assistance under Section 12525 of Title 42.
- h. Prepare the state application under Section 12582 of Title 42 for the approval of service positions, such as the national service educational award described in Division D of Title 42.
- i. Make technical assistance available to enable applicants for assistance under Section 12571 of Title 42 to plan and implement service programs and to apply for assistance under the federal service laws.
- j. Assist in the provision of healthcare and childcare benefits under Section 12594 of Title 42 to participants in national service programs that receive assistance under Section 12571 of Title 42.
- k. Develop a state system for the recruitment and placement of participants in programs that receive assistance under the national service laws and disseminate information concerning national service programs that receive such assistance or approved national service positions.
- l. Administer the state's grant program in support of national service programs (using assistance provided to the state under Section 12571 of Title 42) including selection, oversight, and evaluation of grant recipients.
- m. Make recommendations to the Corporation for National and Community Service with respect to priorities for problems receiving assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*).
- n. Develop projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation for National and Community Service or from the state using assistance provided under Section 12571 of Title 42, for use by programs that request such projects, methods, materials, and activities.
- o. Work with appropriate state agencies and private entities to develop a comprehensive State Service Plan for adults age 55 or older.
- p. Coordinate with other state agencies that administer federal financial assistance programs and with volunteer service programs.
- q. The Commission shall perform other duties as directed by the Governor.

Section 7. Administration and Expenses

The Governor's Office shall provide necessary administrative and staff support services to the Commission. The Commission is authorized to accept funds and in-kind services from other state and federal entities, as authorized by the North Carolina State Budget Act. No per diem allowance shall be paid to members of the Commission. Members of the Commission and staff may receive necessary travel and subsistence expenses in accordance with state law. These expenses shall be paid from federal funds where possible. If federal funds are not available, these expenses may be paid only if the Commission has sufficient funds.

Section 8. Duration

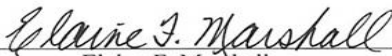
This Executive Order is effective immediately. It supersedes and replaces all other Executive Orders on this subject. This Executive Order shall remain in effect until December 31, 2024 pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 31st day of December in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

December 31, 2024

EXECUTIVE ORDER NO. 329

AMENDING AND EXTENDING THE COMMISSION ON VOLUNTEERISM AND COMMUNITY SERVICE

WHEREAS, pursuant to 42 U.S.C. § 12638, a state shall maintain a Commission on National and Community Service that satisfies requirements for eligibility of grants; and

WHEREAS, the increasing realization of the importance of volunteerism and civic engagement; the growing recognition of community service as a means of community and state problem-solving; and the revival of national service as an avenue for addressing many of the country's unmet social, environmental, educational, public safety, and homeland security needs have revealed new options for enhancing the quality of life for North Carolinians; and

WHEREAS, promoting the capacity of North Carolina's people, communities, and enterprises to work collaboratively is vital to the long-term prosperity of this state; and

WHEREAS, building and encouraging community service as an integral component of the formula to our growth as a state and as a nation requires cooperative efforts by the public sector, the private sector, the nonprofit sector, and partnerships among these sectors; and

WHEREAS, a state commission is necessary to assist in the development and implementation of a comprehensive, statewide service plan for promoting and recognizing volunteer involvement and citizen participation in North Carolina; and

WHEREAS, Exec. Order No. 186, established the North Carolina Commission on Volunteerism and Community Service ("Commission") and is set to expire on December 31, 2024; and

WHEREAS, the undersigned has determined that the Commission should be extended to further its important work.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Extending Executive Order No. 186

Pursuant to N.C. Gen. Stat. § 147-16.2, Executive Order No. 186 is hereby extended to December 31, 2026. The Commission will continue to encourage and recognize community service and volunteer participation as a means of community and state problem-solving; to

promote and support voluntary citizen engagement in government and non-governmental programs throughout the state; to develop a long-term, comprehensive vision and plan of action for community service initiatives in North Carolina; and to serve as the state's liaison for national and state organizations that support its mission.

Section 2. Membership

- A. All members of the Commission shall be appointed by the Governor and shall serve at the pleasure of the Governor. The Commission shall consist of no fewer than 15, and no more than 25, voting members.
- B. Commission members shall serve terms of three (3) years. Terms shall be staggered for one, two, or three years so that approximately one-third of the terms expire each year. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term. All members appointed to the Commission prior to the effective date of this executive order shall continue to serve at the pleasure of the Governor for the remainder of their appointed terms.
- C. To the extent practicable, the members of the Commission shall be diverse with respect to ethnicity, age, disability, gender and race.
- D. Not more than 50 percent of the members of the Commission, plus one member, may be from the same political party.
- E. The number of voting members of the Commission who are officers or employees of the state may not exceed 25 percent (reduced to the nearest whole number) of the total membership of Commission members; although, additional state agency representatives may serve as non-voting members.
- F. The Commission shall include the following voting members:
 - 1. An individual with expertise in the educational, training and developmental needs of youth, particularly disadvantaged youth.
 - 2. An individual with experience in promoting the involvement of older adults in service and volunteerism.
 - 3. A representative community-based, nonprofit agency or organization within the state.
 - 4. The Superintendent of the Department of Public Instruction or Chairman of the State Board of Education, or their designee.
 - 5. A representative of the volunteer sector.
 - 6. A representative of the military or veterans.
 - 7. A representative of the faith community.
 - 8. A representative for local governments in the state.
 - 9. A representative of local labor organizations in the state.
 - 10. A representative of business.
 - 11. An individual between the ages of 16 and 25 who is a participant or supervisor in a national service program at the time of nomination.
 - 12. A representative of a national service program described in 42 U.S.C. § 12572(a), (b), or (c).
- G. The Commission also may include the following voting members:
 - 1. Members selected from among local educators.
 - 2. Members selected from among experts in the delivery of human, educational, environmental, homeland security, or public safety services to communities and persons.
 - 3. Representatives of Native American tribes.
 - 4. Members selected from among out-of-school youth or other "at-risk" youth.
 - 5. Representative of entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. § 4950 et seq.).
- H. The Commission shall include the following non-voting members:
 - 1. A representative from the AmeriCorps national office.
 - 2. A designee from the Governor's Office.

3. A representative of the service-learning community.

Section 3. Officers

The Officers of the Commission shall be the Chair and Vice-Chair. All officers shall be elected by the voting Commission members from among their ranks. Election for Officers shall occur every three (3) years in conformity with the Commission's State Service Plan. Vacancies in any offices shall be filled by election conducted by the Commission for the remainder of the unexpired term.

- A. **Chair.** It shall be the responsibility of the Chair to preside at all meetings of the Commission, to ensure all committee chairs are appointed, to assist all committee chairs in the planning of the committee plans, to authorize and execute the wishes of the Commission, and to be an ex-officio member of all committees. Other specific committee responsibilities may be assigned to the Chair.
- B. **Vice-Chair.** The Vice-Chair shall assist the Chair and, in the absence of the Chair, shall perform the duties of the Chair. The Vice-Chair shall accept special assignments from the Chair and shall perform other duties as delegated by the Commission.

Section 4. Committees

The Commission shall establish an Executive Committee and other committees as determined by the Executive Committee. The committees shall advise and assist the Commission in carrying out its duties and responsibilities. Committee chairs shall be appointed by the Commission Chair from among Commission members; however, the committee members need not be limited to Commission members. The Commission chair, in consultation with the committee chairs, shall name committee members. The Executive Committee shall be comprised of the Chair and Vice-Chair of the Commission, along with the chairs (or co-chairs) of all committees and taskforces. The Chair of the Commission serves as Chair of the Executive Committee.

Section 5. Meetings

- A. The Commission shall meet at least quarterly. Failure to attend 75 percent of called meetings in any calendar year may result in a recommendation to the Governor to remove the member from the Commission. For the purpose of transacting the business of the Commission, a quorum shall consist of a simple majority of voting members.
- B. A voting member of the Commission shall not participate in the administration of a grant program described below in Section 6(l) (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program entity) if: (1) a grant application related to the program is pending before the Commission, and (2) the application was submitted by a program or entity of which such Commission members is, or in the one-year period before submission of such application was, an officer, director, trustee, full-time volunteer, or employee.
- C. Exception: If, as a result of the operation of subsection (a), the number of voting members of the Commission is insufficient to establish a quorum for the purpose of administering such program, then voting members excluded from participation by subsection (a) may participate in the administration of such program, notwithstanding the limitation in Subsection (b), to the extent permitted by regulations issued under Section 12651d(b)(12) of Title 42 by the Corporation for National and Community Service.

Section 6. Duties

The Commission shall perform the following tasks and functions:

- A. Ensure funding decisions meet all federal and state statutory requirements.
- B. Promote volunteerism and ensure strong interagency collaboration as an avenue for maximizing resources to strengthen communities and develop leaders.

- C. Encourage youth civic engagement and service through initiatives like the Governor's Page Program.
- D. Coordinate disaster related volunteer and donation activities in accordance with the State Emergency Plan.
- E. Prepare a three-year plan for the state, in accordance with state and federal guidelines, that is developed through an open and public process (such as regional forums, hearings, web-based surveys, and other means that provide maximum participation and input). The plan must be updated annually.
- F. Prepare the applications of the state under Section 12582 of Title 42 for assistance.
- G. Assist in the preparation of the application of the North Carolina Department of Public Instruction for assistance under Section 12525 of Title 42.
- H. Prepare the state application under Section 12582 of Title 42 for the approval of service positions, such as the national service educational award described in Division D of Title 42.
- I. Make technical assistance available to enable applicants for assistance under Section 12571 of Title 42 to plan and implement service programs and to apply for assistance under the federal service laws.
- J. Assist in the provision of healthcare and childcare benefits under Section 12594 of Title 42 to participants in national service programs that receive assistance under Section 12571 of Title 42.
- K. Develop a state system for the recruitment and placement of participants in programs that receive assistance under the national service laws and disseminate information concerning national service programs that receive such assistance or approved national service positions.
- L. Administer the state's grant program in support of national service programs (using assistance provided to the state under Section 12571 of Title 42) including selection, oversight, and evaluation of grant recipients.
- M. Make recommendations to the Corporation for National and Community Service with respect to priorities for problems receiving assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*).
- N. Develop projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation for National and Community Service or from the state using assistance provided under Section 12571 of Title 42, for use by programs that request such projects, methods, materials, and activities.
- O. Work with appropriate state agencies and private entities to develop a comprehensive State Service Plan for adults age 55 or older.
- P. Coordinate with other state agencies that administer federal financial assistance programs and with volunteer service programs.
- Q. The Commission shall perform other duties as directed by the Governor.

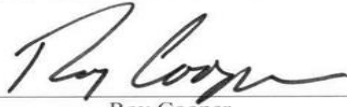
Section 7. Administration and Expenses

The Governor's Office shall provide necessary administrative and staff support services to the Commission. The Commission is authorized to accept funds and in-kind services from other state and federal entities, as authorized by the North Carolina State Budget Act. No per diem allowance shall be paid to members of the Commission. Members of the Commission and staff may receive necessary travel and subsistence expenses in accordance with state law. These expenses shall be paid from federal funds where possible. If federal funds are not available, these expenses may be paid only if the Commission has sufficient funds.

Section 8. Duration

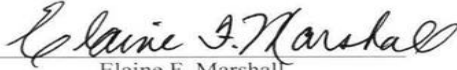
This Executive Order is effective immediately. It supersedes and replaces all other Executive Orders on this subject. This Executive Order shall remain in effect until December 31, 2026, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 31st day of December in the year of our Lord two thousand and twenty-four.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

December 31, 2024

EXECUTIVE ORDER NO. 330

AMENDING AND EXTENDING THE NORTH CAROLINA STATEWIDE INDEPENDENT LIVING COUNCIL

WHEREAS, the federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (the "Rehabilitation Act"), recognized the importance of empowering individuals with disabilities to maximize their leadership, independence, and productivity, as well as their integration and full inclusion into the mainstream of American society; and

WHEREAS, Title VII, Section 704 of the Rehabilitation Act requires each state to formally establish a Statewide Independent Living Council on behalf of the state to be eligible for federal funding through the Rehabilitation Act; and

WHEREAS, the North Carolina Statewide Independent Living Council (the "Council") was originally established under federal mandate in 1992, with the Council operating as an independent 501(c)(3) nonprofit corporation since 2006; and

WHEREAS, the Council was further established by Executive Order No. 14, 34 N.C. Reg. 222-225 (September 1, 2017), re-established by Executive Order No. 168, 35 N.C. Reg. 896-899 (November 2, 2020), and amended by Executive Order No. 277, 37 N.C. Reg. 1086-1090 (February 15, 2023); and

WHEREAS, the Rehabilitation Act made clear the necessity of providing financial assistance to states for service providers as they assist individuals in the pursuit of independent living, and for developing and supporting statewide networks of centers for independent living; and

WHEREAS, the purpose of independent living services and centers for independent living is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, individual advocacy, and systems advocacy; and

WHEREAS, it is imperative that North Carolinians with disabilities have the opportunity to achieve the goals outlined in the Rehabilitation Act; and

WHEREAS, the Council is a vital component of North Carolina's longstanding commitment to individuals in the state who live with disabilities; and

WHEREAS, the Council continues to advance opportunities for independent living with equity and dignity for all individuals in the state who are living with disabilities; and

WHEREAS, the undersigned has determined that the Executive Order establishing the Council should be amended and extended.

NOW, THEREFORE, by the power vested in me as Governor by the laws and Constitution of the State of North Carolina, **IT IS ORDERED:**

Section 1. Extension

- A. The North Carolina Statewide Independent Living Council is hereby extended. The Council shall serve the people of North Carolina in fulfillment of the requirements of the Rehabilitation Act. The Council shall advise on state efforts to improve and expand the provision of independent living services and foster the development and growth of a statewide network of centers for independent living.
- B. The Council shall exist as an entity independent of any state agency or political subdivision. The Council may operate as a 501(c)(3) nonprofit entity organized under Chapter 55A of the North Carolina General Statutes.

Section 2. Membership

- A. The Governor shall appoint all members of the Council and all members shall serve at the pleasure of the Governor. The Governor shall select members after soliciting recommendations from the Council and from a broad range of individuals with disabilities and organizations interested in ensuring equal access and independence for individuals with disabilities.
- B. The Council shall consist of no more than twenty (20) voting members.
- C. The Council's membership should reflect North Carolina's demographic diversity with respect to race, gender, type of disability, and age, and should provide statewide geographic representation by individuals with disabilities from diverse backgrounds who are knowledgeable about centers for independent living.
- D. The majority (a minimum of 51%) of all voting Council members shall be individuals with disabilities as defined in the Rehabilitation Act, and not employed by any state agency or center for independent living.
- E. The Council's voting membership shall include the following:
 - 1. One (1) director of a center for independent living, chosen by the directors of centers for independent living within the state.
 - 2. One director of an American Indian Vocational Rehabilitation Services project that is administered under Section 121 of the Rehabilitation Act or a NC Tribal representative with a disability.
 - 3. At least one (1) military veteran.
 - 4. At least one (1) person between the ages of eighteen (18) and twenty-six (26).
- F. The Council may also include the following voting members, if such appointments are consistent with the requirements provided in Section 2(a)-(d):
 - 1. Representatives from centers for independent living.
 - 2. Individuals with disabilities, who shall comprise fifty-one percent (51%) of voting members.
 - 3. Parents and/or legal guardians of individuals with disabilities.
 - 4. Advocates of and for individuals with disabilities.
 - 5. Representatives of the private business sector.
 - 6. Representatives of a community college, four-year college, or university who are familiar with centers for independent living and services for individuals with disabilities.
 - 7. Representatives from nonprofit organizations that provide services to or advocate for individuals with disabilities.
 - 8. A representative from the NC Works Commission.
- G. The Council shall include the following ex-officio members:
 - 1. A representative of the designated state entity, the Division of Employment and Independence of People with Disabilities.
 - 2. A minimum of two (2) representatives from statewide agencies or organizations that provide services for individuals with disabilities, provide independent living services, and/or support the goals and objectives of the State Plan for Independent Living ("SPIL").
 - 3. A representative of the Division of Services for the Blind.
 - 4. A representative of the Division of Services for the Deaf and Hard of Hearing.
 - 5. A representative of the North Carolina Council on Developmental Disabilities.
 - 6. A representative of the North Carolina Client Assistance Program.

- 7. A representative from Disability Rights North Carolina, the state's federally mandated protection and advocacy entity.
- H. Council members shall serve terms of three (3) years. The initial appointment terms shall be staggered by one (1), two (2), or three (3) years such that approximately one-third (1/3) of the Council's terms shall expire annually on August 15. Vacancies on the Council shall be filled by the Governor. In the event of a vacancy caused by a reason other than the expiration of a term, the Governor shall appoint a person to serve for the remainder of the unexpired term. A vacancy shall not affect the power of the remaining members to execute the duties of the Council.
- I. No member of the Council may serve for more than two (2) full consecutive terms. Individuals serving an unexpired or partial term are not considered to have served a full term and are eligible to serve two (2) full terms in addition to the unexpired or partial term they are fulfilling.

Section 3. Meetings and Operations of the Council

- A. The voting members of the Council shall select a Chair from the Council's voting membership. The Council may select other officers from the Council's voting membership as needed.
- B. The Council shall adopt procedures and bylaws consistent with state and federal laws, and this Executive Order, which governs the Council's organization and operations.
- C. The Council shall meet at least quarterly and may also convene at the call of the Chair, the Governor, or as otherwise provided in procedures adopted by the Council. The Council may hold any hearings or forums that are necessary to fulfill the Council's duties.
- D. The Council shall conduct all business at public meetings in compliance with the North Carolina Open Meetings Law. Public notice of the meeting's time, date, and place shall be provided in the manner required by the Open Meetings Law.
- E. For transacting the business of the Council, a quorum shall consist of a simple majority of voting members who have a disability and do not work for either the state or a center for independent living. Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment.

Section 4. Ethics and Other Standards

Members of the Council shall be subject to the requirements of the State Government Ethics Act, North Carolina General Statute Chapter 138A.

Section 5. Duties

The Council shall exercise the functions, duties and authorities as specified in the Rehabilitation Act and other federal law. In summary:

- A. Jointly develop the SPIL with the centers for independent living as required by the Rehabilitation Act.
- B. Monitor, review, and evaluate the implementation of the SPIL.
- C. Meet regularly and ensure that such meetings of the Council are open to the public and that sufficient advance notice of such meetings is provided.
- D. Coordinate activities, as appropriate, with other entities in the state that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and support.
- E. Submit all periodic reports to the Administrator of Community Living within a reasonable time frame at the request of the Administrator and maintain records and afford the Administrator of Community Living program access when necessary for the Administrator to verify the periodic reports. Upon request, copies of any submitted reports shall be provided to the Office of the Governor.
- F. Work with centers for independent living to coordinate services with public and private entities to improve services provided to individuals with disabilities throughout the state.
- G. Conduct resource development activities to support the activities described in the approved SPIL and/or support the provision of independent living services by centers for independent living.
- H. Prepare a resource plan for the provision of Council resources, including staff and

personnel, which are necessary and sufficient to carry out the functions of the Council and authorized under Title VII, Part B of the Rehabilitation Act. The SPIL shall include proper utilization of innovation and expansion funds under Section 101 (a) 18 of the Rehabilitation Act or from other public and private sources which may be necessary to carry out the Council's duties. Collaborate with the designated state entity to ensure the availability of these funds. The Council must include a description of the Council's resource plan in the approved SPIL. The Council is responsible for the proper utilization of any funds or materials it receives under the resource plan. The Council shall ensure that it meets any additional federal requirements regarding the resource plan.

- I. Hire, supervise, and evaluate staff and personnel as necessary to execute the Council's functions under this Executive Order and the Rehabilitation Act consistent with applicable state and federal laws; and
- J. The Council shall not provide independent living services directly to individuals with disabilities or manage such services.

Section 6. Administration and Expenses

The designated state entity, as specified in the SPIL, may provide necessary administrative and staff support services to the Council as requested by either the Council or the Governor. The designated state entity may not assign such staff duties that would create a conflict of interest. The Council may use available resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (such as personal assistance services) and to pay reasonable compensation to a member of the Council if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties. All monetary compensation and reimbursements shall be derived from the funds provided under the Council's resource plan and must be in accordance with Section 705 of the Rehabilitation Act. The Council may only use federal funds to perform the duties promulgated by Section 705 of the Rehabilitation Act.

Section 7. Effect and Duration

This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject. This Executive Order shall remain in effect until December 31, 2026, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 31st day of December in the year of our Lord two thousand and twenty-four.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

December 31, 2024

EXECUTIVE ORDER NO. 331

EXTENDING THE STATE HEALTH COORDINATING COUNCIL

WHEREAS, the State Health Coordinating Council (“NCSHCC”) is a public body reestablished by Executive Order No. 46, 28 N.C. Reg. 2285-2288 (April 1, 2014) and extended by Executive Order No. 122, 31 N.C. Reg. 1492 (February 1, 2017); and

WHEREAS, Exec. Order No. 187, 35 N.C. Reg. 1637 (February 1, 2021), extending the State Health Coordinating Council is set to expire on December 31, 2024; and

WHEREAS, the State Health Coordinating Council plays an important role in working with the North Carolina Department of Health and Human Services to prepare the State Medical Facilities Plan approved annually by the undersigned; and

WHEREAS, the undersigned has determined that Executive Order No. 187 must be extended, and

WHEREAS, pursuant to Article III § I of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. §147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

NOW, THEREFORE, by the powers vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Extending Executive Order No. 187

Pursuant to N.C. Gen. Stat. § 147-16.2, Executive Order No. 187, which extended the NCSCHCC is hereby extended to December 31, 2026.

Section 2. Effect and Duration

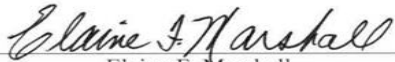
This extension of Executive Order No. 187 is effective immediately and shall remain in effect until December 31, 2026, or until rescinded or superseded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the 31st of December in the year of our Lord two thousand and twenty-four.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Tesla Inc

Applicant's Address: 2641 Sumner Blvd Raleigh, NC 27616

Application Date: 12/09/24

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Elon Musk – President

Troy Jones- Vice President

Emmanuelle Stewart- Asst Secretary



NORTH CAROLINA
STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255,
Raleigh, NC 27611
(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

John Wallace
Wallace and Nordan LLP
3737 Glenwood Avenue, Suite 260
Raleigh, NC 27612

December 23, 2024

Re: Request for an advisory opinion under N.C.G.S. § 163-278.23 regarding use of campaign contributions

Dear Mr. Wallace,

Thank you for your correspondence on behalf of Governor Roy Cooper. The following written opinion is provided in accordance with N.C.G.S. § 163-278.23.

In your email, you shared that Governor Cooper is seeking guidance and approval with respect to his intended use of the remaining funds in the account of his principal candidate campaign committee, Cooper for North Carolina [STA-C0498N-C-002]. You described the following:

Governor Cooper was an active governor, engaged in numerous legislative and policy initiatives in which he has and maintains an active interest. He reasonably anticipates that as a result of having served [i]n public office, he will continue to be called upon to express his views on these and other policy matters and will be called upon to travel in the furtherance of such work. It is expected that such continuing service, which results from having held public office will require staff to assist with scheduling and correspondence, professional and consulting services office equipment and supplies, and travel costs. In addition, he anticipates that his continuing work will require communications capability including cell service and Internet access as well as subscriptions to publications, journals, and databases.

North Carolina permits a candidate or candidate campaign committee to use contributions for “[e]xpenditures resulting from the campaign” or “[e]xpenditures resulting from holding public office.” N.C.G.S. § 163-278.16B(a)(1), (2).

On February 8, 2011, Executive Director Gary Bartlett issued an opinion to former Senator Marc Basnight that permitted the remaining funds of the Senator’s

candidate campaign committee to be spent on continuing the “research and advocacy of various policy initiatives” that the Senator supported while he campaigned and served in elective office. Written Opinion 2011-02-08. Potential expenses associated with this effort included the following:

1. Travel for meetings or research trips;
2. Travel and food expenses when meeting with legislators or policymakers; and
3. Printing, writing or other services associated with finalizing or presenting research to others.

Id.

In 2012, you also requested an opinion, on behalf of your client, outgoing Governor Beverly Perdue. In the resulting opinion, Executive Director Gary Bartlett authorized the use of candidate campaign committee funds for expenses associated with the organization of Governor Perdue’s papers, including “staff, academic and professional services, and technology support and hardware.” Written Opinion 2012-08-23.

Once an entity qualifies as a political committee under N.C.G.S. § 163-278.6(74), it continues to be a political committee if it receives contributions or makes expenditures or maintains assets or liabilities. *Id.* A political committee only ceases to exist when it winds up its operations, disposes of its assets, and files its final report. *Id.* Both the Basnight and Perdue opinions establish that a former candidate may use candidate campaign committee funds for expenditures that result from having held public office. The present request on behalf of Governor Cooper describes activities in line with what was described in these prior opinions. In addition to travel, your request specifically envisions expenses for the following:

1. Staff to assist with scheduling and correspondence;
2. Professional and consulting services;
3. Office equipment and supplies;
4. Cellular phone and service;
5. Internet access; and
6. Subscriptions to publications, journals, and databases.

All of these expenses are consistent with what is required to establish a professional communication and advocacy operation. In recent years, we have seen several former Governors continue to be called upon by media, advocacy groups, and even subsequent Governors to share their unique perspectives and opinions that are derived from holding that office. This has been especially true as

North Carolina has debated new constitutional amendments and statutes that address the separation of powers and the structure of state government. Responding to these requests, especially in a growing digital and social media environment, takes not only time, but resources.

That is not to say that having served provides a former candidate an open-ended opportunity to launch new, unrelated ventures using candidate committee funds. The long-standing test for determining whether an expenditure is permitted is to ask whether the expenditure would have been made absent the campaign or if the candidate did not hold public office. N.C. Campaign Finance Manual at p. 56 (issued Feb. 2022). If the answer is “yes” to that question, the expenditure should not be made from candidate campaign committee funds.

The remaining funds of Cooper for North Carolina may be used to establish the communication and advocacy operation described in your November 28, 2024, request. However, the former candidate and Cooper for North Carolina committee staff should exercise caution and utilize the test described herein to ensure that all expenditures of the committee result from Governor Cooper having held public office.

Expenditures for travel and subsistence are subject to N.C.G.S. § 163-278.8(a). In managing and disclosing travel and subsistence expenses, the candidate campaign committee should comply with the State Board’s March 29, 2024, Declaratory Ruling regarding reimbursement of costs and expenses related to serving in office.

Pursuant to N.C.G.S. § 163-278.9(a)(4), the Cooper for North Carolina committee will be required to file semi-annual reports disclosing contributions and expenditures. However, during any even-numbered years in which the campaign committee supports or opposes a candidate, the treasurer will be required to file quarterly reports. N.C.G.S. § 163-278.9(a)(3).

The opinion will be filed with the Codifier of Rules to be published in the North Carolina Register.

Sincerely,



Karen Brinson Bell
Executive Director
State Board of Elections

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Child Care Commission intends to adopt the rules cited as 10A NCAC 09 .3201-.3226 and amend the rules cited as 10A NCAC 09 .0102, .2902, .2905, .3002, .3009, and .3010.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncchildcare.ncdhhs.gov/Home/Child-Care-Commission>

Proposed Effective Date: August 1, 2025

Public Hearing:

Date: March 26, 2025

Time: 1:15 p.m.

Location: Room 165, 333 Six Forks Road, Raleigh NC 27609 and by WebEx

Reason for Proposed Action: *These Rules and Rule Amendments are proposed by the NC Child Care Commission (“the Commission”) in response to Session Laws 2023-40 and 2024-34 regarding the modernization of the state’s quality rating improvement system (QRIS). QRIS is based on a star-rating licensing system that applies to child care centers and family child care homes that meet all minimum child care requirements which include but are not limited to health and safety standards and those who voluntarily choose to meet higher standards. The purpose of the star- rating system is twofold:*

- 1) *to promote high-quality child care by providing pathways for child care facilities to meet enhanced standards; and*
- 2) *to give parents a simple tool to help make informed decisions about the quality of a facility based on standardized educational and programmatic factors.*

In February 2023, the Commission initiated a project to modernize North Carolina’s QRIS, commonly known as the Star Rated License, in anticipation of impending legislation. The Commission formed a QRIS Sub-Committee that was tasked with developing recommendations for QRIS Modernization. One of the products of the QRIS Sub-Committee was a legislative report, which was submitted to the Joint Legislative Oversight Committee on Health and Human Services on March 28, 2024. The report outlined a recommended plan for QRIS Modernization which reflected feedback from the community regarding the needs of licensed child care operators and staff throughout North Carolina. The Commission has focused on providing additional pathways for early childhood professionals to demonstrate quality and for child care facilities to earn Star Rated Licenses.

In July 2024, Session Law 2024-34 became effective and outlines the QRIS framework, pathways and recommendations of the legislative report. However, as stated in the legislative report, “The Child Care Commission recognizes that modernizing the state’s QRIS system provides one small step towards improving the early care and education system in our state. It does not, and cannot, address the ongoing, critical issues of funding for child care access, affordability, compensation, and quality in the state of North Carolina.”

The proposed Rules incorporate all the elements of QRIS required by legislation as well as additional changes necessary for administrative clarity. The Rules preserve the integrity of the state’s existing QRIS while providing more options for child care facilities to demonstrate and meet quality standards. These options include adjustments to current requirements related to staff/child ratio and enrollment that will result in more availability for families, options for early childhood education professionals to meet education standards at all star levels, and a choice of three licensure pathways to earn a Star Rated License. This will enable operators to demonstrate quality care practices by meeting standards that best fit the needs of the families they serve and the early childhood education professionals they employ.

Comments may be submitted to: Julie Peck, 333 Six Forks Road, Raleigh, NC 27609; email julie.peck@dhhs.nc.gov

Comment period ends: April 4, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected

- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 09 - CHILD CARE RULES

SECTION .0100 - DEFINITIONS

10A NCAC 09 .0102 DEFINITIONS

The terms and phrases used in this Chapter are defined as follows:

- (1) "Activity area" means a space that is accessible to children and where related equipment and materials are kept in accordance with G.S. 110-91(12).
- (2) "Administrative work experience" shall mean verifiable experience in completing administrative duties such as planning, implementation and oversight for operational and personnel systems in a licensed child care arrangement or a child care arrangement not required to be licensed as identified in G.S. 110-86(2).
- ~~(2)~~(3) "Agency" as used in this Chapter means Division of Child Development and Early Education, Department of Health and Human Services located at 333 Six Forks Road, Raleigh, North Carolina 27609.
- ~~(3)~~(4) "Appellant" means the person or persons who request a contested case hearing.
- ~~(4)~~(5) "Asbestos hazard" means a condition that results in an exposure to asbestos in excess of the standards set forth in 10A NCAC 41C .0607(a) or a category of asbestos containing material defined at 40 C.F.R. 763.88(b)(1)-(6).
- ~~(5)~~(6) "Basic School-Age Care" training (BSAC training) means the training on the elements of quality afterschool care for school-age children, developed by the North Carolina State University Department of 4-H Youth Development and subsequently revised by the North Carolina School-age Quality Improvement Project.
- ~~(6)~~(7) "Biocontaminant" means blood, bodily fluids, or excretions that may spread infectious disease.
- (8) "Centers Located In a Residence" means a child care center located in a residence where, at any one time, more than two children, but less than 15 children, receive child care.
- ~~(7)~~(9) "Child Care Center" means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This does not include arrangements described in Item ~~(18)~~(22) of this Rule regarding Family Child Care Homes.
- ~~(8)~~(10) "Child Care Facility" means child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-

86(2) that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

- ~~(9)~~(11) "Child care provider" as defined by G.S. 110-90.2(a)(2) includes the following employees who have contact with the children in a child care program:
 - (a) facility directors;
 - (b) child care administrative staff;
 - (c) teachers;
 - (d) teachers' aides;
 - (e) substitute providers;
 - (f) uncompensated providers;
 - (g) cooks;
 - (h) maintenance personnel; and
 - (i) drivers.
- ~~(40)~~(12) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.
- ~~(41)~~(13) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC Child Care Commission as comprehensive, evidenced-based, and with a reading and literacy component.
- ~~(42)~~(14) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.
- ~~(43)~~(15) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.
- ~~(44)~~(16) "Domains" means the developmental areas of learning described in the North Carolina Foundations for Early Learning and Development © 2013, available on the Division's website at https://ncchildcare.nc.gov/providers/pv_foundations.asp. This instrument is incorporated by reference and does not include subsequent editions. The domains address children's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development.
- ~~(45)~~(17) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.
- ~~(46)~~(18) "Early Childhood Environment Rating Scale – Third Edition" "~~Early Childhood Environment Rating Scale Revised Edition~~" (Harms, Clifford, and Cryer, ~~2005~~, 2014, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center using the program assessment licensure pathway. ~~center, when the majority of the children in the group are two and a half years old through five years old, to achieve three or~~

- ~~more points for the program standards of a rated license.~~ This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at https://www.tcpres.com/search?search_term=assessment+materials. The cost of this scale is ~~twenty-five~~ twenty-eight dollars and ninety-five cents (~~(\$25.95)-(\$28.95)~~). A copy of this instrument is on file at the Division at the address given in Item ~~(2)~~(3) of this Rule and is available for public inspection during regular business hours. For the purposes of this Rule, "regular business hours" for the Division means 8 a.m. to 5 p.m. during weekdays, excluding state holidays.
- (19) "Early childhood education work experience" shall mean verifiable caregiving experience with children ages birth through five years of age in licensed child care arrangements or child care arrangements not required to be licensed as identified in G.S. 110-86(2).
- ~~(17)~~(20) "Experience working with school-age children" means working with school-age children as a child care administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.
- ~~(18)~~(21) "Family Child Care Environment Rating Scale – Third Edition" "Family Child Care Environment Rating Scale Revised Edition" (Harms, Cryer and Clifford, 2007, 2019, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes using the program assessment licensure pathway. to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at https://www.tcpres.com/search?search_term=assessment+materials. The cost of the scale is ~~twenty-five~~ twenty-eight dollars and ninety-five cents (~~(\$25.95)-(\$28.95)~~). A copy of this instrument is on file at the Division at the address given in Item ~~(2)~~(3) of this Rule and is available for public inspection during regular business hours.
- ~~(19)~~(22) "Family Child Care Home", as defined by G.S. 110-86(3)(b) means a child care arrangement located in a residence where, at any one time, more than two children, but less than ~~nine~~ 11 children, receive child care. Family child care home operators must reside at the location of the family child care home.
- ~~(20)~~(23) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor injuries or stabilization of major injuries.
- ~~(21)~~(24) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child ratios set forth in G.S. 110-9(7) and this Chapter, using space the Division has identified for each group.
- ~~(22)~~(25) "Health care professional" means:
- (a) a physician licensed in North Carolina
 - (b) a nurse practitioner approved to practice in North Carolina; or
 - (c) a licensed physician assistant.
- ~~(23)~~(26) "Household member" means a person who resides in a family home as evidenced by factors including maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.
- ~~(24)~~(27) "If weather conditions permit" means:
- (a) temperatures that fall within the guidelines developed by the Iowa Department of Public Health and specified on the Child Care Weather Watch chart. These guidelines shall be used when determining appropriate weather conditions for taking children outside for outdoor learning activities and playtime. This chart may be downloaded free of charge from <https://idph.iowa.gov/Portals/1/Files/HCCI/weatherwatch.pdf>;
 - (b) following the air quality standards as set forth in 15A NCAC 18A 2832(d). The Air Quality Color Guide can be found on the Divisions website at <https://www.deq.nc.gov/mitigation-services/publicfolder/library/news/brochures/air-quality-color-guide/download>; and
 - (c) no active precipitation. Caregivers may choose to go outdoors when there is active precipitation if children have appropriate clothing such as rain boots and rain coats, or if they are under a covered area.
- ~~(25)~~(28) "Infant" means any child from birth through 12 months of age.
- ~~(26)~~(29) "Infant Toddler Environment Rating Scale – Third Edition" (Harms, Clifford, Cryer, and Clifford and Yazejian, 2003, 2017, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center using the program assessment

licensure pathway. when the majority of children in the group are younger than 30 months old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at https://www.tcpres.com/search?search_term=assessment+materials. The cost of this scale is ~~twenty five~~ twenty-eight dollars and ninety-five cents (~~(\$25.95)~~ (\$28.95)). A copy of this instrument is on file at the Division at the address given in Item ~~(2)~~ (3) of this Rule and is available for public inspection during regular business hours. For the purposes of this Rule, "regular business hours" for the Division means 8 a.m. to 5 p.m. during weekdays, excluding state holidays.

~~(27)~~ (30) "ITS-SIDS training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed by the NC Healthy Start Foundation and administered by the North Carolina Child Care Health and Safety Resource Center for the Division of Child Development and Early Education for caregivers of children ages 12 months and younger. Information regarding trainer and training availability can be found on the Division's website at https://ncchildcare.ncdhhs.gov/providers/pv_itssidsproject.asp.

~~(28)~~ (31) "Lead Teacher" means an individual who is responsible for planning and implementing the daily program of activities for a group of children in a child care facility. A lead teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.

~~(29)~~ (32) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility. The owner of a facility is the licensee.

~~(30)~~ (33) "Lockdown drill" means an emergency safety procedure in which occupants of the facility remain in a locked indoor space and is used when emergency personnel or law enforcement determine a dangerous person is in the vicinity.

~~(31)~~ (34) "North Carolina Early Childhood Administration Credential" means the state early childhood administration credential that is based on completion of required early childhood coursework taken at any NC Community College. Other post secondary curriculum coursework shall be approved as equivalent if the Division determines that the content of the other post secondary curriculum coursework offered is substantially equivalent to the NC Early Childhood Administration Credential Coursework. A copy of the North

Carolina Early Childhood Administration Credential requirements is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection or copying at no charge during regular business hours. This information can be found on the Division's website at <https://ncchildcare.ncdhhs.gov/providers/credential.asp>.

~~(32)~~ (35) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an individual's verified level of educational achievement based on a standardized scale. The North Carolina Institute for Child Development Professionals certifies individuals and assigns a certification level on two scales:

(a) the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010; or

(b) the School Age Professional Scale (SA Scale) in effect as of May 19, 2010. Each scale reflects the amount of education earned in the content area pertinent to the ages of children served. The ECE scale is designed for individuals working with or on behalf of children ages birth to five. The SA scale is designed for individuals working with or on behalf of children ages five to 12 who are served in school age care settings. Information on the voluntary certification process can be found on the North Carolina Institute for Child Development Professionals website at <https://ncicdp.org/certification-licensure/eec-overview/>.

~~(33)~~ (36) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of required early childhood coursework taken at any North Carolina Community College. Other equivalences shall be approved by the Division if the Division determines that the content of other coursework or other pathways are substantially equivalent to the North Carolina Early Childhood Credential coursework. Substantially equivalent coursework shall include, but not be limited to:

(a) a current active Child Development Associate Credential from the Council for Professional Recognition, a Certified Child Care Professional Credential from the National Early Childhood Program Accreditation, or a Montessori Credential from any of the Montessori Accreditation Council for Teacher Education, American Montessori Society, National center

for Montessori Education, or Association Montessori Internationale; or

- (b) a passing score on a test developed by the early childhood faculty of the North Carolina Community College System designed to demonstrate an individual's mastery of the concepts taught in early childhood coursework taken at any North Carolina community college.

A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item ~~(2)~~(3) of this Rule and is available for public inspection or copying at no charge during regular business hours. This information can be found on the Division's website at <https://ncchildcare.ncdhhs.gov/providers/credential.asp>.

- ~~(34)~~(37) "Operator" means the owner, director, or other person having responsibility for operation of a child care facility subject to licensing.
- ~~(35)~~(38) "Owner" means any person with a five percent or greater equity interest in a child care facility; however, stockholders of corporations who own child care facilities shall not be subject to mandatory criminal history checks pursuant to G.S.110-90.2 unless they are a child care provider.
- ~~(36)~~(39) "Parent" means a child's parent, legal guardian, or full-time custodian.
- ~~(37)~~(40) "Passageway" means a hall or corridor.
- ~~(38)~~(41) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, origination or association.
- ~~(39)~~(42) "Premises" means the entire child care building and grounds including natural areas, outbuildings, dwellings, vehicles, parking lots, driveways and other structures located on the property.
- ~~(40)~~(43) "Preschooler" or "preschool-age child" means any child who is at least three years of age and does not fit the definition of school-age child in this Rule.
- ~~(41)~~(44) "Reside" refers to any person that lives at a child care facility location. Factors for determining residence include:
 - (a) use of the child care facility address as a permanent address for personal identification or mail delivery;
 - (b) use of the child care facility to store personal belongings such as furniture, clothing, and toiletry items; and
 - (c) name listed on official documents such as criminal records or property tax records.

~~(42)~~(45) "School-Age Care Environment Scale Rating Scale, Updated Edition" (Harms, Jacobs, and White, 2014, published by Teachers College Press) is the instrument used to evaluate the quality of care received by a group of children in a child care center, center using the program assessment licensure pathway. ~~when the majority of the children in the group are older than five years, to achieve three or more points for the program standards of a rated license.~~ This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teacher College Press website at https://www.tcps.com/search?search_term=assessment+materials. The cost of this scale is ~~twenty five~~ twenty-eight dollars and ninety-five cents ~~(\$25.95)~~ (\$28.95). A copy of this instrument is on file at the Division at the address in Item ~~(2)~~(3) of this Rule and is available for public inspection during regular business hours.

- ~~(43)~~(46) "School-age child" means any child who is attending or who has attended public or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.
- ~~(44)~~(47) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(b).
- ~~(45)~~(48) "Shelter-in-Place drill" means staying in place to take shelter rather than evacuating. It involves selecting a small interior room, with no or few windows, and used when emergency personnel or law enforcement determine there is a threat.
- ~~(46)~~(49) "Staff" or "staff member" as used in this Chapter includes child care providers, substitute workers, and uncompensated providers. Volunteers, as defined in this Rule, are not staff members.
- ~~(47)~~(50) "Substitute provider" means any person who temporarily assumes the duties of a staff person for a time period not to exceed two consecutive months and may or may not be monetarily compensated by the facility. Any substitute provider must be at least 18 years of age and literate.
- ~~(48)~~(51) "Teacher" means an individual who assists the Lead Teacher in planning and implementing the daily program of activities for a group of children in a child care facility. A teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.
- ~~(49)~~(52) "Teacher's aide" or "Aide" means a person who assists the lead teacher or the teacher in planning and implementing the daily program. A teacher's aide shall be at least 16 years old and less than 18 years old, shall be literate, and may count in staff/child ratio as long as there is

also a credentialed staff person who is at least 21 years of age present in the room and available to respond to the needs of the teacher's aide and children in care.

- ~~(50)~~(53) "Toddler" means any child ages 13 months to 35 months of age.
- ~~(51)~~(54) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.
- ~~(52)~~(55) "Uncompensated provider" means a person who works in a child care facility and is counted in staff/child ratio or has unsupervised contact with children, but who is not monetarily compensated by the facility. An uncompensated provider must be at least 18 years of age and literate.
- ~~(53)~~(56) "Volunteer" means a person who works in a child care facility and is not counted in staff/child ratio, does not have unsupervised contact with children, and is not monetarily compensated by the facility. A person who is at least 13 years of age, but less than 16 years age, may work on a volunteer basis, as long as he or she is supervised by and works with a staff person who is at least 21 years of age and meets staff qualification requirements.

Authority G.S. 110-85; 110-88; 110-90.2; 143B-168.3; 45 CFR 98.41; S.L. 2021-180; S.L. 2022-71; 45 CFR 98.16; S.L. 2024-34.

SECTION .2900 - DEVELOPMENTAL DAY SERVICES

10A NCAC 09 .2902 LICENSE

(a) Developmental Day services shall be available for preschool children for a minimum of 8 hours per day, 5 days per week, Monday through Friday, and 12 months per year except in the following circumstances:

- (1) in counties where no Community-Based Developmental Day Center operates, a Developmental Day program operated by the Local Education Agency may provide services for the 10 month school year (as defined by the State Board of Education); or
- (2) if a Community-Based Developmental Day center opens in a county where Developmental Day services are only provided by a Developmental Day program operated by the Local Education Agency, the Developmental Day program operated by the Local Education Agency shall continue to provide services for the 10 month school year until the end of the following school year. At the end of the following school year, all Developmental Day services in the county shall be available as described in Paragraph (a) of this Rule.

(b) For purposes of this Rule, a "Community-Based Developmental Day Center" means a Developmental Day Center not operated by the Local Education Agency.

(c) Developmental Day Centers shall maintain a four or five star rated license ~~as set forth in Section .3200 of this Chapter, with an average score of 5.0 on the appropriate environment rating scale in each classroom evaluated as defined in 10A NCAC 09 .0102(15), (25) and (40).~~

(d) A child care center with a temporary license may receive certification status if all rules in this Section are met, except for Paragraph (c) of this Rule, and an application for a two to five star rated licensed has been submitted in accordance with Section .2800 of this Chapter. At the end of the temporary license period the child care center shall obtain a four or five star rated license as specified in Paragraph (c) of this Rule. Failure to receive and maintain a four or five star rated license shall result in the removal of certification status as a Developmental Day Center.

(e) The child care center license shall indicate certification as a Developmental Day Center.

(f) The center shall comply with the staff-child ratio and maximum group size as follows:

MAXIMUM AGE	RATIO STAFF/CHILDREN	GROUP SIZE
0-12 Months	1/4	8
1 to 2 Years	1/5	10
2 Years and Older	1/6	18

(g) A minimum of two staff members shall be on site at all times while children are in attendance at the facility.

(h) A child care center may appeal the removal of certification status in accordance with G.S. 110-94; however, an appeal shall not preclude a Local Education Agency from removing contracted children from the program before a final decision on the appeal is reached.

Authority G.S. 110-85; 110-88(5); 110-88(10); 110-88(14); S.L. 2024-34; 42 USCS 9858c; 45 CFR 98.41; 45 CFR 98.68; S.L. 2024-34.

10A NCAC 09 .2905 FAMILY SERVICES

The center shall facilitate family involvement as evidenced by meeting ~~at least four of~~ the following ~~activities, six activities:~~ These activities may not be used to meet the requirements set forth in Rule .3219 of this Chapter.

- (1) Providing quarterly parent education sessions;
- ~~(2) Holding parent/teacher conferences at least twice a year;~~
- ~~(3)~~(2) Communicating on an individual basis with parents ~~via daily; and notes, progress reports, or surveys;~~
- ~~(4)~~(3) Having parents as members of a center advisory ~~board, board;~~
- ~~(5) Providing opportunities for parent volunteers to assist with special classroom activities, field trips, and other learning experiences for children; or~~
- ~~(6) Providing parents with referral information about other community programs and resources serving young children.~~

Authority G.S. 110-85(3); 110-88(14); 42 USCS 9858; 45 CFR 98.1; 45 CFR 98.16; S.L. 2024-34.

SECTION .3000 - NC PRE-KINDERGARTEN SERVICES

10A NCAC 09 .3002 FACILITY REQUIREMENTS

(a) Programs serving NC Pre-K children shall maintain a four-or five-star rated license in accordance with G.S. 110-90(4) and Section ~~.2800~~ .3200 of this Chapter.

(b) ~~NC Pre-K programs that have earned a four-or five-star rated license using the program assessment licensure pathway or the classroom instructional quality licensure pathway in Rules .3203 and .3205 of this Chapter shall have an assessment completed every three years using the Early Childhood Environment Rating Scale-Third Edition assessment tool. Classrooms that score below 5.0 shall be reassessed the following year and a minimum score of 5.0 must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom shall be selected for an assessment during the reassessment process. NC Pre-K programs that have earned a four-or five-star rated license using the accreditation and Head Start licensure pathway in Rule .3207 of this Chapter are not required to have an assessment and shall instead comply with standards set forth by those organizations regarding program quality standards. All NC Pre-K licensed programs shall have an assessment completed every three years using the Early Childhood Environment Rating Scale Revised Edition assessment tool as a part of the rated license reassessment process as defined in Rule .0102(15), (25) and (40) of this Chapter. Classrooms that score below 5.0, shall be reassessed the following year and a minimum score of 5.0 must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom shall be selected for an assessment during the reassessment process.~~

(c) During the NC Pre-K day, classrooms serving NC Pre-K children shall provide outdoor time, either as part of a small group, whole group, or individual activity, for no less than 45 minutes per day when weather conditions permit as defined in Rule .0102 of this Chapter.

Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); S.L. 2024-34.

10A NCAC 09 .3009 STAFF-TO-CHILD RATIO AND CLASS SIZE

The classroom shall not exceed a maximum staff-to-child ratio of one to ~~nine~~ 10 with a maximum class size of ~~18~~ 20 children, with at least one teacher and one teacher assistant per classroom. A classroom of ~~nine~~ 10 children or less shall have at least one teacher.

Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); S.L. 2023-134.

10A NCAC 09 .3010 FAMILY ENGAGEMENT

NC Pre-K programs shall develop a plan for family engagement consisting of strategies designed to develop partnerships with families that promote shared decision-making opportunities. These opportunities shall include:

- (1) ~~Allowing Pre K program teachers the opportunity for home visits; An enrollment orientation that includes an opportunity for families and child(ren) to visit the assigned classroom and lead teacher prior to the first day of enrollment.~~
- (2) ~~Formal and informal parent/teacher conferences; Family and teacher conferences are offered at least twice annually to discuss child needs and progress toward individual goals and to receive feedback from families regarding their child(ren)'s experiences at home and at the child care facility. During each conference, families are offered an opportunity to set a goal(s) for their child. Conferences shall be conducted in a manner that is convenient for the family such as by telephone, virtually or in-person.~~
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) ~~Parent education;~~ At least one family event annually that includes an educational opportunity for staff and families to learn together.
- (5) Allowing family members the opportunity for involvement in decision making about their own child and about their child's early childhood program; and
- (6) Opportunities to engage families outside of the regular school ~~day.~~ day, including at least two family events annually.

Items (1), (2), (4), and (6) of this Rule may be used to meet requirements set forth in Rule .3219 of this Chapter regarding family and community engagement.

Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); 42 USCS 9858c; 45 CFR 98.1; 45CFR 98.16; S.L. 2024-34.

SECTION .3200 - PATHWAYS TO THE STARS: WHERE QUALITY AND CHOICE MEET (TWO THROUGH FIVE STAR RATED LICENSES)

10A NCAC 09 .3201 SCOPE

(a) This Section shall apply to all child care facilities that have met requirements for a one-star rated license and choose to apply for and earn a rated license of two-stars or higher.

(b) A child care facility shall be eligible for a rated license of two through five-stars upon application and assessment of compliance with the requirements of this Section.

(c) No requirement in any component of a two-star or higher rating shall be less than the requirements for a one-star rating described in G.S. 110-91 and this Chapter. Prior to issuance of an initial two through five-star rating, all requirements in G.S. 110-91 and this Chapter shall be met at the time the program is assessed for a higher rating. The requirements for a rated license of two-stars or higher shall be in addition to the standards found in G.S 110-91 and this Chapter.

(d) Nothing in this Section shall preclude or interfere with the issuance of an administrative action as allowed by G.S. 110, Article 7 and this Chapter.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3202 APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE

(a) After a licensed child care facility has demonstrated compliance with applicable child care requirements while operating with a temporary license as set forth in Rules .0403 and .1701 of this Chapter, the operator may apply for an initial two through five-star rated license.

(b) The operator shall submit a completed application to the Division for a two through five-star rated license on the form provided by the Division.

(c) An operator may select one of three licensure pathways in order to earn a two through five-star rated license. The operator shall meet the requirements set forth in this Section for the star rating desired within the selected licensure pathway. Requirements for licensure pathways may not be combined. The three licensure pathways are as follows:

- (1) Program Assessment Pathway as set forth in Rules .3203 and .3204 of this Section;
- (2) Classroom and Instructional Quality Pathway as set forth in Rules .3205 and .3206 of this Section; and
- (3) Accreditation and Head Start Pathway as set forth in Rule .3207 of this Section.

(d) A Division representative shall assess a facility requesting a two through five-star rated license to determine if all applicable requirements have been met to achieve the requested star rating. The assessment shall include a review of Division records and site visits.

(e) Upon completion of the Divisions assessment:

- (1) If the assessment indicates all the applicable requirements to achieve the requested rating have been met, the Division shall issue the rating.
- (2) If the assessment indicates all the applicable requirements to achieve the requested rating have not been met, the Division shall notify the operator of the requirements that were not met and the requested two through five-star rating shall not be issued. The operator may:
 - (A) accept the rating for which the Division has found the operator to be eligible;
 - (B) withdraw the request and reapply when the identified requirements to achieve the requested rating have been met; or
 - (C) appeal the denial of the requested rating as provided in G.S. 110-91.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b); 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3203 PROGRAM ASSESSMENT PATHWAY FOR CHILD CARE CENTERS

(a) This Rule shall apply to child care centers, including centers located in a residence, that choose to earn a two through five-star rated license using the program assessment licensure pathway.

(b) As used in this Rule, "educators" shall mean teachers, group leaders, and administrative staff, including directors, assistant directors, program coordinators, education coordinators, curriculum specialists, and other staff that have responsibility for planning, caregiving, mentoring or training on-site in a child care center. Educators shall meet the education standards of a position as set forth in Rules .3211, .3213, .3214, .3215, .3216 and .3218 of this Section and work full-time. If a program operates less than 40 hours per week, full-time shall mean the hours the program is in operation.

(c) As used in this Rule, "structured self-study" shall mean the process used to reflect on current teaching practices and educational environments, and identify areas of strength, needs, and action steps required to achieve the standards of the applicable program assessment tool(s) as set forth in Paragraph (d) of this Rule, based on the age of the children served. A structured self-study shall be completed over a minimum of three consecutive months and include a self-assessment using the appropriate program assessment tool and additional resources located at [insert weblink], a written reflection of the self-assessment, including identification of goals for continuous quality improvement, and documentation of the structured self-study using forms found on the Division's website at <http://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>.

(d) Child care centers shall be evaluated using "Infant/Toddler Environment Rating Scale, Third Edition" (ITERS-3), "Early Childhood Environment Rating Scale, Third Edition" (ECERS-3), and "School-Age Care Environment Rating Scale, Updated Edition" (SACERS-U), based on the ages of children served. Centers located in a residence, as described in Rule .0102 of this Chapter, shall be evaluated using "Family Child Care Environment Rating Scale, Third Edition" (FCCERS-3). Alternatively, the Commission may approve additional program assessment tools that meet the following criteria:

- (1) the program assessment tool is research-based;
- (2) the program assessment tool has demonstrated reliability and validity;
- (3) the program assessment tool has been developed and validated for the intended population;
- (4) the standards being evaluated by the program assessment tool are measurable;
- (5) the program assessment tool is published or otherwise publicly available;
- (6) the program assessment tool assesses and supports early childhood environments in a way that is sensitive and responsive to the needs of all children and families from culturally, linguistically, economically, and ability diverse backgrounds; and
- (7) the program assessment tool and training for its use has a process to reduce bias.

Upon approval of additional program assessment tools, a child care center may choose which assessment tool they utilize to earn a star rating in this licensure pathway, as long as their choice is applicable to the ages of children served, the type of facility in operation, or other criteria specified by the Commission in its approval.

(e) For a child care center to earn a two-star rated license, the following requirements shall be met:

- (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- (2) At least 50 percent of lead teachers and at least 50 percent of educators shall meet the individual education standards at the two-star level, as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section, or higher.
- (3) The child care center shall implement family and community engagement foundational practices set forth in Rule .3219 of this Section.
- (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) All administrators and lead teachers shall complete a structured self-study.

(f) For a child care center to earn a three-star rated license, the following requirements shall be met:

- (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- (2) At least 50 percent of lead teachers and at least 50 percent of educators shall meet the individual education standards at the three-star level, as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section, or higher.
- (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a three-star rated license.
- (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) All administrators and lead teachers shall complete a structured self-study.
- (6) The child care center shall request and complete an external program assessment and use the results of the assessment in the continuous quality improvement plan set forth in Rule .3221 of this Section.

(g) For a child care center to earn a four-star rated license, the following requirements shall be met:

- (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of this Section or the enhanced space

requirements set forth in Rule .3210 of this Section.

- (2) At least 50 percent of lead teachers and at least 50 percent of educators shall meet the individual education standards at the four-star level, as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section, or higher.
- (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a four-star rated license.
- (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) All administrators and lead teachers shall complete a structured self-study.
- (6) The child care center shall request and complete an external program assessment:
 - (A) For any assessment that occurs prior to January 1, 2028, the child care center must earn an average score of 3.5 or higher for its ITERS-3 and ECERS-3 classrooms and an average score of 4.0 or higher for its SACERS-U classrooms. When calculating an average score for ITERS-3 and ECERS-3 or SACERS-U, the child care center may drop one classroom's assessment score, so long as there is at least one additional classroom serving the same age children and that classroom's score is included in the average score. A child care center using an alternative approved program assessment tool shall earn a comparable assessment score based on the tool's scoring scale, as determined by the Commission.
 - (B) For any assessment that occurs on or after January 1, 2028, a child care center using the ITERS-3, ECERS-3, or SACERS-U assessments must earn an average score of 4.0 or higher by averaging all classroom scores. The child care center may drop one classroom's assessment score, so long as there is at least one additional classroom serving the same age children and that classroom's score is included in the average score. A child care center using an alternative approved program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.
- (7) Child care centers that are licensed to serve four-year-old children shall implement a curriculum as defined in Rule .0102(11) of this

Chapter in any classroom serving four-year-old children and older.

(h) For a child care center to earn a five-star rated license, the following requirements shall be met:

- (1) The child care center shall meet the enhanced ratio requirements set forth in Rule .3208 of this Section. Meeting the enhanced space requirements set forth in Rule .3210 of this Section is optional.
- (2) At least 50 percent of all lead teachers and at least 50 percent of educators shall meet the individual education standards at the five-star level, as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section, or higher.
- (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a five-star rated license.
- (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) All administrators and lead teachers shall complete a structured self-study.
- (6) The child care center shall request and complete an external program assessment:

(A) For any assessment that occurs prior to January 1, 2028, the child care center must earn an average score of 4.0 or higher for its ITERS-3 and ECERS-3 classrooms and an average score of 5.0 or higher for its SACERS-U classrooms. When calculating an average score for the ITERS-3 and ECERS-3 or SACERS-U, the child center may drop one classroom's assessment score, so long as there is at least one additional classroom serving the same age children and that classroom's score is included in the average score. A child care center using an alternative approved program assessment tool shall earn a comparable assessment score based on the tool's scoring scale, as determined by the Commission.

(B) For any assessment that occurs on or after January 1, 2028, a child care center using the ITERS-3, ECERS-3, or SACERS-U assessments must earn an average score of 5.0 or higher by averaging all classroom scores. The child care center may drop one classroom's assessment score, so long as there is at least one additional classroom serving the same age children and that classroom's score is included in the average score. A child care center using an alternative

approved program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.

- (7) Child care centers that are licensed to serve four-year-old children shall implement a curriculum as defined in Rule .0102(11) of this Chapter in any classroom serving four-year-old children and older.

(i) For any child care center serving pre-school age children, the following shall also apply:

- (1) Each child care center shall comply with the requirements set forth in Rule .0508 of this Chapter for written activity schedules and plans and Rule .0509 of this Chapter for general activity requirements;
- (2) Each child care center shall comply with the requirements for activity areas for preschool-age children as set forth in Rule .0510 of this Chapter, except that all five of the activity areas listed in G.S. 110-91(12) shall be available each day and the activities listed in Rule .0510(c) of this Chapter shall be offered for each group of children at least once per week; and
- (3) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall apply for children under three years of age.

(j) For child care centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its approved equivalent.

(k) For child care centers providing school-age care with 200 or more school-aged children enrolled, there shall be two program coordinators on-site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed all the applicable staff requirements in Rule .2510(b) of this Chapter.

(l) The requirements and standards set forth in Paragraphs (a) – (i) of this Rule shall apply to centers located in a residence, as described in Rule .0102 of this Chapter, except that the following shall apply when determining individual staff education standards;

- (1) If the operator is the only lead teacher, the operator shall meet the individual education standards at the desired star level, as set forth in Rule .3212 of this Section, or higher.
- (2) If additional lead teachers are employed by the operator, at least 50 percent of all lead teachers, including the operator, shall meet the individual education standards at the desired star level, as set forth in Rule .3212 of this Section, or higher.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L 2011-145, s.10.7(b) and (d); 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3204 PROGRAM ASSESSMENT PATHWAY FOR FAMILY CHILD CARE HOMES

(a) This Rule shall apply to operators of family child care homes that choose to earn a two through five-star rated license using the program assessment licensure pathway.

(b) For purposes of this Rule, "structured self-study" shall mean the process that family child care home operators use to reflect on current teaching practices and educational environments, and identify areas of strength, needs and action steps required to achieve the standards of the program assessment tool as set forth in Paragraph (c) of this Rule. A structured self-study shall be completed over a minimum of three consecutive months and include a self-assessment using the appropriate program assessment tool and additional resources located at [insert weblink], a written reflection of the self-assessment, including identification of goals for continuous quality improvement, and documentation of the structured self-study using forms found on the Division's website at <http://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>.

(c) Family child care homes shall be evaluated using "Family Child Care Environment Rating Scale, Third Edition" (FCCERS-3). Alternatively, the Commission may approve additional program assessment tools that meet the following criteria:

- (1) the program assessment tool is research-based;
- (2) the program assessment tool has demonstrated reliability and validity;
- (3) the program assessment tool has been developed and validated for the intended population;
- (4) the standards being evaluated by the program assessment tool are measurable;
- (5) the program assessment tool is published or otherwise publicly available;
- (6) the program assessment tool assesses and supports early childhood environments in a way that is sensitive and responsive to the needs of all children and families from culturally, linguistically, economically, and ability diverse backgrounds; and
- (7) the program assessment tool and training for its use has a process to reduce bias.

Upon approval of additional program assessment tools, the operator of a family child care home may choose which assessment tool they utilize to earn a star rating in this licensure pathway, as long as their choice is applicable to the ages of children served, the type of facility in operation, or other criteria specified by the Commission in its approval.

(d) For a family child care home to earn a two-star rated license, the following requirements shall be met:

- (1) The operator shall meet education standards at the two-star level set forth in Rule .3217 of this Section or higher.
- (2) The operator shall implement the family and community engagement foundational practices set forth in Rule .3220 of this Section.
- (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.

(4) The operator shall complete a structured self-study.

(e) For a family child care home to earn a three-star rated license, the following requirements shall be met:

- (1) The operator shall meet education standards at the three-star level set forth in Rule .3217 of this Section or higher.
- (2) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a three-star rated license.
- (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (4) The operator shall complete a structured self-study.
- (5) The operator shall request and complete an external program assessment and use the results of the assessment in the continuous quality improvement plan set forth in Rule .3221 of this Section.

(f) For a family child care home to earn a four-star rated license, the following requirements shall be met:

- (1) The operator shall meet education standards at the four-star level set forth in Rule .3217 of this Section or higher.
- (2) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a four-star rated license.
- (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (4) The operator shall complete a structured self-study.
- (5) The family child care home operator shall request and complete external program assessment:
 - (A) For any assessment that occurs prior to January 1, 2028, the family child care home must earn a score of 3.5 or higher on its FCCERS-3 assessment. An operator using an approved alternative program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.
 - (B) For any assessment that occurs on or after January 1, 2028, the family child care home shall earn a score of 4.0 or higher on its FCCERS-3 assessment. An operator using an alternative approved program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.
- (6) Operators that are licensed to serve four-year-old children shall implement a curriculum as

defined in Rule .0102(11) of this Chapter for use with children four years old and older.

(g) For a family child care home to earn a five-star rated license, the following requirements shall be met:

- (1) The operator shall meet education standards at the five-star level set forth in Rule .3217 of this Section, or higher.
- (2) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a five-star rated license.
- (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (4) The operator shall complete a structured self-study.
- (5) The operator shall request and complete an external program assessment:
 - (A) For any assessment that occurs prior to January 1, 2028, the family child care home must earn a score of 4.0 or higher on its FCCERS-3 assessment. An operator using an approved alternative program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.
 - (B) For any assessment that occurs on or after January 1, 2028, the family child care home shall earn a score of 5.0 or higher on its FCCERS-3 assessment. An operator using an alternative approved program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.
- (6) Operators that are licensed to serve four-year-old children shall implement a curriculum as defined in Rule .0102(11) of this Chapter for use with children four years old or older.

Authority G.S 110-85 (3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b) and (d); 42 USCS 9858e; 45 FR 98.45.

10A NCAC 09 .3205 CLASSROOM AND INSTRUCTIONAL QUALITY PATHWAY FOR CHILD CARE CENTERS

(a) This Rule shall apply to child care centers that choose to earn two through five star rated license using the classroom and instructional quality licensure pathway.

(b) As used in this Rule, "educators" shall mean teachers, group leaders, and administrative staff, including directors, assistant directors, program coordinators, education coordinators, curriculum specialists, and other staff that have responsibility for planning, caregiving, mentoring or training on-site in a child care center. Educators shall meet the education standards of a position as set forth in Rules .3211, .3213, .3214, .3214, .3216 and .3218 of this Section and work full-time. If a program operates less than

40 hours per week, full-time shall mean the hours the program is in operation.

(c) For a child care center to earn a two-star rated license, the following requirements shall be met:

- (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- (2) A least 50 percent of lead teachers and at least 50 percent of educators shall meet the individual education standards at the two-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- (3) The child care center shall implement the family and community engagement foundational practices set forth in Rule .3219 of this Section.
- (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) The child care center shall implement a curriculum for all ages served that is:
 - (A) aligned with the North Carolina Foundations for Early Learning and Development;
 - (B) child focused;
 - (C) developmentally appropriate; and
 - (D) culturally and linguistically appropriate.
- (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.

(d) For a child care center to earn a three-star rated license, the following requirements shall be met:

- (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- (2) At least 50 percent of the lead teachers and 50 percent of the educators shall meet the individual education standards at the three-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a three-star rated license.
- (4) The child care center shall implement continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) The child care center shall implement a curriculum for all ages served that is:

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- (A) aligned with the North Carolina Foundations for Early Learning and Development;
 - (B) child focused;
 - (C) developmentally appropriate; and
 - (D) culturally and linguistically appropriate.
 - (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
 - (7) The child care center shall ensure child observations are conducted for each child enrolled in the facility. Child observations shall include evidence of the child's activities and may include the following:
 - (A) anecdotal notes;
 - (B) portfolio of child's work samples;
 - (C) developmental screenings;
 - (D) formative assessment tools; or
 - (E) photographs, audio, or video recordings with permission from the child's family.
 - (8) The administrator participates in one of the following activities regarding classroom and instructional quality practices:
 - (A) annual completion of five hours of coaching or mentoring by another administrator of a licensed child care center with a star rating of three stars or higher, or a community resource partner;
 - (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or
 - (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.
- (e) For a child care center to earn a four-star rated license, the following requirements shall be met:
- (1) The child care center shall meet the enhanced ratio requirements set forth in Rule .3208 of this Section. The child care center may choose to meet the enhanced space requirements set forth in Rule .3210 of this Section.
 - (2) At least 50 percent of lead teachers and at least 50 percent of educators shall meet the individual education standards at the four-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
 - (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a four-star license.
 - (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
 - (5) The child care center shall implement a curriculum that has been approved by the Commission as defined in Rule .0102(11) of this Chapter for all ages served. A list of curricula that has been approved by the Commission is available at <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License.Curriculum>.
 - (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
 - (7) The child care center shall conduct on-going formative assessments to gather information about each child's growth and skill development based on individual development and learning needs and maintain evidence of each child's on-going assessment. The child care center shall use a formative assessment(s) that has been approved by the Commission, available at <http://ncnchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of formative assessments shall include documentation required or contemplated by the approved formative assessment and may also include:
 - (A) anecdotal notes;
 - (B) portfolio of child's work samples;
 - (C) developmental screenings; or
 - (D) photographs, audio, or video recordings with permission from the child's family.
 - (8) The lead teacher shall share the results of the formative assessment with families at least once annually. The manner in which the results are shared shall be convenient for the family such as by telephone, email, virtually, or in-person.
 - (9) The administrator shall complete training related to the approved curriculum and formative assessment tool that is used by center staff with children, in addition to applicable requirements in Rule .1103 of this Chapter. Verification of this training shall be maintained in the administrator's personnel file.
 - (10) The administrator shall participate in one of the following activities regarding classroom and instructional quality practices:
 - (A) annual completion of five hours of coaching or mentoring by another administrator of a licensed child care facility with a star-rating of four or five stars or a community resource partner;

- (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or
 - (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.
- (11) All lead teachers shall participate in one of the following activities regarding classroom and instructional quality practices:
- (A) annual completion of five hours of coaching or mentoring by the administrator, another lead teacher in the center, a lead teacher in another licensed child care center with a star-rating of four or five stars, an administrator of another licensed child care center with a star-rating of four or five stars, or a community resource partner;
 - (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or
 - (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.
- (f) For a child care center to earn a five-star rated license, the following requirements shall be met:
- (1) The child care center shall meet the reduced, enhanced ratio requirements set forth in Rule .3209 of this Section. The child care center may choose to meet the enhanced space requirements set forth in Rule .3210 of this Section.
 - (2) At least 50 percent of lead teachers and at least 50 percent of educators shall meet the individual education standards at the five-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section, or higher.
 - (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a five-star rated license.
 - (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
 - (5) The child care center shall implement a curriculum that has been approved by the Commission as defined in Rule .0102(11) of this Chapter for all ages served. A list of curricula that has been approved by the Commission is available at <http://ncnchildcare.ncdhhs.gov/Services/Licensing/Star-Rates-License/Curriculum>.
 - (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
 - (7) The child care center shall conduct on-going formative assessments to gather information about each child's growth and skill development based on individual development and learning needs and maintain evidence of each child's on-going assessment. The child care center shall use a formative assessment(s) that has been approved by the Commission, available at <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of formative assessments shall include documentation required or contemplated by the approved formative assessment and may also include:
 - (A) anecdotal notes;
 - (B) portfolio of child's work samples;
 - (C) developmental screenings; or
 - (D) photographs, audio, or video recordings with permission from the child's family.
 - (8) The lead teacher shall share the results of the formative assessment with families at least twice annually. While sharing the results, the lead teacher shall provide an opportunity for families to contribute additional information to the formative assessment. The manner in which the results are shared shall be convenient for the family such as by telephone, email, virtually, or in-person.
 - (9) The administrator and all lead teachers shall complete training related to the curriculum and formative assessment tool that is used by the center with children, in addition to applicable requirements in Rule .1103 of this Chapter. Verification of this training shall be maintained in the individual's' personnel file.
 - (10) The administrator participates in one of the following activities regarding classroom and instructional quality practices:
 - (A) annual completion of five hours of coaching or mentoring by an administrator of another licensed child care center with a star-rating of five stars, or a community resource partner;

(B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or

(C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.

(11) All lead teachers participate in one of the following activities regarding classroom and instructional quality practices:

(A) annual completion of five hours of coaching or mentoring by the administrator, another lead teacher in the center, a lead teacher in another licensed child care center with a star-rating of five stars, an administrator of another licensed child care center with a star-rating of five stars, or a community resource partner;

(B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or

(C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.

(g) For any child care center serving pre-school age children, the following shall also apply:

(1) Each child care center shall comply with the requirements set forth in Rule .0508 of this Chapter for written activity schedules and plans and Rule .0509 of this Chapter for general activity requirements;

(2) Each child care center shall comply with the requirements for activity areas for preschool-age children as set forth in Rule .0510 of this Chapter, except that all five of the activity areas listed in G.S. 110-91(12) shall be available each day and the activities listed in Rule .0510(c) of this Chapter shall be offered for each group of children at least once per week; and

(3) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall apply for children under three years of age.

(h) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administrator Credential or its approved equivalent.

(i) For centers providing school-age care with 200 or more school-aged children enrolled, there shall be two program coordinators on-site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed all the applicable staff requirements in Rule .2510(b) of this Chapter.

(j) The requirements and standards set forth in Paragraphs (a) – (g) of this Rule shall apply to centers located in a residence, as describes in Rule .0102 of this Chapter, except that the following shall apply when determining individual staff education standards:

(1) If the operator is the only lead teacher, the operator shall meet the individual education standards at the desired star level, as set forth in Rule .3212 of this Section, or higher.

(2) If additional lead teachers are employed by the operator, at least 50 percent of all lead teachers, including the operator, shall meet the individual education standard at the desired star level, as set forth in Rule .3212 of this Section, or higher.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3, S.L. 2011-145, s.10.7(b) and (d); S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3206 CLASSROOM AND INSTRUCTIONAL QUALITY PATHWAY FOR FAMILY CHILD CARE HOMES

(a) This Rule shall apply to family child care homes that choose to earn two through five-star rated license using the classroom and instructional quality licensure pathway.

(b) For a family child care home to earn two-star rated license, the following requirements shall be met:

(1) The operator shall meet education standards at the two-star level as set forth in Rule .3217 of this Section or higher.

(2) The operator shall implement the family and community engagement foundational practices set forth in Rule .3220 of this Section for a two-star rated license.

(3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.

(4) The operator shall implement a curriculum for all ages served that is:

(A) aligned with the North Carolina Foundations for Early Learning and Development;

(B) child focused;

(C) developmentally appropriate; and

(D) culturally and linguistically appropriate.

(5) In curriculum planning, the operator shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.

(c) For a family child care home to earn a three-star rated license, the following requirements shall be met:

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- (1) The operator shall meet education standards at the three-star level as set forth in Rule .3217 of this Section or higher.
- (2) The operator shall implement the family and community engagement standards set for in Rule .3220 of this Section for a three-star rated license.
- (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (4) The operator shall implement a curriculum for all ages served that is:
 - (A) aligned with the North Carolina Foundations for Early Learning and Development;
 - (B) child focused;
 - (C) developmentally appropriate; and
 - (D) culturally and linguistically appropriate.
- (5) In curriculum planning the operator shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
- (6) The operator shall ensure child observations are conducted for each child enrolled in the family child care home. Child observations shall include evidence of the child's activities and may include the following:
 - (A) anecdotal notes;
 - (B) portfolio of child's work samples;
 - (C) developmental screenings;
 - (D) formative assessment tools; or
 - (E) photographs, audio, or video recordings with permission from the child's family.
- (7) The operator participates in one of the following activities regarding classroom and instructional quality practices:
 - (A) annual completion of five hours of coaching or mentoring by a center administrator of a licensed child care center with a star-rating of three stars or higher, an operator of another licensed family child care home with a star-rating of three stars or higher, or a community resource partner;
 - (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section; or
 - (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section.

(d) For a family child care home to earn a four-star rated license, the following requirements shall be met:

- (1) The operator shall meet education standards at the four-star level as set forth in Rule .3217 of this Section or higher.
- (2) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a four-star rated license.
- (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (4) The operator shall implement a curriculum that has been approved by the Commission as defined in Rule .0102(11) of this Chapter for all ages served. A list of curricula that has been approved by the Commission is available at <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.
- (5) In curriculum planning, the operator shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
- (6) The operator shall conduct on-going formative assessments to gather information about each child's growth and skill development based on individual development and learning needs and maintain evidence of each child's on-going assessment. The operator shall use a formative assessment(s) that has been approved by the Commission, available at <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of formative assessments shall include documentation required or contemplated by the approved formative assessment and may also include:
 - (A) anecdotal notes;
 - (B) portfolio of child's work samples;
 - (C) developmental screenings; or
 - (D) photographs, audio, or video recordings with permission from the child's family.
- (7) The operator shall share the results of the formative assessment with families at least once annually. The manner in which the results are shared shall be convenient for the family such as by telephone, email, virtually, or in-person.
- (8) The operator shall complete training related to the curriculum and formative assessment tool that is used by center staff with children, in addition to applicable requirements in Rule .1703(f) of this Chapter. Verification of this training shall be maintained in the operator's personnel file.
- (9) The operator participates in one of the following activities regarding classroom and instructional quality practices:
 - (A) annual completion of five hours of coaching or mentoring by a center administrator of a licensed child care

center with a star-rating of four or five stars, an operator of another licensed family child care home with a star-rating of four or five stars, or a community resource partner;

(B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section; or

(C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section.

(e) For a family child care home to earn a five-star rated license, the following requirements shall be met:

(1) If the family child care home is meeting license capacity requirements in G.S. 110-91(7)(b)(1), no more than four children shall be under the age of 24 months of the children who are birth to five years of age. This requirement shall not reduce the licensed capacity of the family child care home.

(2) The operator shall meet the education standards at the five-star level set forth in Rule .3217 of this Section, or higher.

(3) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a five-star rated license.

(4) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.

(5) The operator shall implement a curriculum that has been approved by the Commission as defined in Rule .0102(11) of this Chapter for all ages served. A list of curricula that has been approved by the Commission is available at <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.

(6) In curriculum planning, the operator shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.

(7) The operator shall conduct on-going formative assessments to gather information about each child's growth and skill development based on individual development and learning needs and maintain evidence of each child's on-going assessment. The operator shall use a formative assessment(s) that has been approved by the Commission, available at <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of formative assessments shall include documentation required or contemplated by the approved formative assessment and may also include:

- (A) anecdotal notes;
- (B) portfolio of child's work samples;
- (C) developmental screenings; or
- (D) photographs, audio, or video recordings with permission from the child's family.

(8) The operator shall share the results of the formative assessment with families at least twice annually. While sharing the results, the operator shall provide an opportunity for families to contribute additional information to the formative assessment. The manner in which the results are shared shall be convenient for the family such as by telephone, email, virtually, or in-person.

(9) The operator shall complete training related to the curriculum and formative assessment tool that is used, in addition to applicable requirements in Rule .1703(f) of this Chapter. Verification of this training shall be maintained in the operator's personnel file.

(10) The operator participates in one of the following activities regarding classroom and instructional quality practices:

(A) annual completion of five hours of coaching or mentoring by a center administrator of a licensed child care center with a star-rating of five stars, an operator of another licensed family child care home with a star-rating of five stars, or a community resource partner;

(B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section; or

(C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b) and (d); S.L. 2024-32; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3207 ACCREDITATION AND HEAD START PATHWAY FOR CHILD CARE FACILITIES

(a) This Rule shall apply to child care facilities that choose to earn a two through five-star rated license using the accreditation and Head Start licensure pathway.

(b) As used the Rule, "educators" shall mean teachers, group leaders, and administrative staff, including directors, assistant directors, program coordinators, education coordinators, curriculum specialists, and other staff that have responsibility for planning, caregiving, mentoring or training on-site in a child care center. Educators shall meet the education standards of a position as set forth in Rules .3211, .3213, .3214, .3215, .3216 and .3218

of this Section and work full-time. If a program operates less than 40 hours per week, full-time shall mean the hours the program is in operation.

(c) When a child care facility is accredited by one of the following organizations, a three-star license may be issued based on programmatic standards:

- (1) National Association for Family Child Care (NAFCC);
- (2) National Early Childhood Program Accreditation (NECPA);
- (3) American Montessori Society (AMS); or
- (4) International Montessori Council (IMC).

(d) A child care facility accredited by one of the organizations listed in Paragraph (c) of this Rule may increase its star rating to a four- star rated license, by requesting an evaluation of its education standards and be issued a four-star rated license if the following applicable standard is met:

- (1) For child care centers, at least 50 percent of lead teachers and at least 50 percent of educators shall meet the individual education standards at the four-star level, as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- (2) For a family child care home, the operator shall meet education standards at the four-star level, as set forth in Rule .3217 of this Section or higher.

(e) A child care facility accredited by one of the organizations listed in Paragraph (c) of this Rule may increase its star rating to a five-star rated license, by requesting an evaluation of its education standards and be issued a five-star rated license if the following applicable standard is met:

- (1) For child care centers, at least 50 percent of all lead teachers and at least 50 percent of all other educators shall meet individual education standards at the five-star level, as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- (2) The operator of a family child care home shall meet education standards at the five-star level, as set forth in Rule .3217 of this Section or higher.

(f) When a child care facility is accredited by one of the following organizations, a five-star rated license may be issued based on educational and programmatic standards:

- (1) National Association for the Education of Young Children (NAEYC);
- (2) National Accreditation Commission for Early Care and Education Programs (NAC);
- (3) Cognia, that includes early learning standards; or
- (4) Cognia, that includes extended learning standards for school age care only programs.

(g) When a child care facility is designated as Head Start or Early Head Start, a five-star rated license may be issued based on educational and programmatic standards.

(h) Verification of accreditation status, Head Start designation or Early Head Start designation shall be maintained at the child care facility at all times and be provided to the Division on request.

(i) Accredited, Head Start and Early Head Start facilities shall meet the staff/child ratio requirements of the organization when required to obtain and maintain the accreditation or designation. If a facility may receive an accreditation award or Head Start designation without adhering to the accreditation standards or Head Start performance standards, the facility shall meet the organization's staff/child ratio standard or enhanced staff/child ratio requirements specified in Rule .3208 of this Section.

(j) Accredited facilities, Head Start facilities and Early Head Start facilities are not required to meet additional programmatic requirements described in this Section when in good standing with accreditation or performance standards. Programmatic requirement topics include curriculum, continuous quality improvement, and family and community engagement.

(k) For any child care center serving pre-school age children, the following shall also apply:

- (1) Each child care center shall comply with the requirements set forth in Rule .0508 of this Chapter for written activity schedules and plans and Rule .0509 of this Chapter for general activity requirements;
- (2) Each child care center shall comply with the requirements for activity areas for preschool-age children as set forth in Rule .0510 of this Chapter, except that all five of the activity areas listed in G.S. 110-91(12) shall be available each day and the activities listed in Rule .0510(c) of this Chapter shall be offered for each group of children at least once per week; and
- (3) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall apply for children under three years of age.

(l) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its approved equivalent.

(m) For centers providing school-age care with 200 or more school-age children enrolled, there shall be two program coordinators on-site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed all the applicable staff requirements in Rule .2510(b) of this Chapter.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b) and (d); S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3208 ENHANCED STAFF/CHILD RATIOS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating the staff/child ratios and maximum group sizes for rated license for child care centers.

(b) Enhanced staff/child ratio means that the center shall comply with the following staff/child ratios and maximum group sizes.

<u>Age</u>	<u>Ratio Staff/Children</u>	<u>Maximum Group Size</u>
<u>0 to 12 Months</u>	<u>1/5</u>	<u>10</u>

<u>1 to 2 Years</u>	<u>1/6</u>	<u>12</u>
<u>2 to 3 Years</u>	<u>1/9</u>	<u>18</u>
<u>3 to 4 Years</u>	<u>1/10</u>	<u>20</u>
<u>4 to 5 Years</u>	<u>1/13</u>	<u>25</u>
<u>5 to 6 Years</u>	<u>1/15</u>	<u>25</u>
<u>6 Years and Older</u>	<u>1/20</u>	<u>25</u>

(c) The provisions of Rule .0713(a) through (e) of this Chapter shall apply in evaluating the staff/child ratios and maximum group sizes within this Rule.

(d) Enhanced staff/child ratios shall not apply to facilities who choose to use multi-age group staff child ratios as set forth in Rule .0713(f) of this Chapter.

(e) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.

Authority G.S. 110-88(7); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3209 REDUCED, ENHANCED STAFF/CHILD RATIOS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating the staff/child ratios and maximum group sizes for a rated license for child care centers.

(b) Enhanced staff/child ratio means that the center shall comply with the following staff/child ratios and maximum group sizes.

<u>Age</u>	<u>Ratio Staff/Children</u>	<u>Maximum Group Size</u>
<u>0 to 12 Months</u>	<u>1/4</u>	<u>8</u>
<u>1 to 2 Years</u>	<u>1/5</u>	<u>10</u>
<u>2 to 3 Years</u>	<u>1/8</u>	<u>16</u>
<u>3 to 4 Years</u>	<u>1/9</u>	<u>18</u>
<u>4 to 5 Years</u>	<u>1/12</u>	<u>24</u>
<u>5 to 6 Years</u>	<u>1/14</u>	<u>25</u>
<u>6 Years and Older</u>	<u>1/19</u>	<u>25</u>

(c) The provisions of Rule .0713(a) through (e) of this Chapter shall apply in evaluating the staff/child ratios and maximum group sizes within this Rule.

(d) Reduced, enhanced staff/child ratios shall not apply to facilities who choose to use multi-age group staff/child ratios as set forth in Rule .0713(f) of this Chapter.

(e) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.

Authority G.S. 110-88(7); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3210 ENHANCED SPACE REQUIREMENTS FOR CHILD CARE CENTERS

(a) There shall be at least 30 square feet inside space per child per the total licensed capacity and 100 square feet outside space for

each child using the outdoor learning environment at any one time.

(b) There shall be an area that can be arranged for administrative and private conference activities.

Authority G.S. 110-88(7); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3211 ENHANCED EDUCATION STANDARDS FOR CHILD CARE CENTER ON-SITE ADMINISTRATORS

(a) This Rule shall apply when evaluating the education of an on-site administrator, as defined in G.S. 110-86(2a), in a child care center.

(b) A child care provider meets the two-star education standard for on-site administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

(A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and

(B) Successful completion at least six semester hours in early childhood education or child development coursework at an accredited college or university; and

(C) Annual completion of at least 1.0 continuing education credit in early childhood education and school-age related topics in addition to applicable requirements in Rule .1103 of this Chapter; and

(D) If the center is licensed for school-age care, have at least three months licensed or unlicensed school-age care work experience or successful completion of BSAC training.

(2) Option Two:

(A) Level I NC Childhood Administration Credential or its approved equivalent or higher; and

(B) Have at least two years of early childhood education work experience or have at least one year of administrative work experience; and

(C) If the center is licensed for school-age care, have at least three months licensed or unlicensed school-age care work experience or successful completion of BSAC training.

(c) A child care provider meets the three-star education standard for on-site administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

(A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and

(B) Successful completion of at least 12 semester hours in early childhood

education or child development coursework at an accredited college or university; and

- (C) Have at least one year of administrative work experience or, if the center is licensed for school-age care, have at least six months licensed or unlicensed school-age care work experience or, if the center is licensed for school-age care, successful completion of BSAC training.

(2) Option Two:

- (A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and
- (B) Successful completion of a least six semester hours in early childhood education or child development coursework at an accredited college or university; and
- (C) Have at least three years of early childhood education work experience or administrative work experience or a combination of both types of experience; and
- (D) If the center is licensed for school-age care, have at least six months licensed or unlicensed school-age care work experience or successful completion of BSAC training.

(d) A child care provider meets the four-star education standard for on-site administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

- (A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and
- (B) Successful completion of at least 12 semester hours in early childhood education or child development coursework at an accredited college or university; and
- (C) Be enrolled in or have completed an associate or bachelor's degree program; and
- (D) Have at least two years of early childhood education or administrative work experience or, if the center is licensed for school-age care, successful completion of BSAC training.

(2) Option Two:

- (A) Level II NC Early Childhood Administration Credential or its approved equivalent or higher; and
- (B) Be enrolled in or have completed an associate or bachelor's degree program; and

(C) Have at least two years of early childhood education work experience; and

- (D) If the center is licensed for school-age care, have at least one year licensed or unlicensed school-age care work experience or successful completion of BSAC training.

(e) A child care provider meets the five-star education standard for on-site administrators if the provider meets, at minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

(1) Option One:

- (A) Level II NC Early NC Early Childhood Administration Credential or its approved equivalent or higher; and
- (B) Successful completion of at least 18 semester hours in early childhood education or child development coursework at an accredited college or university; and
- (C) Be enrolled in or have completed a bachelor's degree program; and
- (D) Have at least four years of work experience in early childhood education, administrative duties, or a combination of both types of experience; and
- (E) If the center is licensed for school-age care, have at least two years licensed or unlicensed school-age care work experience or successful completion of BSAC training.

(2) Option Two:

- (A) Level II NC Early childhood Administration Credential or its approved equivalent or higher; and
- (B) Successful completion of at least 18 semester hours in early childhood education or child development coursework at an accredited college or university; and
- (C) Be enrolled in or have completed a bachelor's degree program; and
- (D) Have at least four years combined early childhood education and administrative work experience; and
- (E) If the center is licensed for school-age care, successful completion of BSAC training.

(3) Option Three:

- (A) Level III NC Early Childhood Administration Credential or its approved equivalent; and
- (B) Have at least three years of work experience in early childhood education, administrative duties, or a

combination of both types of experience; and

- (C) If the center is licensed for school-age care, have at least one year licensed or unlicensed school-age care experience or successful completion of BSAC training.

(f) Semester hours in early childhood education or child development coursework required to meet the education standards set forth in this Rule shall not include the coursework necessary for the North Carolina Early Childhood Administration Credential (NCECAC).

(g) Completion of school-age experience requirements shall count toward meeting work experience requirements.

(h) For centers located in a residence, if an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the educational requirements for lead teacher in Rule .3212 of this Section shall apply. All other teachers shall follow the educational requirements for teachers in this Section.

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-18.3; S.L. 2023-40; S.L. 2024-34; USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3212 ENHANCED EDUCATION STANDARDS FOR CHILD CARE CENTER LEAD TEACHERS

(a) This Rule shall apply when evaluating the education of a lead teacher, as defined by G.S. 110-86(5a), in a child care center.

(b) A child care provider meets the two-star education standard for lead teachers if the provider meets, at minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

- (1) Option One: Completion of a Child Development Associate (CDA) that is active with no credit for prior learning.
- (2) Option Two: Successful completion of at least three semester hours in early childhood education or child development coursework at an accredited college or university.
- (3) Option Three:
 - (A) Have at least one year of early childhood education work experience; and
 - (B) Annual completion of at least 0.5 continuing education credit specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1103 of this Chapter, or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(c) A child care provider meets the three-star education standard for lead teachers if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, or Option Four as follows:

- (1) Option One: Completion of a Child Development Associate (CDA) that is active with credit for prior learning.

- (2) Option Two: Successful completion of at least nine semester hours in early childhood education or child development coursework at an accredited college or university.

- (3) Option Three:
 - (A) Successful completion of at least three semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (B) Have at least three years of early childhood education work experience.

- (4) Option Four:
 - (A) Have at least three years of early childhood education work experience; and
 - (B) Annual completion of at least 1.0 continuing education credit specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1103 of this Chapter, or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(d) A child care provider meets the four-star education standard for lead teachers if the provider meets, at minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

- (1) Option One:
 - (A) Successful completion of at least 12 semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (B) Have at least two years of early childhood work experience.

(2) Option Two: Completion of an Early Childhood Certificate.

- (3) Option Three:
 - (A) Have at least five years of early childhood work experience;
 - (B) Annual completion of at least of at least 2.0 continuing education credits specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1103 of this Chapter, or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(e) A child care provider meets the five-star education standard for lead teachers if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, Option Four, or Option Five as follows:

- (1) Option One:
 - (A) Completion of an AAS degree or higher in early childhood education or child development; and

(B) Have at least one year early childhood work experience or at least six months of coaching/mentoring by a Level II or higher administrator for at least five hours per week. A coach/mentor shall be responsible for no more than two lead teachers who require coaching/mentoring at any given time.

(2) Option Two:

(A) Enrollment in an AAS degree program and successful completion of all required early childhood education coursework for an AAS degree program, without full completion of the degree; and

(B) Have at least one year of early childhood education work experience.

(3) Option Three:

(A) Successful completion of at least 60 semester hours toward a bachelor's degree at an accredited college or university with at least 12 semester hours in early childhood education or child development coursework; and

(B) Have at least two years of early childhood work experience.

(4) Option Four:

(A) Completion of an AAS degree or higher at an accredited college or university in any major with at least 12 semester hours in early childhood education or child development coursework; and

(B) Have at least two years of early childhood work experience or at least six months of coaching/mentoring by a Level II or higher administrator for at least five hours per week. A coach/mentor shall be responsible for no more than two lead teachers who require coaching/mentoring at any given time.

(5) Option Five:

(A) Have at least 10 years of early childhood work experience; and

(B) Annual completion of at least 2.5 continuing education credits specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1103 of this Chapter; and

(C) Successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(f) Semester hours in early childhood education or child development coursework required to meet the education standards set forth in this Rule shall not include the coursework necessary for the North Carolina Early Childhood Credential.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L.2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3213 ENHANCED EDUCATION STANDARDS FOR CHILD CARE CENTER TEACHERS

(a) This Rule shall apply when evaluating the education of a teacher, defined in Rule .0102(47) of this Chapter, for a child care center.

(b) A child care provider meets the two-star education standard for teachers if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One: Be enrolled in at least three semester hours in early childhood education or child development coursework at an accredited college or university.

(2) Option Two: Have at least one year of early childhood work experience.

(c) A child care provider meets the three-star education standard for teachers if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, or Option Four as follows:

(1) Option One: NC Early Childhood Credential or its approved equivalent.

(2) Option Two: Successful completion of at least three semester hours in early childhood education or child development coursework at an accredited college or university.

(3) Option Three: Have at least two years of early childhood work experience.

(4) Option Four:
(A) Have at least one year of early childhood work experience; and

(B) Annual completion of at least 0.5 continuing credit specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1103 of this Chapter, or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(d) A child care provider meets the four-star education standard for teachers if the provider meets, at minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

(1) Option One:
(A) NC Early Childhood Credential or its approved equivalent; and

(B) Successful completion of at least three semester hours in early childhood education or child development coursework at an accredited college or university; and

(C) Have at least one year of early childhood work experience.

(2) Option Two:
(A) Have at least two years of early childhood work experience; and

(B) Annual completion of at least 1.0 continuing education credit specific to the ages and needs of children in care.

in addition to applicable requirements in Rule .1103 of this Chapter, or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

- (3) Option Three: Completion of a Child Development Associate (CDA) that is active with no credit for prior learning

(e) A child care provider meets the five-star education standard for teachers if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, or Option Four as follows:

- (1) Option One:
 - (A) NC Early Childhood Credential or its approved equivalent; and
 - (B) Successful completion of at least six semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (C) Have at least two years of early childhood work experience.

- (2) Option Two:
 - (A) NC Early Childhood Credential or its approved equivalent; and
 - (B) Successful completion of at least three semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (C) Annual completion of at least 1.5 continuing education credits specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1103 of this Chapter; and
 - (D) Have at least two years of early childhood work experience.

- (3) Option Three:
 - (A) NC Early Childhood Credential or its approved equivalent; and
 - (B) Annual completion of at least 1.5 continuing education credits specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1103 of this Chapter; and
 - (C) Successful completion of a competency evaluation as set forth in Rule .3218 of this Section; and
 - (D) Have at least three years of early childhood work experience.

- (4) Option Four: Completion of a Child Development Associate (CDA) that is active with credit for prior learning.

(f) Semester hours in early childhood education or child development coursework required to meet the standards set forth in this Rule shall not include the coursework necessary for the North Carolina Early Childhood Credential.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3214 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS IN CHILD CARE CENTERS THAT PROVIDE CARE FOR SCHOOL-AGE CHILDREN

(a) This Rule shall apply when evaluating the education of a program coordinator for a child care center that serves school-age children, as required by Rule .2510(b) of this Chapter.

(b) A child care provider meets the two-star education standard for program coordinators if the providers meets, at minimum, the requirements set forth in Option One or Option Two as follows:

- (1) Option One: Be enrolled in at least three semester hours of school-age care coursework at an accredited college or university.
- (2) Option Two: Have at least three months licensed school-age care experience or have at least six months unlicensed school-age care experience.

(c) A child care provider meets the three-star education standard for program coordinators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

- (1) Option One:
 - (A) Successful completion of at least three semester hours of school-age care coursework at an accredited college or university; and
 - (B) Have three months licensed school-age care experience or have six months unlicensed school-age care experience.
- (2) Option Two: Have six months licensed school-age care experience or have nine months unlicensed school-age care experience.

(d) A child care provider meets the four-star education standard for program coordinators if the provider meets, at minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

- (1) Option One:
 - (A) Successful completion of at least three semester hours of school-age care coursework at an accredited college or university; and
 - (B) Be enrolled in an additional three semester hours of school-age care coursework at an accredited college or university or have nine months licensed school-age care experience or have one year unlicensed school-age care experience.
- (2) Option Two: Completion of an AAS degree in early childhood education, child development or school-age related field at an accredited college or university.
- (3) Option Three:
 - (A) Completion of an AAS degree in any field at an accredited college or university; and

(B) Successful completion of three semester hours of school-age care coursework at an accredited college or university.

(3) Has at least three months licensed or unlicensed school-age care experience.

(e) A child care provider meets the five-star education standard for program coordinator if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, or Option Four as follows:

(d) A child care provider meets the four-star education standard for group leaders if the provider meets, at minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

(1) Option One: Completion of a bachelor's degree in early childhood, child development, or a school-age related field at an accredited college or university.

(1) Option One:

(A) Successful completion of BSAC training; and

(2) Option Two:

(A) Completion of a bachelor's degree in any field at an accredited college or university; and

(B) Annual completion of at least 1.0 continuing education credit related to school-age care, in addition to applicable requirements in Rules .1103 and .2510 of this Chapter.

(B) Successful completion of six semester hours of school-age care coursework at an accredited college or university.

(2) Option Two: Is currently enrolled in at least two semester hours of school-age care coursework at an accredited college or university if BSAC has not yet been completed as set forth in Rule .2510(j) of this Chapter.

(3) Option Three:

(A) Successful completion of nine semester hours of school-age care coursework at an accredited college or university; and

(3) Option Three:

(A) Successful completion of BSAC training; and

(B) Have three months licensed school-age care experience or have six months unlicensed school-age care experience.

(B) Have at least three months licensed or unlicensed school-age care experience.

(4) Option Four:

(A) Successful completion of six semester hours of school-age care coursework at an accredited college or university; and

(e) A child care provider meets the five-star education standard for group leaders if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

(A) Group leader is at least 18 years of age; and

(B) Have six months licensed school-age care experience or have nine months unlicensed school-age care experience.

(B) Successful completion of BSAC training; and

(C) Be enrolled in or have successfully completed at least two semester hours of school-age care coursework at an accredited college or university; and

(D) Have at least six months licensed or unlicensed school-age care experience.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

(2) Option Two:

(A) Group leader is at least eighteen years of age; and

(B) Successful completion of BSAC training; and

(C) Annual completion of at least 1.5 continuing education credits related to school-age care, in addition to applicable requirements in Rules .1103 and .2510 of this Chapter; and

(D) Have at least nine months licensed or unlicensed school-age care experience.

10A NCAC 09 .3215 ENHANCED EDUCATION STANDARDS FOR GROUP LEADERS IN CHILD CARE CENTERS

(a) This Rule shall apply when evaluating the education of a group leader for a child care center, as required by Rule .2510(c) of this Chapter.

(b) A child care provider meets the two-star education standard for group leaders if the provider successfully completes BSAC training.

(c) A child care provider meets the three-star education standard for group leaders if the provider meets, at minimum, the following requirements:

(1) Successful completion of BSAC training; and

(2) Annual completion of at least 0.5 continuing education credits related to school-age care, in addition to applicable requirements in Rules .1103 and .2510 of this Chapter; or

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3216 ENHANCED EDUCATION STANDARDS FOR ADMINISTRATORS OF CHILD CARE CENTERS THAT ONLY PROVIDE CARE FOR SCHOOL-AGE CHILDREN

(a) This Rule and not Rule .3211 of this Section shall apply when evaluating the education of an administrator, as defined by G.S. 110-86(2a), for a child care center that only provides care to school-age children.

(b) A child care provider meets the two-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

- (1) Option One:
 - (A) Completed or be enrolled in coursework for the NC Early Childhood Administration Credential; and
 - (B) Have at least one year licensed or unlicensed school-age care experience.
- (2) Option Two:
 - (A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and
 - (B) Have at least three months licensed or unlicensed school-age care experience.

(c) A child care provider meets the three-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

- (1) Option One:
 - (A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and
 - (B) Have at least six months licensed or unlicensed school-age care experience.
- (2) Option Two:
 - (A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and
 - (B) Have at least three months licensed or unlicensed school-age care experience; and
 - (C) Successful completion of BSAC training.

(d) A child care provider meets the four-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

- (1) Option One:
 - (A) Level I NC Early Childhood Administration credential or its approved equivalent or higher; and
 - (B) Have at least one year licensed and unlicensed school-age care experience.
- (2) Option Two:
 - (A) Level II NC Early Childhood Administration Credential or its approved equivalent or higher; and

(B) Have at least six months licensed or unlicensed school-age care experience.

(e) A child care provider meets the five-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

- (1) Option One:
 - (A) Level II NC Early Childhood Administration Credential or its approved equivalent or higher; and
 - (B) Have at least one year experience licensed or unlicensed school-age care experience; and
 - (C) Successful completion of BSAC training.
- (2) Option Two:
 - (A) Level III NC Early Childhood Administration Credential or its approved equivalent; and
 - (B) Have at least six months licensed school-age care experience or have eight months unlicensed school-age care experience.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS 9858e, 45CFR 98.45.

10A NCAC 09 .3217 ENHANCED EDUCATION STANDARDS FOR FAMILY CHILD CARE HOME OPERATORS

(a) This Rule shall apply when evaluating the education of a family child care home operator.

(b) A child care provider meets the two-star education standard for a family child care home operator if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, Option Four as follows:

- (1) Option One: Completion of a Child Development Associate (CDA) that is active with no credit for prior learning.
- (2) Option Two: Successful completion of at least four semester hours in early childhood education or child development coursework at an accredited college or university.
- (3) Option Three: NC Family Child Care Credential or its approved equivalent.
- (4) Option Four:
 - (A) Have at least three years of early childhood work experience; and
 - (B) Annual completion of at least 0.5 continuing education credit specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1703 of this Chapter; or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(c) A child care provider meets the three-star education standard for a family child care home operator if the provider meets, at

minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

- (1) Option One: Completion of a Child Development Associate (CDA) that is active with credit for prior learning.
- (2) Option Two:
 - (A) NC Family Child Care Credential or its approved equivalent; and
 - (B) Successful completion of at least six semester hours in early childhood education or child development coursework at an accredited college or university.
- (3) Option Three:
 - (A) Have at least five years of early childhood work experience; and
 - (B) Annual completion of at least 1.0 continuing education credit specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1703 of this Chapter; or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(d) A child care provider meets the four-star education standard for a family child care home operator if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, or Option Four as follows:

- (1) Option One:
 - (A) NC Family Child Care Credential or its approved equivalent; and
 - (B) Successful completion of at least 12 semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (C) Have at least one year early childhood work experience.
- (2) Option Two:
 - (A) NC Family Child Care Credential or its approved equivalent; or
 - (B) Successful completion of at least 15 semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (C) Have at least one year early childhood work experience.
- (3) Option Three: Completion of an Early Childhood Certificate.
- (4) Option Four:
 - (A) Have at least eight years of early childhood work experience; and
 - (B) Annual completion of at least 1.5 continuing education credits specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1703 of this Chapter; or successful completion of a

competency evaluation as set forth in Rule .3218 of this Section.

(e) A child care provider meets the five-star education standard for a family child care home operator if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, Option Four, or Option Five as follows:

- (1) Option One:
 - (A) Completion of an AAS degree in early childhood education or child development at an accredited college or university; and
 - (B) Have at least 18 months early childhood work experience.
- (2) Option Two:
 - (A) Successful completion of all required early childhood education coursework for an AAS degree program an individual is enrolled in at an accredited college or university, without full completion of the degree; and
 - (B) Have at least three years of early childhood education work experience.
- (3) Option Three:
 - (A) Completion of an AAS degree or higher in any major with at least 12 semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (B) Have at least two years of early childhood work experience.
- (4) Option Four:
 - (A) NC Family Child Crae Credential or its approved equivalent; and
 - (B) Successful completion of at least 18 semester hours in early childhood education or child development coursework at an accredited college or university; and
 - (C) Have at least four years early childhood work experience.
- (5) Option Five:
 - (A) Have at least 10 years of early childhood work experience; and
 - (B) Annual completion of at least 2.5 continuing education credits specific to the ages and needs of children in care, in addition to applicable requirements in Rule.1703 of this Chapter; and
 - (C) Successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(f) Semester hours in early childhood education or child development coursework required to meet the standards set forth in this Rule shall not include the coursework necessary for the North Carolina Family Child Care Credential.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3218 COMPETENCY EVALUATIONS

(a) This Rule shall apply to operators of a family child care home, lead teachers, and teachers that choose an education standard option in this Section that requires successful completion of a competency evaluation.

(b) Successful completion of a competency evaluation means that an individual has demonstrated the knowledge, skills, and abilities set forth in Paragraph (c) of this Rule.

(c) Competency evaluations shall align with the developmental domains described in the North Carolina Foundations for Early Learning and Development and address an individual's knowledge, skills, and abilities to provide developmentally, linguistically, and culturally appropriate experiences and interactions that support children's development and learning by:

- (1) supporting children's approaches to learning by providing engaging experiences and interactions that nurture:
 - (A) curiosity, information-seeking, and eagerness;
 - (B) play and imagination;
 - (C) risk-taking, problem-solving, and flexibility; and
 - (D) attentiveness, effort, and persistence.
- (2) engaging in responsive, respectful interactions with each child and offering guidance that supports children's emotional and social development including:
 - (A) developing a sense of self;
 - (B) developing a sense of self with others; and
 - (C) learning about feelings.
- (3) providing developmentally appropriate learning opportunities to promote children's health and physical development including:
 - (A) physical health and growth;
 - (B) motor development;
 - (C) self-care; and
 - (D) safety awareness.
- (4) facilitating verbal and non-verbal communication through back-and-forth exchanges and use developmentally appropriate, play-based experiences to promote language development and foundational emergent literary skills such as:
 - (A) learning to communicate;
 - (B) foundations for reading; and
 - (C) foundations for writing.
- (5) fostering children's cognitive development by providing experiences and interactions that support children's exploration, thinking, and knowledge or the world around them including:
 - (A) construction of knowledge;
 - (B) thinking and reasoning;
 - (C) creative expression;
 - (D) social connections;

- (E) mathematical thinking and expression; and
- (F) scientific exploration and knowledge.

(d) An initial competency evaluation shall be completed by individuals approved by the Division to perform the evaluation and shall include:

- (1) One in-person unannounced observation of the family child care home operator, lead teacher or teacher performing the duties of their position. The evaluator shall provide written notification to the individual requesting the competency evaluation regarding the unannounced observation to be conducted during operating hours; and
- (2) A review of documentation submitted by the family child care home operator, lead teacher or teacher that provides evidence of each applicable competency for their employment position, age range of children served, and education standards as set forth in this Rule. Evidence may include:
 - (A) sample activity plans written by the individual requesting a competency evaluation;
 - (B) anecdotal notes regarding how competencies are implemented;
 - (C) observation of the individual by a center administrator or other licensed family child care home operator;
 - (D) surveys or other type of feedback from families of children enrolled in the individual's classroom or family child care home;
 - (E) audio or video recordings of activities with permission from families of children who are participants;
 - (F) self-assessment of the classroom or program using a program assessment tool;
 - (G) performance-based evaluations; and
 - (H) participation in apprenticeships, technical assistance, coaching, or mentoring processes.

(e) The evaluator shall document the individual's competency evaluation using a form approved by the Division that includes all applicable competencies and documents how each competency was met or not met.

(f) If the evaluator determines that the provider meets the competencies set forth in Paragraph (c) of this Rule, the provider will be notified in writing, and the successful completion determination shall be valid for a period of three years.

(g) To renew a competency evaluation determination, the provider shall submit updated evidence of each applicable competency for their employment position and education standards as set forth in Subparagraph (d)(2) of this Rule at least 30 days prior to expiration of the determination.

(h) If the evaluator determines that the provider does not meet the competencies in Paragraph (c) of this Rule, the provider shall be notified in writing and have an opportunity to provide additional

information within 30 days regarding the competency evaluation before a final decision is made by a different evaluator.

(i) When an individual does not meet the requirements for successful completion of the competency evaluation, whether or not they submit additional information for a record review, they may resubmit for a competency evaluation six months after the letter notifying them of their unsuccessful evaluation is issued, or when the second review decision is issued, whichever is later.

(j) Competency evaluation standards and forms may be found on the _____ Division's _____ website _____ at <http://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3219 FAMILY AND COMMUNITY ENGAGEMENT STANDARDS FOR CHILD CARE CENTERS

(a) The Rule shall apply to child care centers that have earned a two through five-star rated license using the program assessment licensure pathway or the classroom and instructional quality licensure pathway in Rules .3203 and .3205 of this Section. A child care center that has earned a two through five-star rated license using the accreditation and Head Start licensure pathway in Rule .3207 of this Section shall comply with standards set forth by those organizations for family and community engagement.

(b) For a child care center to meet family and community engagement standards at the two-star level, the center administrator shall implement the following foundational practices:

- (1) Provide communication from the center to families regarding program activities in a manner that is responsive to the needs of the families served, such as via text, email, and electronic applications, and considering language comprehension.
- (2) Offer an annual family conference with teaching staff for the purpose of providing information to the family about their child. During the conference, families are offered an opportunity to set a goal(s) for their child. Conferences shall be conducted in a manner that is convenient for the family such as by telephone, virtually or in person.
- (3) Offer annual opportunities for families to share cultural heritage in their child's classroom.
- (4) Offer annual volunteer opportunities for families.
- (5) Communicate with families regarding community resources and services that are available, upon request from the family or when a need is identified by a child's lead teacher.

(c) For a child care center to meet family and community engagement standards at the three-star level, the center administrator shall ensure that the child care facility meets the foundational practices as set forth in Paragraph (b) of this Rule plus two additional family and community engagement options from separate categories set forth in Subparagraphs (f)(1), (f)(2)

and (f)(3) of this Rule. A single activity shall not be used to meet multiple requirements or categories of engagement.

(d) For a child care center to meet family and community engagement standards at the four-star level, the center administrator shall ensure that the child care facility meets the foundational practices set forth in Paragraph (b) of this Rule plus three additional family and community engagement options, one from each category set forth in Subparagraphs (f)(1), (f)(2) and (f)(3) of this Rule.

(e) For a child care center to meet family and community engagement standards at the five-star level, the center administrator shall ensure that the child care facility meets the foundational practices set forth in Paragraph (b) of this Rule plus four additional family and community engagement options, with at least one from each category set forth in Subparagraphs (f)(1), (f)(2) and (f)(3) of this Rule. A single activity shall not be used to meet multiple requirements or categories of engagement.

(f) Categories of family and community engagement shall include the following:

- (1) **Communications Options:**
 - (A) Two-way communication with families. "Two-way communication" means that the child care center shares information with families about their child(ren) and that families may share information with the child care center about their child(ren) in a manner that is available and accessible to the family.
 - (B) A family resource area is accessible in the child care center that includes information regarding community resources and services that assist families with knowledge, support, and advocacy for their child in the languages of the children and families being served by the child care center.
 - (C) Family and teacher conferences are offered at least twice annually to discuss child needs and progress towards individual goals and to receive feedback from families regarding their child(ren)'s experiences at home and at the child care facility. During each conference, families are offered an opportunity to set a goal(s) for their child. Conferences shall be conducted in a manner that is convenient for the family such as by telephone, virtually or in person.
 - (D) The child care center offers families connection to local community services and resources on at least a quarterly basis, such as via newsletters, email, text, electronic applications, community resource websites, and in-person opportunities with local community services.

- (2) Engagement and Leadership Options:
 - (A) The child care center has a structured, ongoing process to receive and review suggestions and recommendations from families, including anonymously. The center administrator considers these suggestions and recommendations for planning within the child care center.
 - (B) The child care center offers an enrollment orientation that includes an opportunity for families and child(ren) to visit the assigned classroom and lead teacher prior to the first day of enrollment.
 - (C) The child care center offers at least two family events annually.
 - (D) The child care center offers a family event that is culturally responsive to the heritage and practices of enrolled families at least once annually.
 - (E) The center administrator, the lead teacher, families and service providers shall collaboratively plan to ensure children's needs and goals are being addressed in the classroom, not only during scheduled time with the service provider. Service providers include, but are not limited to, speech therapists, occupational therapists, behavior specialists, physical therapists, and intervention service specialists.
 - (F) The center administrator offers an annual evaluation or survey of the child care center to families, including the option to reply anonymously. The center administrator considers these evaluations or surveys for planning within the child care center.
 - (G) The center administrator has a plan for children's transition that is shared with families at the time of enrollment. The transition plan shall include the child's transition from home to enrollment in the child care center, a child's transition to a new classroom within the child care center, and a child's transition to another program, including Kindergarten. The center administrator provides families the opportunity to provide feedback on transitions plans to address the individual needs of their child(ren).
 - (H) The child care center offers a family council, advisory board, or family representative role to act as a liaison to the center administrator for responsive

and reciprocal planning within the child care center.

- (3) Educational Opportunity Options:
 - (A) the center administrator offers at least one family event annually that includes an educational opportunity for staff and families to learn together.
 - (B) The center administrator offers at least one educational opportunity annually for staff and families that addresses a topic identified as a need for the program based on family feedback.
 - (C) The center administrator offers at least one educational opportunity annually for staff and families that includes the participation of a local community resource.
 - (D) The center administrator offers at least one educational opportunity annually for staff and families regarding one of the following topics:
 - (i) social emotional health;
 - (ii) challenging behaviors; or
 - (iii) culturally responsive practices.
 - (E) The center administrator provides supports that anticipate and remove barriers for families and enable family involvement, at the child care facility, such as but not limited to, virtual options with technology support, interpreter services, child appropriate activities, care for children during the event, meals or snacks during events or providing materials for families to take home related to the event.
 - (F) The center administrator provides paid planning time for lead teachers to prepare information for family and teacher conferences, time to conduct the conferences and supports needed to conduct conferences by telephone, virtually or in-person.

(g) Options set forth in Parts (f)(1)(C), (f)(2)(B), (f)(2)(C), and (f)(3)(A) of this Rule shall be used to meet requirements set forth in Rule .3010 of this Chapter regarding family engagement for NC Pre-K Programs.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858c; 45 CFR 98.1; 45 CFR 98.16.

10A NCAC 09 .3220 FAMILY AND COMMUNITY ENGAGEMENT STANDARDS FOR FAMILY CHILD CARE HOME OPERATORS

(a) This Rule shall apply to operators of a family child care home that have earned a two through five-star rated license using the program assessment licensure pathway or the classroom and instructional quality licensure pathway in Rules .3204 and .3206 of this Section. Operators of a family child care home that have

earned a two through five-star rated license using the accreditation and Head Start licensure pathway in Rule .3207 of this Section shall comply with standards set forth by those organizations for family and community engagement.

(b) For a family child care home to meet family and community engagement standards for a two-star level, the operator shall implement the following foundational practices:

- (1) Have a plan that will encourage family participation that shall be reviewed with the family on or before the child's first day of attendance. A copy of this plan shall be given to the family at the time of review. The plan shall include the following:
 - (A) a procedure for enrolling a child that encourages families to visit the family child care home prior to the first day of attendance;
 - (B) encouragement of family participation in the family child care home, including information regarding scheduled activities, sharing cultural heritage and volunteer opportunities;
 - (C) opportunities for the operator to meet with families to discuss their child's needs and progress and to exchange information about the family child care home;
 - (D) a procedure for families who need information or who have complaints about the family child care home.
- (2) Provide communication to families regarding family child care home activities in a manner that is responsive to the needs of the families served, such as via text, email, and electronic applications, and considering language comprehension.
- (3) Communicate with families regarding community resources and services that are available, upon request from the family or when a need is identified by the operator.

(c) For a family child care home to meet family and community engagement standards at the three-star level, the operator shall ensure implementation of foundational practices set forth in Paragraph (b) of this Rule plus one additional family and community engagement option from the categories set forth in Subparagraphs (f)(1), (f)(2) and (f)(3) of this Rule.

(d) For a family child care home to meet family and community engagement standards at the four-star level, the operator shall ensure implementation of foundational practices set forth in Paragraph (b) of this Rule plus two additional family and community engagement options from separate categories set forth in Subparagraphs (f)(1), (f)(2) and (f)(3) of this Rule. A single activity shall not be used to meet multiple requirements or categories of engagement.

(e) For a family child care home to meet family and community engagement standards at the five-star level, the operator shall ensure implementation of foundational practices set forth in Paragraph (b) of this Rule plus three additional family and community engagement options, with at least one from each

category set forth in Subparagraphs (f)(1), (f)(2), and (f)(3) of this Rule. A single activity shall not be used to meet multiple requirements or categories of engagement.

(f) Categories of family and community engagement shall include the following:

- (1) Communication Options:
 - (A) Two-way communication with families. "Two-way communication" means that the operator shares information with families about their child(ren) and that the families may share information with the operator about their child child(ren) in a manner that is available and is accessible for the families in care.
 - (B) Resources for families are accessible in the family child care home that include information regarding community resources and services that assist families with knowledge, support and advocacy for their child in the languages of the children and families being served by the operator of the family child care home.
 - (C) A family conference with the operator is offered at least twice annually to discuss child needs and progress toward individual goals and to receive feedback from families regarding their child(ren)'s experiences at home and at the family child care home. During the conference, families are offered an opportunity to set a goal(s) for their child. Conferences shall be conducted in a manner that is convenient for the family such as by telephone, virtually or in-person.
 - (D) The operator offers families connection to local community services and resources on at least a quarterly basis, such as via newsletters, email, text, electronic applications, community resource websites, and in-person opportunities with local community services.
- (2) Engagement and Leadership Options:
 - (A) The operator has a structured, ongoing process to receive and review suggestions and recommendations from families, including anonymously. The operator considers family feedback for planning within the family child care home.
 - (B) The operator offers an enrollment orientation that includes an opportunity for families and child(ren) to visit the family child care home prior to the first day of enrollment.

- (C) The operator offers at least one family event annually, which may include activities that are culturally responsive to the heritage and practices of enrolled families.
- (D) The operator, families, and service providers shall collaboratively plan to ensure children's needs and goals are being addressed during their daily activities, not only during scheduled time with the service provider. Service providers include, but are not limited to, speech therapists, occupational therapists, behavior specialists, physical therapists, and intervention service specialists.
- (E) The operator offers an annual evaluation or survey to families, including the option to reply anonymously. The operator considers family feedback for reciprocal planning within the family child care home.
- (F) The operator has a plan for children's transitions that is shared with families at the time of enrollment. The transition plan shall include a child's transition from home to enrollment in the family child care home and a child's transition to another program, including Kindergarten. The operator provides families the opportunity to provide feedback on transition plans to address the individual needs of their child(ren).
- (G) The operator offers a family council, advisory board, or family representative role to act as a liaison for responsive and reciprocal planning with the family child care home.
- (3) Educational Opportunities Options:
 - (A) The operator communicates with families regarding at least one educational opportunity annually where the operator and families learn together.
 - (B) The operator communicates with families regarding at least one educational opportunity annually where the operator and families learn together about a topic identified as a need for the family child care home based on family feedback.
 - (C) The operator communicates with families regarding at least one educational opportunity annually hosted by a local community resource that the operator and families may attend together.

- (D) The operator communicates with families regarding at least one educational opportunity annually regarding the following topics:
 - (i) social emotional health;
 - (ii) challenging behaviors; or
 - (iii) culturally responsive practices.
- (E) The operator provides supports that anticipate and remove barriers for families and enable family involvement, at the family child care home, such as but not limited to, virtual options with technology support, interpreter services, child appropriate activities, care for children during the event, meals or snacks during the events or providing materials for families to take home related to the event.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858c; 45 CFR 98.1; 45 CFR 98.16.

10A NCAC 09 .3221 CONTINUOUS QUALITY IMPROVEMENT (CQI) STANDARDS

(a) This Rule shall apply to child care facilities that have earned a two through five star rated license using the program assessment licensure pathway or the classroom and instructional quality licensure pathway in Rules .3203, .3204, .3205 and .3206 of this Section. Child care facilities that have earned a two through five star rated license using the accreditation and Head Start licensure pathway in Rule .3207 of this Section shall comply with standards set forth by those organizations for continuous quality improvement.

(b) Continuous Quality Improvement (CQI) means a process that individuals and facilities shall use to identify areas of growth and determine a path toward enhanced teaching, learning and practices to achieve better outcomes for children, staff, and programs. The CQI process builds over time, using established goals to support individuals and facilities in achieving and sustaining continual improvements.

(c) All administrators and other staff members with caregiving responsibilities on a routine schedule of at least once per week shall complete an individual continuous quality improvement plan. This shall also apply to operators of centers located in a residence, as described in Rule .0102 of this Chapter, and their employed staff members. Each individual continuous quality improvement plan shall be reviewed annually, accompany the professional development plan required in Rule .1104 of this Chapter, be maintained in the individual's personnel file, and include:

- (1) Identification of the resources or supports needed by the individual to achieve the established goal(s) of the professional development plan, including but not limited to, the time estimated to achieve the goal and specific support needed from the operator to complete the goal;

- (2) Documentation of the individual's efforts toward completion of the established goal(s), changes to the established goal and challenges experienced;
- (3) Development of a new goal during the annual review if established goal is achieved or changed; and
- (4) Documentation from the individual regarding how their progress or completion of a goal has enhanced their knowledge, skills, and abilities.

- (5) Documentation from the operator regarding how progress toward or completion of a goal has enhanced their knowledge, skills, and abilities.

(d) The center administrator of a child care center shall also complete a continuous quality improvement plan that addresses programmatic goals. The programmatic continuous quality improvement plan shall be updated annually, maintained on file at the center, and include:

(f) Sample continuous quality improvement plan templates may be found on the Division's website at <https://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>. Another form may be used other than the sample template provided by the Division as long as the form includes the information set forth in this Rule.

Authority G.S. 110-85(3); 11088(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3222 MAINTAINING THE STAR RATING

- (1) Identification of at least one programmatic goal, the timeframe estimated to achieve the goal and the steps that will be taken by the center administrator to complete the goal;
- (2) Documentation of the reason or source of need for each goal, such as sustaining programmatic achievements, feedback received from staff or families, or licensure pathway requirements;
- (3) Identification of resources needed by the center administrator to achieve the programmatic goal, including but not limited to materials, technical assistance, participation of staff, or other items specific to the goal;
- (4) Documentation of supports offered by the program to encourage longevity and retention of staff;
- (5) Documentation of efforts toward completion of the established goal, changes to the established goal and challenges experienced; and
- (6) Development of a new goal during the annual review if established goal is achieved or changed.

(a) A representative of the Division may make announced or unannounced visits to facilities to assess on-going compliance with requirements of a star rating after it has been issued. When the division representative documents violations with the standards that determine a rating, the representative shall take one or more of the following actions:

- (1) advise the operator to submit written verification that the violation has been corrected;
- (2) return to the facility for an unannounced visit at a later date to determine if compliance has been achieved;
- (3) require a program assessment be conducted pursuant to Rule .3203 or .3204 of this Section, if applicable to the licensure pathway;
- (4) request verification of accreditation award status from the accrediting organization, if applicable to the licensure pathway;
- (5) request verification of Head Start designation from grantee, if applicable to the licensure pathway;
- (6) require a complete assessment of requirements of the star rating issued to the facility;
- (7) require that the star rating be reduced; or
- (8) recommend administrative action in accordance with G.S. 110, Article 7 of this Chapter.

(e) The operator of a family child care home and any additional caregivers, as set forth in Rule .1729 of this Chapter, shall complete a continuous quality improvement plan that addresses professional goals. The continuous quality improvement plan shall be updated annually, accompany the professional development plan required in Rule .1703(f) of this Chapter, be maintained in the operators personnel file, and include:

(b) If changes unrelated to employment occur at a facility that result in noncompliance with the standards in this Section for the star rating issued, the operator shall correct the noncompliance within 30 days. If the operator does not correct the noncompliance within 30 days, the operator shall notify the Division. Based upon the information obtained, the Division shall take any of the actions described in Paragraph (a) of this Rule.

- (1) Identification of at least one professional goal, the timeframe estimated to achieve the goal, the resources needed to achieve the goal, and the steps that will be taken by the operator to complete the goal;
- (2) Documentation of the reason or source of need for the goal, such as sustaining programmatic achievements, feedback received from families, or licensure pathway requirements;
- (3) Documentation of efforts toward completion of the established goal, changes to the established goal and challenges experienced;
- (4) Development of a new goal during the annual review if the established goal is achieved or changed; and

(c) If employment-related changes occur at a facility that result in noncompliance with or failure to meet the standards in the Section for the star rating issued, the operator shall correct the noncompliance within six months. If the operator does not correct the noncompliance within six months, the operator shall notify the Division. Based upon the information obtained, the Division shall take any of the actions described in Paragraph (a) of this Rule.

(d) Each child care facility licensed under this Section with a two through five-star rated license shall be reassessed by the Division

at least once every three years to ensure compliance with pathway requirements.

(e) The Division shall provide for one evaluation using an approved program assessment tool referenced in Rules .3202 and .3204 of this Section, free of charge, once every three years when reassessing the ratings of operators that select the program assessment licensure pathway.

(f) Notwithstanding the requirements and standards set forth in Paragraphs (a) – (e) of this Rule, if a facility loses its accreditation or Head Start designation, it shall notify the Division within 30 calendar days from the date of termination and submit an application at that time for a two through five-star rated license that indicates the alternate licensure pathway selection. The operator of the child care facility shall have a complete assessment conducted within six months from the date of termination or be reduced to one-star so long as the requirements for a one-star rating described in G.S. 110-91 and this Chapter are met.

(g) Notwithstanding the requirements and standards set forth in Paragraphs (a) – (e) of this Rule, if a facility allows its accreditation or Head Start designation to lapse or expire prior to applying for a two through five- star rated license using an alternate licensure pathway, the license shall be reduced to one- star so long as the requirements for a one-star rating described in G.S. 110-91 and this Chapter are met.

Authority G.S. 110-88(7); 110-90(4); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3223 HOW AN OPERATOR MAY REQUEST OR APPEAL A CHANGE IN RATING

(a) An operator may request a change in the star rating, including licensure pathway selection, by following the procedures in Rule .3202 of this Section.

(b) After an initial four or five-star rating is issued, the Division shall provide one evaluation of program standards using the program assessment tool referenced in Rules .3202 and .3204 of this Section during each three-year period thereafter at no cost to the operator. An operator may have extra program assessments, as referenced in Rules .3203 and .3204 of this Section, performed at his or her own expense in addition to the free one performed by the Division. The additional program assessments shall be completed by individuals approved by the Division to perform them.

(c) An operator may appeal the reduction of a star rating as provided in G.S. 110-94.

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .3224 RECOGNITION OF QUALITY INITIATIVES

(a) A child care operator may choose to request one or more areas of recognition to accompany the issuance of a two through five-star rated license earned through compliance with any licensure pathway requirement of this Section. Quality initiatives shall not be used to earn a star rating. Verification of requirements for each recognition shall be reassessed at least every three years, at the time of reassessment for a two through five-star rated license.

(b) The Division shall issue recognition of quality initiatives upon verification of the requirements set forth in this Rule.

(c) An Education Recognition may be requested when at least one of the following requirements are met:

- (1) 75 percent of teachers employed by a child care facility have earned an AAS degree or higher in early childhood education, child development or related field.
- (2) 75 percent of lead teachers employed by a child care facility have earned a BA/BS degree or higher in early childhood education, child development, or related field.
- (3) All lead teachers employed by a child care facility have earned an AAS degree or higher in early childhood education, child development or related field.
- (4) The operator of a family child care home has earned a BS/BS degree in early childhood education, child development or related field.
- (5) The operator of a family child care home has earned an AAS degree in early childhood education, child development or related field and is enrolled in a BA/BS degree program in early childhood education or child development.
- (6) 75 percent of teachers employed by a child care facility have an active Child Development Associate (CDA).
- (7) The operator of a child care facility participates in the T.E.A.C.H. program or other education initiative that supports employed staff that want to enroll in or who are enrolled in college coursework.
- (8) 75 percent of lead teachers and educators, as defined in this Section, have an active certification in the NC Early Care and Education Professional Certification Scale at https://www.ncidp.org/documents/EEC_EDE_Scale.pdf.
- (9) The operator of a family child care home has an active certification in the NC Early Care and Education Professional Certification Scale at https://www.ncidp.org/documents/EEC_ECE_Scale.pdf.

(d) A Professional Development Recognition may be requested when at least one of the following requirements is met:

- (1) The operator of a family child care home completes 20 training hours annually, in addition to training hours required for their licensure level as set forth in this Section and in addition to ongoing training requirements set forth in Rule .1703 of this Chapter and education requirements set forth in Rule .3217 of this Section.
- (2) The operator of a family child care home is an approved trainer for an established course as set forth in Rule .1703 of this Chapter and provides at least one training course for early childhood professionals in their community annually or when the operator develops a training course, obtains approval for training as set forth in Rule

.1703 of this Chapter, and provides at least one training course for early childhood professionals in their community annually.

- (3) A center administrator or operator of a family child care home provides evidence of active membership in a professional or community organization.
- (4) A child care facility operator compensates staff members for time spent completing professional development activities.
- (5) A child care facility operator compensates staff members for the cost of professional development activities.
- (6) A child care center operator pays for at least 50 percent of staff members to have an active membership in a professional or community organization and provides evidence of the paid costs and memberships.
- (7) A child care center operator employs at least one staff member who is an approved trainer for an established training course as set forth in Rule .1103 of this Chapter and the approved trainer provides at least one training course for all employees annually or when the child care center operator, administrator or staff member develops a training course, obtains approval for training as set forth in Rule .1103 of this Chapter, and provides at least one training course annually for employed staff members.
- (8) A child care facility allows early childhood education practicum students to complete required activities in their facility when the individuals are not employed by the facility.

(e) A Longevity and Experience Recognition may be requested when at least one of the following requirements is met:

- (1) The operator of a family child care home has been in operation for at least five years with a compliance history score of 90 percent or higher.
- (2) The operator of the family child care home has been in operation for at least five years with a four or five- star rated license.
- (3) A center administrator has at least 10 years of child care administrative work experience in a licensed child care facility.
- (4) 75 percent of lead teachers and teachers have at least 10 years of early childhood work experience in a licensed child care facility.
- (5) All lead teachers and teachers have at least five years of early childhood work experience in a licensed child care facility and have been employed by no more than two different child care facilities.
- (6) The child care center has a combined turnover rate of 20 percent or less for the administrator, lead teacher and teacher positions over the last 12 months.
- (7) In stand-alone school age care facilities, 75 percent of group leaders have at least five years

of school age care work experience in a licensed or unlicensed school age program and have been employed by no more than two different child care facilities.

(f) A Staff Supports and Benefits Recognition may be requested when at least one of the following requirements is met:

- (1) A child care facility offers a staff benefits package that includes at least three of the following benefits: paid time off for vacation, sick and/or personal leave, paid family and medical leave, fully or partially paid health insurance, retirement contribution or annual bonuses.
- (2) A child care facility offers two hours of paid planning time for lead teachers on a weekly basis, during a time when the lead teacher is not responsible for supervising children.
- (3) A child care facility offers at least two mental health supports such as training offered on-site, paid time off for wellness, mental health coverage as part of health benefits or assistance in obtaining access to other services as requested.
- (4) A child care center pays for costs associated with enrolling in and completing early childhood education or child development coursework.

(g) A Program Features Recognition may be requested when at least one of the following requirements is met:

- (1) A child care facility implements an approved curriculum for all age groups served as defined in Rule .0102(11) of this Chapter when not required for licensure level or pathway.
- (2) A child care facility uses a program assessment tool for self-study, self-assessment and continuous quality improvement when not required for licensure level or pathway.
- (3) A child care center earns a 5.0 on every classroom assessed with ERS-3 and SACERS-U.
- (4) A child care facility uses an approved formative assessment tool for all age groups served as defined in Rules .3205 or .3206 of this Section when not required for licensure level or pathway.
- (5) A child care facility implements all family and community engagement practices as set forth in Rules .3219 and .3220 of this Section, rather than only the practices required for licensure level or pathway.
- (6) A child care administrator or operator of a family child care home participates in a coaching or mentoring process as set forth in Rules .3205 and .3206 of this Section when not required for licensure level or pathway.

(h) A Health & Wellness Opportunities Recognition may be requested when at least one of the following requirements is met:

- (1) A child care facility provides support to staff members and families regarding challenging

- behaviors using community, regional or state resources.
- (2) A child care center has a licensed or registered nurse on staff for at least half of the operating hours of the program.
 - (3) A child care facility offers oral health education and opportunities such as dental screenings and outreach with community, regional and state resources.
 - (4) A child care facility offers supplemental programs or contracts with external vendors to provide opportunities for growth in specialty areas, including but not limited to tumbling, art, bookmobile, sports, dance, music or yoga.
 - (5) A child care facility completes REACH Healthy Child Care recognition. Information for this program is available at <https://reach-recognition.org/>.
 - (6) A child care facility completes Be Active Kids/Go NAPSACC Program. Information for this program is available at <https://www.beactivekids.org/>.
 - (7) A child care facility participates in Farm to Early Education. Information for this program is available at <https://cefs.ncsu.edu/food-system-initiatives/nc-farm-to-early-care-and-education/>.
 - (8) A child care facility engages with a Child Care Health Consultant by participating in one cycle of assessments using the NC Health and Safety Assessment Tool annually.
 - (9) A child care facility implements five of six of the following educational opportunities regarding green environment practices:
 - (A) Provides outdoor learning environments that have areas of shade provided by trees that use heat tolerant /drought resistant plant material.
 - (B) Provides an indoor play space allowing gross motor play, running, jumping and physically active games in an air conditioned/heated environment.
 - (C) Paints walkways and pavement in heat reflecting colors in an effort to decrease surface temperatures and associated burn hazards.
 - (D) Ensure use of non-toxic cleaning products throughout the facility.
 - (E) Creates and maintains a pollinator and/or a vegetable garden as a method to educate and emphasize ecofriendly change and lifestyle.
 - (F) Implement teaching practices that support reducing and recycling such as ensuring use of recyclable products when reusable products are unavailable, providing reusable food service products for meals and/or snacks, and installing a system of recycling in the facility where trash and recyclables are in separate containers and disposed of properly.
- (i) A Language Concentration Recognition may be requested when at least one of the following requirements is met:
 - (1) Children enrolled in a child care facility are participating in use of languages other than English on a regular basis.
 - (2) A child care facility is a language immersion program.
 - (3) A child care facility is a bilingual program.
 - (j) A Culinary Emphasis Recognition may be requested when at least one of the following requirements is met:
 - (1) An operator of a family child care home has completed a food handler program training or certification, such as ServSafe.
 - (2) A chef or cook position at a child care center has completed culinary classes or has completed food handler program training or certification, such as ServSafe.
 - (3) A child care facility utilizes farm-to-table practices as part of their food and nutrition program.
 - (k) A Ratio, Group Size, and Enrollment Practices Recognition may be requested when at least one of the following requirements is met:
 - (1) A child care center reduces staff to child ratios or group sizes when not required for licensure level or pathway.
 - (2) An operator of a family child care home voluntarily reduces enrollment when not required for licensure level or pathway.
 - (l) A Supplemental Environments Recognition may be requested when at least one of the following areas are provided within a child care center or family child care home: gyms, active play area, sensory focused environments, gardens or naturalized outdoor play environments.
 - (m) A NC Breastfeeding-Friendly Child Care Designation Program Recognition may be requested when this designation is earned by meeting program requirements set forth at <https://www.ncdhhs.gov/ncbfccdesignation>.
 - (n) A Military Child Care in Your Neighborhood – PLUS Recognition may be requested by child care facilities participating in the free assistance program for military families. Information for this program is available at <https://ncchildcare.ncdhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-Families>.

Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3225 ACCREDITING ORGANIZATIONS AND STAR RATING EQUIVALENCY

(a) The Commission shall reassess an accreditation's star-rating equivalency, as set forth in Rule .3207 of this Section, if the standard for earning the accreditation is revised and may increase or decrease the accreditation's star rating equivalency based on the assessment in its discretion.

(b) The Commission may approve additional accreditations from national early childhood education accreditation organizations and determine their star-rating equivalency upon request by the accrediting organization.

(c) Reassessments and assessments described in Paragraphs (a) and (b) of this Rule shall be based on educational and programmatic standards of the accrediting organization and how they compare to or exceed the requirements of this Section.

Authority S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45.

10A NCAC 09 .3226 APPROVAL OF FORMATIVE ASSESSMENTS

(a) The Commission may approve formative assessments to support implementation of classroom and instructional quality licensure requirements set forth in Rules .3205 and .3206 of this Section upon request.

(b) The Commission shall approve formative assessments that meet the following criteria:

- (1) the formative assessment aligns with the developmental domains described in the North Carolina Foundations for Early Learning and Development;
- (2) the formative assessment is research based;
- (3) the formative assessment has been developed and validated for the intended population;
- (4) the formative assessment requires collection of information in a variety of ways such as observances of children during daily routines, play and group activities; teacher documentation of children's activities, experiences at work; collaboration with families; and communication with service providers when applicable; and
- (5) the formative assessment promotes documentation of children's development and progress in a way that is sensitive and responsive to the needs of all children from culturally, linguistically, economically, and ability diverse backgrounds.

Information regarding approved formative assessments may be found on the Divisions website at <https://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.

Authority S.L. 2024-34;42 USCS 9858e; 45 CFR 98.45.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Public Safety intends to amend the rule cited as 14B NCAC 05B .0203.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/about-dps/administrative-rules>

Proposed Effective Date: June 1, 2025

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): A request for a public hearing must be made within 15 days of notice. Email Rulemaking Coordinator Margaret McDonald at Margaret.mcdonald@ncdps.gov to request a public hearing.*

Reason for Proposed Action: *This proposed amendment removes language that requires grant periods to last up to two years and instead shifts the grant periods to coincide with guidance provided by the granting entity. Although previously the norm, two-year grant periods have become less common. Most grants at the federal level now provide for a three-year programmatic length, although this time period can change based on the granting entity and source of funds.*

Comments may be submitted to: *Margaret McDonald, 512 North Salisbury Street, Raleigh, NC 27604; phone (919) 825-2743; email margaret.mcdonald@ncdps.gov*

Comment period ends: *April 4, 2025*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected**
- Local funds affected**
- Substantial economic impact (>= \$1,000,000)**
- Approved by OSBM**
- No fiscal note required**

CHAPTER 05 - GOVERNOR'S CRIME COMMISSION

SUBCHAPTER 05B – GRANT ADMINISTRATION

SECTION .0200 - PROGRAM GRANTS

14B NCAC 05B .0203 ADMINISTRATION OF GRANTS

(a) The Commission staff shall administer grants as funds are available. All applicants shall be notified in writing or electronic communication through the GMS system upon completion of the selection process that the application has been approved or denied.

(b) Within 30 days of receipt of award notification, the applicant shall submit the grant compliance and modification information. An applicant may request an extension of no more than 60 days to submit the information. An applicant who does not provide the required information shall be ineligible for grant funding. For the purposes of this Rule, grant compliance and modification information includes the following:

- (1) a list of grant conditions that were agreed to by an authorizing official of the applicant;
(2) a certification of non-supplanting;
(3) a certification of filing of an equal employment opportunity program;
(4) a memorandum of agreement or contract with any cooperating government agencies;
(5) an original signature of all authorizing officials, implementing project director, and the applicant's chief financial officer; and
(6) a signed agreement to submit to an annual audit of the program.

(c) Funds shall be conveyed to grantees through Grant Award Contracts. The Grant Award Contract shall bear the original signature of the grantee's authorizing official and the Executive Director of the Commission. The Grant Award Contract shall be signed and returned to the Department within 30 days.

(d) ~~The grant period for the project shall be for a period of up to two years.~~ The grant period shall coincide with ~~the start and close of the federal fiscal year, if possible.~~ guidance provided by the granting entity.

(e) Requests for adjustments to approved applications may be made at any time up to 90 days before the project's scheduled termination date. These requests shall be made through the GMS system, providing an explanation for proposed amendments.

Authority G.S. 143B-602(8); 143B-1103; 143B-1104.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0701, .0707, .0801, .1203, .1301, .1307, .1401, .1501, and .1502.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board

Proposed Effective Date: June 1, 2025

Public Hearing:

Date: February 18, 2025

Time: 2:00 p.m.

Location: 3101 Industrial Dr., Suite 104, Raleigh, NC 27609

Reason for Proposed Action: 14B NCAC 16 .0701, .0801, .1301, .1307 and .1401 are being amended to reflect that the Board's on-line application system maintains documents electronically which are accessible by the Board staff. Currently a new unarmed guard can stand post for up to 20 days before being required to obtain any training. 14B NCAC 16 .0707 is

being amended to require a minimum of four (4) hours of specific training prior to standing post and .1307 is being amended to require the same for unarmed armored car guards. The Board is eliminating the cap on the number of hours of continuing education awarded for higher education courses and 14B NCAC 16 .1203 is being amended accordingly. 14B NCAC 16 .1501 and .1502 are being amended to reflect that all four entities can award each of the three required certifications.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: April 4, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION

(a) Each employer or his or her designee shall submit an online application for the registration of each employee unarmed security guard to the Board. This online submission shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;

- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (6) ~~one original~~ a signed SBI release of information form ~~form~~; that shall be uploaded online with the original mailed to the Board's administrative office;
- (7) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .0707 of this ~~Section~~; Section, unless a valid statement if on file in the Board's office; and
- (8) a completed affidavit form and public notice statement form.

- (1) The Security Officer in North Carolina -- (minimum of one hour);
- (2) Legal Issues for Security Officers -- (minimum of three hours);
- (3) Emergency Response -- (minimum of three hours);
- (4) Communications -- (minimum of two hours);
- (5) Patrol Procedures -- (minimum of three hours);
- (6) Note Taking and Report Writing -- (minimum of three hours); and
- (7) Professional Conduct -- (minimum of one hour).

(b) A minimum of four hours of instruction consisting of the topics in Subparagraph (a)(1) and Subparagraph (a)(2) of this Rule shall be completed within 20 calendar days of before any security guard, including probationary, being is placed on a duty station. These four hours shall include the instruction on The Security Officer in North Carolina and Legal Issues for Security Officers. The 16 hour basic unarmed security guard course shall be completed within 30 days from the date of permanent, non-probationary employment.

~~(b)(c)~~ Training shall be conducted by a Board certified unarmed security guard trainer. A Board created lesson plan covering the training requirements in Paragraph (a) of this Rule shall be made available by the Board to each trainer. The Board may approve other forms of media and training materials that deliver the training requirements of Paragraph (a) of this Rule.

~~(c)(d)~~ The 16 hours of training may be delivered in-person, in-person remotely, synchronously on-line, or in a hybrid format under the following conditions:

- (1) "In-Person" means an instructor physically present in-person in a classroom setting with students physically present in-person in a classroom setting. This is considered traditional in-person training. "In-Person remotely" means an instructor delivering a course to students in an in-person seated classroom while also transmitting to another or multiple other classrooms where students are in-person and observing via video and sound technology. Students must have the ability to have constant audio and visual communication with the instructor as the instructor is presenting. "Synchronously on-line" means instruction utilizing an on-line audio/video platform where the instructor is teaching the course live to students that are attending live and the instructor and students have constant visual and audio communication with each other available. "Hybrid format" means instruction utilizing both in-person classroom teaching as well as synchronously on-line. The instruction is delivered by an instructor that is in-person in a classroom with in-person seated students while the instruction is also being delivered simultaneously in an on-line live format where on-line students have had the ability to have constant audio and video communication with the in-person students and instructor.

~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.~~

~~(c)(b)~~ The applicant's copy of the application and ~~completed affidavit form~~ a copy of the appropriate statement required by Subparagraph (a)(7) of this Rule, unless a valid statement is on file in the Board's office, shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her probationary or permanent employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

~~(d)(c)~~ A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-5; 74C-8.1; 74C-11.

14B NCAC 16 .0707 TRAINING REQUIREMENTS FOR UNARMED SECURITY GUARDS

~~(a) Applicants for an unarmed security guard registration shall complete the~~ The basic unarmed security guard training course within 30 days from the date of permanent hire. The course shall consist of a minimum of 16 hours of classroom instruction including:

- (2) Each student is provided a copy of the unarmed security guard training manual to use for the duration of the 16 hour training course.
- (3) The technology used allows the trainer to see the students and the students to see the trainer in real time during the training.
- (4) All students are able to see and read the screen or monitor, and they must be able to hear and understand the audio presentation. All monitors used in a classroom setting must be at least 32 inches.
- (5) The technology used is of sufficient quality so that the training audio and video is delivered smoothly and without interruption.
- (6) The total number of students receiving the in-person or in-person remotely training at one time does not exceed 35 students. There is no size limitation for synchronous on-line training.
- (7) Any additional training beyond the Board mandated training in the unarmed security guard training manual is taught either before or after the 16 hour unarmed security officer training.

- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section;
- ~~(6) a certification by the applicant that he or she is at least 21 years of age;~~
- ~~(6) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .0707 of this Chapter, unless a valid statement is on file in the Boards office;~~
- (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; ~~and~~
- (8) a signed SBI release of information form; and
- ~~(8)(9)~~ a completed affidavit form and public notice statement form.

~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application, the completed affidavit form, and proof of completion of a Board approved firearms course and shall retain a copy of the application, including affidavit and proof of course completion, in the guard's personnel file in the employer's office.~~

~~(e)(b)~~ The applicant's copy of the application, affidavit, application and proof of completion of a Board approved firearms course shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

~~(d)(c)~~ Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards.

~~(e)(d)~~ The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

Authority G.S. 74C-5; 74C-9; 74C-13.

SECTION .1200 – CONTINUING EDUCATION

14B NCAC 16 .1203 ACCREDITATION STANDARDS

(a) CE courses may obtain the approval of the Board by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the name of the instructor.

(b) To determine if a course will receive approval from the Board, the Board shall complete the following review:

- (1) The matter shall be referred to the Training and Education Committee for the appointment of a sub-committee that shall review the course under consideration. The sub-committee shall

Authority G.S. 74C-5; 74C-11; 74C-13(m).

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each ~~armed security guard~~ employer or his or her designee shall submit an online application for the registration of each armed security guard applicant to the Board. This online submission shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;

consist of at least two industry members of the Training and Education Committee. Other members of the sub-committee may be appointed at the discretion of the Training and Education Committee Chairman.

- (2) The sub-committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.
- (3) When the sub-committee completes its review, it shall report to the Training and Education Committee. The Training and Education Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives and goals. The Training and Education Committee shall then report the findings with a recommendation of acceptance or denial to the Private Protective Services Board.

(c) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(d) Each approved course shall remain an approved course for four years from the date of approval by the Board, unless the course content changes or the course instructor changes.

(e) Trainers and instructors shall receive continuing education credit of five hours for every actual teaching hour with an eight hour cap of continuing education credit every two years.

(f) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by a similar agency in another state and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one credit hour per contact hour ~~not to exceed eight~~ up to the maximum 12 credit hours.

Authority G.S. 74C-5; 74C-22.

SECTION .1300 – ARMORED CAR SERVICE GUARD REGISTRATION (UNARMED)

14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each ~~armored car~~ employer or his designee shall complete an online application form for the registration of each unarmed armored car service guard applicant to the Board. This online form shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format

of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;

- (3) ~~upload online~~ a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (6) a statement signed by a certified trainer that the applicant has ~~successfully~~ completed the training requirements of Rule .1307 of this ~~Section, if applicable; and Section unless a valid statement is on file in the Board's office;~~ a signed SBI release of information form; and
- (7) ~~(7)(8)~~ a completed affidavit form and public notice statement form.

~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit and shall retain a copy of the application, including the affidavit, in the guard's personnel file in the employer's office.~~

~~(c)~~ (b) The applicant's copy of the application and ~~completed affidavit form~~ a copy of the appropriate statement required by Subparagraph (a)(6) of this Rule, unless a valid statement is on file in the Board's office, shall serve as a temporary registration card that shall be carried by the applicant when he or she is working is within the scope of his or her probationary or permanent employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

~~(d)~~ (c) A copy of the statement specified in Subparagraph (a)(6) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-3; 74C-5; 74C-8.1(a).

14B NCAC 16 .1307 TRAINING REQUIREMENTS FOR UNARMED ARMORED CAR SERVICE GUARDS

~~(a) Applicants for an unarmed armored car service guard registration shall complete a The basic training course for unarmed armored car service guard course guards within 30 days from the date of permanent hire. The course shall consist of a minimum of 16 hours of classroom instruction including:~~

- (1) The Security Officer in North Carolina – (minimum of one hour);
- (2) Legal Issues for Security Officers – (minimum of three hours);

- (3) ~~Department~~ Professional Conduct – (minimum of one hour);
- (4) Armored Security Operations – (minimum of five hours);
- (5) Emergency Responses – (minimum of three hours); and
- (6) Safe Driver Training – (minimum of three ~~hours~~); hours.

(b) A minimum of four hours of classroom instruction consisting of the topics in Subparagraph (a)(1) and Subparagraph (a)(2) of this Rule shall be completed within 20 calendar days of any before any unarmed armored car service guard, including probationary, being is placed on a duty station. These four hours shall include The Security Officer in North Carolina and Legal Issues for Security Officers. The 16 hour basic unarmed armored car service guard course shall be completed within 30 days from the date of permanent, non-probationary employment. Unarmed armored car service guard training is not transferable to qualify as unarmed security guard training.

~~(b) Licensees shall submit their names and resumes for proposed certified unarmed trainer registrations to the Director for Board approval.~~

(c) Training shall be conducted by a Board certified unarmed trainer. A Board approved lesson plan covering the training requirements in Paragraph (a) of this Rule shall be made available by the Board to each trainer. The trainer may use other media training materials that deliver the training requirements of Paragraph (a) of this Rule.

~~(d) The 16 hours of training may be delivered remotely under the following conditions: The 16 hours of training may be delivered in-person, in-person remotely, synchronously on-line, or in a hybrid format under the following conditions:~~

- (1) ~~The training is presented by a Board certified unarmed trainer. "In-person" means an instructor physically present in-person in a classroom setting with students physically present in-person in a classroom setting. This is considered traditional in-person training. "In-person remotely" means an instructor delivering a course to students in an in-person seated classroom while also transmitting to another or multiple other classrooms where students are in-person and observing via video and sound technology. Students must have the ability to have constant audio and visual communication with the instructor as the instructor is presenting. "Synchronously on-line" means instruction utilizing an on-line audio/video platform where the instructor is teaching the course live to students that are attending live and the instructor and students have constant visual and audio communication with each other available. "Hybrid format" means instruction utilizing both in-person classroom teaching as well as synchronously on-line. The instruction is delivered by an instructor that is in-person in a classroom with in-person seated students while the instruction is also being delivered simultaneously in an on-~~

line live format where on-line students have had the ability to have constant audio and video communication with the in-person students and instructor.

- (2) Each student is given a copy of the Board approved unarmed armored car service guard training manual to use for the duration of the 16 hour training course.
- (3) The technology used allows the trainer to see the students and the students to see the trainer in real time during the training.
- (4) All students in each classroom are able to see and read the screen or monitor, and they must be able to hear and understand the audio presentation. All monitors used in each a classroom setting must be at least 32 inches. ~~inches wide.~~
- (5) The technology used is of sufficient quality so that the training audio and video is delivered smoothly and without interruption.
- ~~(6) Each student is taught to use the audio and video equipment in the classroom prior to the start of the 16 hour unarmed armored car service guard training course.~~
- ~~(7)(6)~~ (6) The total number of students receiving ~~remote~~ the in-person or in-person remotely training at one time does not exceed 35 students. There is no size limitation for synchronous on-line training.
- ~~(8)(7)~~ (7) Any additional training beyond the Board mandated training in the unarmed armored car service guard training manual is taught either before or after the 16 hour unarmed armored car service guard training.
- ~~(9) The Director is notified five days prior to training of the location of each classroom, the name of the certified trainer, and the number of students who will be present.~~
- ~~(10) The sponsoring agency allows the Director or designee access via computer to the training during the time that it is taking place.~~

Authority G.S. 74C-3; 74C-5.

SECTION .1400 - ARMED ARMORED CAR SERVICE GUARDS FIREARM REGISTRATION PERMIT

14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each ~~armored car~~ employer or his or her designee shall submit an online application form for the registration of each armed armored car service guard applicant to the Board. This online form shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigation or one set of classifiable fingerprints on an applicant

fingerprint card that shall be mailed separately to the Board's office;

- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with application submission;
- (3) ~~upload online~~ a statement of the result of a statewide criminal history records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1407 of this Section;
- (6) ~~a certification by the applicant that he or she is at least 18 years of age;~~
- (6) a statement signed by a certified trainer that the applicant has completed the training;
- (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (8) a signed SBI release of information form; and
- (8)(9) a completed affidavit form and public notice statement form.

~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit form and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.~~

~~(c) The applicant's copy of the application, affidavit, application and a copy of the statement required by Subparagraph (a)(5) of this Rule, training certification and a copy of the statement required by Subparagraph(a)(6) of this Rule, unless a valid statement is on file in the Board's office, shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.~~

~~(d) Online applications Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards . unless the armored car employer has obtained prior approval from the Director. The Director shall grant prior approval if the armored car employer provides proof that the applicant has received prior Board approved firearms training.~~

~~(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.~~

Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13.

SECTION .1500 - CLOSE PERSONAL PROTECTION

14B NCAC 16 .1501 EXPERIENCE REQUIREMENTS FOR CLOSE PERSONAL PROTECTION LICENSE

(a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a close personal protection license shall:

- (1) establish three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with a private person, firm, association, or corporation within the last 10 years;
- (2) establish three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with any federal, state, county or municipal law enforcement agency, or other governmental agency within the last 10 years;
- (3) establish a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) while serving in an official capacity; or
- (4) have completed a course in close personal protection approved by the Board given by a school specializing in close personal protection (or "executive protection") that consists of a minimum of 40 hours of actual classroom and practical instruction within the last two years as required by Rule .1502 of this Chapter.
- (5) possess a valid basic first aid certificate ~~from the American Red Cross and a valid~~ CPR and AED certification from the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a close personal protection license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years verifiable experience within the past five years while conducting close personal protection as set forth in in G.S. 74C-3(a)(3a) while serving in an official capacity with any entity described in Paragraph (a) of this Rule.

Authority G.S. 74C-5(2); 93B-15.1.

14B NCAC 16 .1502 TRAINING REQUIREMENTS FOR CLOSE PERSONAL PROTECTION LICENSE

(a) Applicants for a close personal protection license who do not have the experience set forth in Rule .1501(a)(1) through (3) or

(b)(1) and (2) shall complete a basic close personal protection (or "executive protection") training course approved by the Board within the previous 24 months. The course shall consist of a minimum of 40 hours of classroom and practical instruction including as a minimum:

- (1) Fundamentals of personal protection, including as a minimum mission planning, performing site surveys, route selection (primary, secondary, etc.), medical evacuation, walking formations (single, multiple, etc.), communications with protectees, and transitional movements (arrivals, departures, plan changes, hasty movements, etc.) – (minimum of 26 hours);
- (2) Practical exercises – (minimum of 12 hours); and
- (3) Legal Issues, including the rules applicable to each of the below blocks of instruction and this Section and North Carolina's laws on use of force, and the federal and State firearms law. The three hour unarmed guard block of instruction, set forth in 14B NCAC 16 .0707 if performing services unarmed, or the four hour armed guard block of instruction set forth in 14B NCAC 16 .0807(c)(1) if performing services armed taught by a certified instructor shall fulfill this requirement – (minimum of two hours).

(b) In addition to the minimum classroom and practical instruction required by Paragraph (a) of this Rule, the applicant must possess a basic valid first aid certificate ~~from the American Red Cross~~ and a valid CPR and AED certification from the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(c) Subparagraph (a)(3) of this Rule may be conducted remotely as provided for by 14B NCAC 16 .0707(c).

Authority G.S. 74C-5.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to adopt the rule cited as 15A NCAC 07H .0314.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.deq.nc.gov/about/divisions/coastal-management/coastal-resources-commission/crc-proposed->

Proposed Effective Date: June 1, 2025

Public Hearing:

Date: February 26, 2025

Time: 4:30 p.m.

Location: DoubleTree New Bern - Riverfront, 100 Middle St., New Bern, NC 28560

Reason for Proposed Action: *The Coastal Resources Commission proposes a new administrative rule to provide greater flexibility to local governments, large oceanfront homeowners associations, and government agencies in allowing the use of wheat straw bales for dune protection in addition to sand fencing.*

Comments may be submitted to: Tancred Miller, 400 Commerce Ave., Morehead City, NC 28557; email DCMComments@deq.nc.gov

Comment period ends: April 4, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 07 - COASTAL MANAGEMENT

SUBCHAPTER 07H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0300 - OCEAN HAZARD AREAS

15A NCAC 07H .0314 INSTALLATION AND MAINTENANCE OF WHEAT STRAW BALES FOR SAND FENCING

(a) Wheat straw bales shall only be installed by local, state, or federal government or a local homeowners association as defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline, for the purpose of building and protecting dunes by trapping windblown sand.

(b) Wheat straw bales shall not impede existing public access to the beach, recreational use of the beach, or emergency vehicle access. Wheat straw bales shall not be installed in a manner that

impedes or restricts established common law and statutory rights of public access and use of public trust lands and waters.

(c) Wheat straw bales shall not be installed in a manner that impedes, traps, or otherwise endangers sea turtles, sea turtle nests, or sea turtle hatchlings. CAMA permit applications for wheat straw bales shall be subject to review by the Wildlife Resources Commission and the U.S. Fish and Wildlife Service in order to determine whether the proposed design or installation will have an adverse impact on sea turtles or other threatened or endangered species.

(d) The permittee shall remove any ties or binding from wheat straw bales during installation.

(e) Wheat straw bales shall be placed as far landward as possible to avoid interference with sea turtle nesting, public access, recreational use of the beach, and emergency vehicle access. Additionally:

- (1) Wheat straw bales shall not be placed on the wet sand beach;
- (2) Wheat straw bale sections shall not exceed 2 feet in width, 3 feet in height as measured from the bottom bale, and 10 feet in length;
- (3) Wheat straw bales installed on or waterward of the crest of the frontal or primary dune shall be installed at an angle no less than 45 degrees to the shoreline. No portion of a wheat straw bale section shall extend more than 10 feet waterward of the following locations as defined in 15A NCAC 07H .0305: the first line of stable and natural vegetation, the toe of the frontal or primary dune, or the erosion escarpment of the frontal or primary dune;
- (4) Wheat straw bales along public accessways may span the length of the structural accessway and may be aligned no less than 45 degrees to the shoreline on the waterward end. The waterward location of the sections shall not exceed 10 feet waterward of the locations identified in Subparagraph (3) of this Paragraph; and
- (5) A minimum of seven feet of spacing shall be maintained between any sections of dune building materials.

(f) Non-functioning, damaged, or wheat straw bale sections or stakes that have moved from their authorized alignment shall be repaired or removed by the permittee.

Authority G.S. 113A-107; 113A-113(b)(6).

TITLE 24 - INDEPENDENT AGENCIES

CHAPTER 02 - NC AGRICULTURAL FINANCE AUTHORITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Agricultural Finance Authority intends to adopt the rules cited as 24 NCAC 02D .0101-.0106.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncagr.gov/divisions/legal-affairs/rules/legal-affairs-proposed-rules>

Proposed Effective Date: *June 1, 2025*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than February 18th, 2025 to Anna Hayworth, mailing address 1002 Mail Service Center, Raleigh, NC 27699.*

Reason for Proposed Action: *The General Assembly specifically authorized and mandated the adoption rules in House Bill 259/S.L.2023-134, Section 10.1(c). These rules are submitted in order to comply with the General Assembly's mandate for rules under the Large Animal Health Enhancement Act as established by House Bill 259/S.L.2023-134 (available at <https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H259v7.pdf> starting on p. 322). These rules have been discussed and approved by both the Large Animal Healthcare Enhancement Advisory Committee, the Board of the Directors of the North Carolina Agricultural Finance Authority. It is critical that these rules be approved to establish a system by which the monies allocated to this fund by the General Assembly can be distributed as directed. As stated in NCGS § 106-1079, "The purpose of the fund is to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties."*

Comments may be submitted to: *Robert Hosford, 1101 Spring Forest Road, Suite 150, Raleigh, NC 27615; email largeanimalvetgrant@ncagr.gov*

Comment period ends: *April 4, 2025*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
 State funds affected

- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

- (7) "Large animal" means any of the animals referenced in G.S. 106-1072(8) and (9).
- (8) "Qualified applicant" means a large animal veterinarian (as defined in G.S. 106-1072(8)) and who otherwise meets the criteria described in this Rule and in Article 88 of Chapter 106 of the North Carolina General Statutes.

SUBCHAPTER 02D - LARGE ANIMAL HEALTHCARE ENHANCEMENT ADVISORY COMMITTEE

24 NCAC 02D .0101 PURPOSE

This Chapter describes the operating procedures for the Large Animal Healthcare Enhancement Advisory Committee and the North Carolina Agricultural Finance Authority implementing the Large Animal Healthcare Enhancement Fund for the enhancement of large animal veterinary services in North Carolina. Procedures and requirements for participating applicants are also established. The purpose of the program is to provide grants to encourage veterinary practitioners to sustainably serve as large or mixed animal veterinarians in underserved areas in the state of North Carolina, and to provide additional resources for large or mixed animal veterinary practices that operate in underserved areas to help them to better serve their communities.

Authority G.S. 106-1074; S. L. 2023-134 House Bill 259 Section 10.1(c).

24 NCAC 02D .0102 DEFINITIONS

In addition to the terms defined in Article 88 of Chapter 106 of the North Carolina General Statutes, the following terms used in this Chapter have the following meanings:

- (1) "Applicant" means a large animal veterinarian as defined in G.S. 106-1072 who applies for funds from the Large Animal Healthcare Enhancement Fund.
- (2) "Application" means the "Large Animal Healthcare Enhancement Fund Application Form" detailed in Rule .0103(c) of this Section, developed and made available by the Large Animal Healthcare Enhancement Advisory Committee, including, but not limited to, any attachments and other information or documentation required by the form, for an applicant to complete and submit to the advisory committee to request a grant from the fund.
- (3) "Chair" or "Commissioner" means the chair of the advisory committee who is also the Commissioner of Agriculture.
- (4) "Grant" means an amount of money designated by the advisory committee to be given to a qualified applicant who has been chosen by the advisory committee.
- (5) "Financial records" means documentation that provides evidence or a summary of business transactions, which may include invoices, receipts, and general monetary ledgers.
- (6) "Grant recipient" means a qualified applicant who has received a grant.

Authority G.S. 106-1074; S.L. 2023-134 House Bill 259 Section 10.1(c).

24 NCAC 02D .0103 EVALUATION OF APPLICATIONS

(a) Applicants for funding from the fund shall submit a completed application within 60 days from the date of the public announcement of requests for proposals (the "application deadline").

(b) Applications and instructions shall be available online at www.ncagr.gov.

(c) To be eligible for consideration for funding, applicants shall complete the application, which shall be titled the "Large Animal Healthcare Enhancement Fund Application Form," and which shall contain the following information:

- (1) identifying information such as location, business name, and contact information;
- (2) statement from the applicant that acknowledges and agrees that in the event that the applicant's veterinary license expires, is revoked, or is suspended during the fiscal year in which the grant is awarded, or if the applicant fails to practice at least 30 percent large animal veterinary medicine in the designated counties named in the applicant's application, the applicant shall repay the entire amount received from the fund;
- (3) statement from the applicant that the applicant shall have no conflicting service obligation that would prevent the State from benefitting from the applicant's services, with the exception of service in the National Guard or military reserve;
- (4) an essay which describes the applicant's professional ambition and how those professional goals fit with the intent of the fund, which shall be submitted in a format using an 800 word maximum, typed in 12-point Times New Roman font, and double spaced;
- (5) three personal or professional references listing the individual's name, telephone number, and email address; and
- (7) certification that the applicant currently practices a minimum of 30 percent large animal veterinary medicine in at least one designated county.

(d) Each completed application shall be evaluated by the advisory committee staff based on the information provided in the application and in accordance with the fund criteria described in this Rule and in Article 88 of Chapter 106 of the North Carolina General Statutes.

(e) The staff shall review all applications for completeness. If staff deems an application incomplete in that it does not contain information required by statute or these Rules, the applicant shall be asked by the authority staff to complete the application within seven days if the application deadline has expired.

(f) After the staff has reviewed each application for completeness, the advisory committee shall then review the applications prepared by each applicant.

(g) All applicants shall meet the following criteria for grant eligibility:

- (1) the applicant must practice veterinary medicine in at least one of the approved counties pursuant to G.S. 106-1074;
- (2) the applicant must be a currently licensed veterinarian in the state of North Carolina; and
- (3) the applicant shall be practicing at least 30 percent cumulatively of their veterinary operation within the field of large animal care.

(h) Grants shall be awarded contingent on the availability of sufficient funds to do so. Grants shall be conveyed to grant recipient(s) through contracts with the North Carolina Agricultural Finance Authority. If the advisory committee determines that grants are not being used for the purpose for which they were awarded, the fund shall immediately cease making payments under the grant schedule and shall demand return of all amounts from the grant pursuant to G.S. 106-1074. Grant recipient(s) must reimburse the fund all funds that the advisory committee determines to have been spent in violation of G.S. 106-1074(e).

Authority G.S. 106-1074; S.L. 2023-134 House Bill 259 Section 10.1(c).

24 NCAC 02D .0104 GRANT AGREEMENT

(a) The advisory committee shall approve applications based on the criteria set forth by Article 88 of Chapter 106 of the North Carolina General Statutes. Once approved by the committee, a written agreement shall be executed between the grant recipient(s) and the North Carolina Agricultural Finance Authority.

(b) The agreement shall define the North Carolina Agricultural Finance Authority's and grant recipient's responsibilities and obligations, the project period, project scope, and the amount of grant assistance.

(c) The approved application and any support documentation submitted by the applicant shall become a part of the grant agreement.

(d) The grant agreement may be amended upon mutual consent and approval by the North Carolina Agricultural Finance Authority and the grant recipient(s). The grant recipient(s) shall submit a written request for amendment to the North Carolina Agricultural Finance Authority. Any amendment for consideration must adhere to the eligibility requirements set forth by Article 88 of Chapter 106 of the North Carolina General Statutes.

(e) Grant payments shall be made only for activities within the grant contract period and projects may not begin until the North Carolina Agricultural Finance Authority and grant recipient(s) sign the agreement.

(f) The grant agreement shall include a requirement that the grant recipient(s) understands, acknowledges, and agrees that in the event that the grant recipient(s)' veterinary license expires, is revoked, or is suspended during the fiscal year in which the grant is awarded, or the grant recipient(s) fails to practice a minimum of 30 percent large animal veterinary medicine in at least one designated county named in the grant recipient(s)' application, the grant recipient(s) shall repay the entire amount received from the Fund.

Authority G.S. 106-1074; S.L. 2023-134 House Bill 259 Section 10.1(c).

24 NCAC 02D .0105 REPORTING

(a) Grant recipients shall submit to the North Carolina Agricultural Finance Authority a written progress report within 180 days of receipt of the grant.

(b) Written reports shall describe the status of the project, progress toward achieving program objectives, notable occurrences, any problems encountered, and steps taken to overcome the problems, and a statement of affirmation that supports the following:

- (1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and
- (2) the grant recipient(s) is currently practicing a minimum of 30 percent large animal veterinary medicine across their cumulative practice in at least one designated county named in the grant recipient(s)' application.

(c) Upon completion of the project, the grant recipient shall make a final written report to the North Carolina Agricultural Finance Authority that shall include project accomplishments and benefits, all expenditures by line item as established in the application, and a statement of affirmation that supports the following:

- (1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and
- (2) the grant recipient(s) practiced a minimum of 30 percent large animal veterinary medicine across their cumulative practice in at least one designated county named in the grant recipient(s)' application.

(d) The North Carolina Agricultural Finance Authority shall review the progress reports for completeness, which shall include a showing of how the project is meeting its stated goals and performance standards. If the North Carolina Agricultural Finance Authority finds that the report is deficient in showing how the project is meeting its stated goals and performance standards, the grant recipient(s) shall be notified of the deficiency and shall provide a changed and corrected report within 30 business days. A corrected or changed report shall be submitted to the North Carolina Agricultural Finance Authority within 30 business days.

(e) All grant funds shall be spent within 180 days of receipt by the grant recipient. If grant funds are not spent by the grant recipient by the end of this 180-day period, the grant funds shall be returned to the North Carolina Agricultural Finance Authority.

(f) Grant recipient(s) shall submit monitoring reports annually to the North Carolina Agricultural Finance Authority by email at largeanimalvetgrants@ncagr.gov, as well as mailed to or hand

delivered to 1101 Spring Forest Road, Suite 150, Raleigh, North Carolina 27615. The monitoring reports shall include all the reporting requirements set forth in Paragraph (b) of this Rule.

Authority G.S. 106-1074; S.L. 2023-134 House Bill 259 Section 10.1(c).

24 NCAC 02D .0106 RECORDS

Grant recipients shall keep financial records, as defined in Rule .0102 of this Section, of the project for a period of five years, following completion of the project, or until audited. The records shall be made available to the Commissioner and the North Carolina Agricultural Finance Authority upon request. The North Carolina Agricultural Finance Authority shall maintain and

dispose of paper and electronic records in accordance with the approved Functional Schedule for North Carolina State Agencies, Program Record Retention and Disposition Schedule and Electronic Records and Imaging Policy, incorporated by reference with subsequent editions and amendments. The policy can be accessed free of charge at <https://archives.ncdcr.gov/documents/functional-schedule-state-agencies>.

Authority G.S. 106-1074; S.L. 2023-134 House Bill 259 Section 10.1(c).

Note from the Codifier: The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

TITLE 11 – DEPARTMENT OF INSURANCE

Rule-making Agency: Office of State Fire Marshal

Rule Citation: 11 NCAC 05A .1001

Effective Date: January 7, 2025

Findings Reviewed and Approved by the Codifier: December 27, 2024

Reason for Action: Pursuant to Section 1F.4 of S.L. 2024-57, the North Carolina Office of the State Fire Marshal (OSFM) proposes to adopt 11 NCAC 05A .1001 under emergency procedures to assist the Federal Emergency Management Agency's efforts to install transportable temporary housing units (TTHUs) to house displaced survivors of Hurricane Helene in Western North Carolina. FEMA's TTHUs are installed by contractors in accordance with each unit's manufacturer's installation instructions and applicable State building codes. However, FEMA's contractors are faced with a broad range of geographical challenges and other factors that make it difficult for them to set up TTHUs - particularly with respect to utility service connections (i.e., electrical wiring and plumbing) and foundations (i.e., setup, piers, footing, etc.) - in accordance with the North Carolina State Building Code. These challenges in turn make it very difficult for local inspectors to consistently and uniformly inspect these structures for compliance with the North Carolina State Building Code. Accordingly, the General Assembly directed OSFM to adopt emergency rules relating to the placement, construction, installation, and connection of temporary manufactured and modular dwellings so that these impediments to moving North Carolinians into safe and warm shelter may be removed.

Adherence to notice and hearing requirements is contrary to the public interest because such adherence would take too long to address the immediate need for the expediting of installation of FEMA TTHUs to shelter the victims of Hurricane Helene in Western North Carolina. In the wake of such a destructive hurricane, many North Carolinians are still without safe and warm shelter as Winter deepens and temperatures drop further. Simultaneously, FEMA's contractors are faced with a broad range of geographical challenges and other factors that make it difficult for them to set up TTHUs - particularly with respect to utility service connections (i.e., electrical wiring and plumbing) and foundations (i.e., setup, piers, footing, etc.) - in accordance with the North Carolina State Building Code. These challenges in turn make it very difficult for local inspectors to consistently and uniformly inspect these structures for compliance with the North Carolina State Building Code. Accordingly, the General Assembly directed OSFM to adopt emergency rules relating to the placement, construction, installation, and connection of

temporary manufactured and modular dwellings so that these impediments to moving North Carolinians into safe and warm shelter may be removed.

CHAPTER 05 - OFFICE OF STATE FIRE MARSHAL

SUBCHAPTER 05A - FIRE AND RESCUE

SECTION .1000 – DISASTER RESPONSE AND RECOVERY

11 NCAC 05A .1001 FEDERAL EMERGENCY MANAGEMENT AGENCY-OWNED TRANSPORTABLE TEMPORARY HOUSING UNITS

(a) Federal Emergency Management Agency ("FEMA")-owned transportable temporary housing units shall be installed in accordance with the manufacturer's installation instructions and the North Carolina State Building Code. Such housing units may use the following alternative methods for the installation of the structures and their foundations:

- (1) Footings for piers may be placed on the surface grade in lieu of the frostline depth where the grade under the footing is undisturbed or a compaction test is provided, and the underpinning encapsulates the entirety of the open space between the floor of the structure and the grade.
- (2) Longitudinal and lateral bracing systems may be used where pier footings are placed on grade surface, the height limitations described in the manufacturer instructions of the bracing system are not exceeded, and the four corners of the structure are provided with tie down strapping.
- (3) Positive drainage may be omitted where the grade under the structure contains no low areas or holes where water may accumulate.
- (4) Exterior landings for stairs not exceeding 36 square feet may be regulated by the applicable North Carolina Regulations for Manufactured Homes in lieu of the applicable North Carolina Residential Code.
- (5) Exterior landings for stairs may be omitted where the stairs are constructed in accordance with either the applicable North Carolina Regulations for Manufactured Homes or the applicable North Carolina Residential Code. If an exterior landing is omitted, the stair system shall have cross members on the structure side of the system for lateral support and all corners of the stair system shall be supported underneath by solid concrete blocks no less than four inches thick.

(b) External electrical systems used to supply power to FEMA-owned transportable temporary housing units and their equipment shall conform to the North Carolina Electrical Code. Such electrical systems may use the following alternative methods:

- (1) Electrical conduits may be installed without burial or further protection in the horizontal area between the electrical pedestal and the structure when such area is three feet or less.
- (2) Electrical conduits may be installed on top of the grade without burial where the conduit is boxed in with building materials, the covering is secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, the covering is painted orange and orange paint is reapplied to the covering every 60 days, and the lumber used for the building materials is treated.
- (3) Ridged metal conduits may be installed on top of the grade without burial, supporting, or covering with building materials if the conduit is painted orange and orange paint is reapplied to the conduit every 60 days.
- (4) Recreational Vehicles, as that term is defined in G.S. 20-4.01(32b), may be hardwired directly to electrical equipment using wiring in non-flexible conduits rather than a plug-and-cap.
- (5) Any temporary electrical service or pedestal may utilize a single ground rod without a supplemental ground electrode where the service or pedestal is used exclusively for the connection of a FEMA-owned transportable temporary housing unit or its accessory structure and equipment, all ungrounded circuits do not exceed 150 volts to ground, and the rating of the single disconnecting means, or the summation of the ratings of multiple overcurrent devices that serve together as the disconnecting means, does not exceed 100 amperes.

(c) External plumbing systems for connection to FEMA-owned transportable temporary housing units and their equipment shall conform to the North Carolina Residential Code and the North

Carolina Plumbing Code. Such plumbing systems may use the following alternative methods:

- (1) Water service and distribution pipes may be installed on top of grade where both sides of the piping are secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, electrical self-regulating pipe heating cable is installed with the piping, piping insulation to prevent freezing encapsulates the piping and heating cable, and the piping insulation is painted orange and orange paint is reapplied to the piping insulation every 60 days.
- (2) Drain-waste-vent pipes for the building drain and sewer may be installed on top of grade where both sides of the piping are secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, and the piping or its insulation where applicable is painted orange and orange paint is reapplied to the piping or its insulation every 60 days.
- (3) Drain-waste-vent pipes for the building drain and sewer installed on top of grade must be installed utilizing either a slope in accordance with the applicable North Carolina Plumbing Code or a sewage grinder pump including electrical self-regulating pipe heating cable and piping insulation to prevent freezing.
- (4) Where sewage grinder pumps are installed, the pump and tank shall be accessible for service, the pump tank shall be insulated with a box constructed from building materials and foam board of at least one and one-half (1 ½) inches thick, and the lumber used for the building materials shall be treated.

History Note: Authority G.S. 58-78A-2; S.L. 2024-57, s. 1F.4.;

Emergency Adoption Eff. January 7, 2025.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on December 19, 2024.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

PUBLIC HEALTH, COMMISSION FOR

Minimum Standard Health Department: Staffing 10A NCAC 46 .0301* 39:05 NCR

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Specialized Compliance and Control Tactics Instructor Tra... 12 NCAC 09B .0232* 38:24 NCR
Trainee Attendance 12 NCAC 09B .0404* 38:24 NCR
Completion of Basic Law Enforcement Training Course 12 NCAC 09B .0405* 38:24 NCR
Agency Head Responsibilities: Critical Incident Reporting 12 NCAC 09C .0104* 39:02 NCR

LABOR, DEPARTMENT OF

General Industry 13 NCAC 07F .0101* 39:05 NCR

ENVIRONMENTAL MANAGEMENT COMMISSION

Title V Insignificant Research and Development Activities... 15A NCAC 02Q .0529* 39:01 NCR

EDUCATION, STATE BOARD OF

Definitions 16 NCAC 06A .0201* 39:04 NCR
Administrative Office and Contact Information 16 NCAC 06A .0202 39:04 NCR
Definitions 16 NCAC 06D .0501* 39:04 NCR
State Graduation Requirements 16 NCAC 06D .0503* 39:04 NCR
Students with Disabilities 16 NCAC 06D .0506* 39:04 NCR
North Carolina Read to Achieve Program 16 NCAC 06D .0508* 39:04 NCR
Three-Year Graduation 16 NCAC 06D .0510 39:04 NCR
School Improvement Plan Dispute Resolution Process 16 NCAC 06G .0304 38:23 NCR
Local Board Cooperation with Assistance Teams 16 NCAC 06G .0307* 38:23 NCR
Due Process Protections for Employees of Low Performing S... 16 NCAC 06G .0308 38:23 NCR
School Reform Models 16 NCAC 06G .0317* 38:23 NCR
Parental Concern Hearing 16 NCAC 06G .0701* 39:04 NCR

TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Inactive Employer Extension Request 20 NCAC 02B .0216* 38:23 NCR
Refunds 20 NCAC 02B .0401* 38:23 NCR

LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Inactive Employer Extension Request 20 NCAC 02C .0213* 38:23 NCR
Refunds 20 NCAC 02C .0403 38:23 NCR
Local Governmental Employees' Retirement System Disabilit... 20 NCAC 02C .0505* 38:23 NCR

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

**10A NCAC 46 .0301 MINIMUM STANDARD
HEALTH DEPARTMENT: STAFFING**

In addition to meeting the requirements in 10A NCAC 48B .0103, to be accredited pursuant to G.S. 130A-34.1, a local health department shall meet the following requirements:

- (1) The local health department shall employ a full-time health director who meets the requirements of G.S. 130A-40, a full-time public health nurse who meets the requirements of Item (2) of this Rule, a full-time registered environmental health specialist who is authorized as an agent of the State in accordance with 15A NCAC 01O .0100, and a full-time administrative assistant. For purposes of this Rule, full-time means the employee is employed to work a standard work week of the local health department.
- (2) All public health nurses employed by a local health department shall:
 - (a) Hold an active and unencumbered license to practice as a registered nurse in the State of North Carolina in accordance with 21 NCAC 36, which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at <http://reports.oah.state.nc.us/ncac.asp>;
 - (b) Complete an introductory course in principles and practices of public health and public health nursing sponsored by the Department and developed by the Department with input from local health departments and schools of nursing. Public health nurses employed by a local health department after the effective date of this Rule shall complete the introductory course within one year of employment with the local health department. Public health nurses employed by a local health department on the effective date of this Rule who have not completed the introductory course or who completed it prior to January 1, 2023 shall complete the introductory course by December 31, 2027; and
 - (c) Complete within three years of first publication each public health nursing refresher course sponsored by the Department following the public health nurse's completion of the introductory course required in Sub-item (2)(b) of this Rule. Refresher courses shall be published on the

Division of Public Health's website at <https://www.dph.ncdhhs.gov/local-health-departments> and be based on the American Nurses Association's Public Health Nursing: Scope and Standards of Practice, 3rd edition and any subsequent amendments or editions, which is incorporated by reference and available at <https://www.nursingworld.org/nurses-books/> at a cost of thirty-eight dollars and ninety-five cents (\$38.95).

*History Note: Authority G.S. 130A-4; 130A-5(3); 130A-9; 130A-34.1;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. July 1, 1985;
Transferred and Recodified from 10 NCAC 12 .0101 Eff. April 4, 1990;
Amended Eff. October 1, 2008; September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. January 1, 2025.*

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 09B .0232 SPECIALIZED COMPLIANCE AND CONTROL TACTICS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Compliance and Control Tactics Instructor Certification shall consist of a minimum of 29 hours of classroom instruction plus time required to complete the tasks associated with Compliance and Control Tactics Instructional Methods and Demonstration, presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Specialized Compliance and Control Tactics Instructor Training course shall provide the trainee with the skills and knowledge to perform the function of a criminal justice

Specialized Compliance and Control Tactics Instructor in the Commission-accredited Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Compliance and Control Tactics Instructor Training shall:

- (1) have completed the Instructor Training course, pursuant to 12 NCAC 09B .0209;
- (2) present a letter from a physician, physician assistant, or nurse practitioner, who holds a current license in the United States to practice medicine, as issued by a state medical board, stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by either
 - (A) a certified School Director indicating the student is qualified to instruct Compliance and Control Tactics in the Commission-accredited Basic Law Enforcement Training Course; or
 - (B) a Department Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct Compliance and Control Tactics for the Law Enforcement Officers' Annual In-Service Training program; and
- (4) Within 365 days prior to enrollment in the Compliance and Control Tactics Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:
 - (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Compliance and Control Tactics; and
 - (B) achieve at least the 60th percentile on a physical fitness assessment.

(d) Each Specialized Compliance and Control Tactics Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|-----|--|---------|
| (1) | Orientation | 1 Hour |
| (2) | Response to Injury | 4 Hours |
| (3) | Combat Conditioning | 4 Hours |
| (4) | Safety Guidelines/Rules | 2 Hours |
| (5) | Fundamentals of Professional Liability | 4 Hours |
| (6) | Practical Skills Enhancement | 4 Hours |
| (7) | Student Instructional Practicum | 6 Hours |
| (8) | BLET Lesson Plan Review | 4 Hours |

History Note: Authority G.S. 17C-6; Eff. February 1, 1987; Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August

1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. January 1, 2025; April 1, 2022; January 1, 2021.

12 NCAC 09B .0404 TRAINEE ATTENDANCE

(a) Each trainee enrolled in a Commission-accredited Basic Law Enforcement Training Course shall attend all class sessions. The school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is enrolled.

(b) The school director may excuse a trainee from attendance at specific class sessions for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances which precluded the trainee from attending a class session. However, in no case may excused or unexcused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total of class absences exceeds five percent regardless of the prior completion of make-up work.

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction. Make-up work shall be documented on the F-26 BLET Student Absence/Make Up Training Report. The F-26 BLET Student Absence/Make Up Training Report shall contain the following:

- (1) school/Academy Name;
- (2) class Name;
- (3) student name and ACADIS ID number;
- (4) course topic, date, and hours missed;
- (5) reason for missed time;
- (6) student and School Director signatures;
- (7) course topic and hours made up; and
- (8) instructor name and signature.

(d) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this

Section shall only apply to courses that began during the effective period of the State of Emergency.

(e) The School Director shall provide the following information to the Director of the Criminal Justice Standards Division for consideration of a waiver under Paragraph (d) of this Rule:

- (1) a memorandum justifying the absence waiver;
- (2) specific documentation related to the trainee's request; and
- (3) a training completion plan pursuant to Paragraph (c) of this Rule.

(f) A school director shall terminate a trainee from course participation or shall deny certification of successful course completion where the trainee is tardy to or departs early from four class meetings or field exercises.

(g) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements of the Commission, the trainee, upon the authorization of the school director, shall be deemed to have satisfactorily completed the required number of hours for attendance provided the trainee's attendance is not less than 100 percent of the instructional hours as required by the Commission.

(h) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion.

(i) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the "Specialized Compliance and Control Tactics Instructor Training" course under Rule .0232 of this Subchapter, the "Specialized Physical Fitness Instructor Training" course under Rule .0233 of this Subchapter, the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training" course under Rule .0417 of this Subchapter, or the "Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques" course under Rule .0241 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

(j) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0209, .0226, .0227, .0232, .0233, or .0417, the Director of the Criminal Justice Standards Division shall grant a waiver for completion of course requirements in a course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the absence. For the purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the student from completing the entire course in one continuous course delivery.

(k) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this Subchapter,

the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 1981; Amended Eff. November 1, 1981; Readopted Eff. July 1, 1982; Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1, 1993; July 1, 1989; February 1, 1987; June 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. January 1, 2025; April 1, 2022; August 1, 2021.

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each delivery of a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all modules as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraph (b) of this Rule during a scheduled delivery. The school director may develop supplemental requirements as set forth in Rule .0202(a)(5) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director of the Standards Division shall issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of BLET but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;
- (2) the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or
- (3) the trainee participated in a BLET course but had an identified deficiency in topical area or skill areas in no more than two of the specific

topic areas incorporated in course content as prescribed under Rule .0205 of this Subchapter; For the purposes of this Rule, "limited enrollment" is defined as the requirement to complete the specific number of courses and course hours in which the trainee is deficient. The trainee who is deficient in more than two academic areas or motor skills shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.

(b) The trainee shall demonstrate proficiency in the academic tests by achieving a minimum score of 70 percent on each academic test. If a trainee scores below 70 percent on each academic test, remediation will focus on re-teaching the specific concepts and skills in the topical area(s) that a trainee fails to achieve a passing score, as follows:

- (1) a trainee who fails to achieve a passing score of 70 percent on the first attempt shall have one opportunity for reexamination following remediation;
- (2) a trainee shall be allowed failure, remediation, and reexamination in no more than four topical area tests;
- (3) upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or reexamination and shall be immediately dismissed from the course and shall be required to complete a subsequent delivery of BLET in its entirety.

(c) An authorization of limited enrollment in a subsequent delivery of the BLET shall not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a) of this Rule:

- (1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and
- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

(d) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

- (1) The trainee shall attend and complete in its entirety each topical area identified by the school director as an area of trainee deficiency in the prior course participation with the exception of the "Officer Health and Wellness" topical area.
- (2) The two options available for satisfying a deficiency in the "Officer Health and Wellness" topical area are:
 - (A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that

the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

(B)

A certified "Officer Health and Wellness" instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

(3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and having received passing grades on all required topic and motor-skill tests, and having no deficiencies, the trainee shall be eligible for administration of the State comprehensive examination by the Commission, as set forth in Rule .0406 of this Section.

(e) This Rule does not apply to Basic Law Enforcement Training courses that were in progress as of January 1, 2025.

History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 1981; Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984; January 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019. Amended Eff. January 1, 2025.

12 NCAC 09C .0104 AGENCY HEAD RESPONSIBILITIES: CRITICAL INCIDENT REPORTING

(a) For all criminal justice agencies in the State that employ personnel certified by the North Criminal Justice Education and Training Standards Commission, the Agency head shall submit the Critical Incident Report, (F-27), to the Criminal Justice Standards Division no later than 30 days after making the determination that an incident involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has occurred. The Critical Incident Report (F-27) shall contain the following:

- (1) date of incident;
- (2) location of incident;
- (3) person(s) involved and their participation; and
- (4) whether the incident involved serious bodily injury or death.

(b) In addition to the reporting in Paragraph (a) of this Rule, the Agency head for any criminal justice agency in the State that employs personnel certified by the North Criminal Justice Education and Training Standards Commission, shall submit the Annual Critical Incident Report, (F-27A), to the Criminal Justice Standards Division no later than the following January 15th of each year, listing all incidents involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person. The Annual Critical Incident Report (F-27A) shall contain the following:

- (1) the total number of incidents involving the use of force resulting in death or serious bodily injury;
- (2) date of incident;
- (3) location of incident; and
- (4) whether the incident had previously been reported on the Critical Incident Report (F-27).

(c) Within 30 days of receipt of an F-27, the Division shall give written notice to any law enforcement officer who is reported to the Division as having been involved in a critical incident. The notice will contain language notifying the officer that, if the officer disputes being involved in a critical incident, the officer has a right to request a hearing in superior court for a determination of whether the officer's involvement should be properly placed in the database. The notice will inform the officer that the Division will not place the officer's involvement in the database if it receives notice from the officer within 30 days of receipt of notice that the officer has requested a hearing in superior court. If the officer requests a hearing in superior court, the Division will not place the officer's involvement in the database until a determination is made by superior court that the officer's involvement would be properly placed in the database. If, subsequent to the placement of an officer's involvement in the database, a superior court determines that the officer's involvement is not properly placed, the Division will remove the officer's involvement from the database.

History Note: Authority G.S. 17-6; 17C-15; Eff. January 1, 2025.

TITLE 13 - DEPARTMENT OF LABOR

13 NCAC 07F .0101 GENERAL INDUSTRY

The provisions for the Occupational Safety and Health Standards for General Industry, Title 29 of the Code of Federal Regulations Part 1910 promulgated as of October 10, 2024; and exclusive of subsequent amendments, are incorporated by reference except as modified or amended in 13 NCAC 07F .0103.

History Note: Authority G.S. 95-131; 95-133; 150B-21.6; Eff. August 2, 1993;

Temporary Amendment Eff. August 16, 1993, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. April 1, 1996; January 1, 1996; September 6, 1995; April 1, 1995;

Temporary Amendment Eff. April 1, 1996;

Amended Eff. September 1, 1996; June 3, 1996;

Temporary Amendment Expired January 26, 1997;

Amended Eff. August 13, 2007; November 22, 2006; May 30, 2006; November 14, 2005; April 14, 2005; September 17, 2004; June 30, 2004; September 4, 2003; July 1, 2003; October 1, 2001; November 14, 2000; September 3, 1999; February 22, 1999; October 8, 1998; July 1, 1998; April 8, 1998; October 15, 1997; March 7, 1997; February 28, 1997; February 11, 1997;

Recodified Items (1) - (4) to Rules .0103 - .0106 Eff. December 17, 2007;

Amended Eff. October 8, 2014; November 18, 2013; June 18, 2013; February 5, 2013; June 11, 2012; October 31, 2011; July 1, 2010; November 12, 2009; October 15, 2009; April 23, 2009; April 17, 2008; February 13, 2008;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;

Amended Eff. January 8, 2021; September 23, 2020; April 10, 2020; February 14, 2020; October 7, 2019; June 3, 2019; December 12, 2018; November 7, 2018; July 1, 2017; May 1, 2017; September 2, 2016; April 22, 2016;

Amended Eff. July 21, 2021 as an emergency temporary standard; Amended Eff. March 4, 2022 (expiration of emergency temporary standard);

Amended Eff. January 1, 2025; September 1, 2022.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 02Q .0529 TITLE V INSIGNIFICANT RESEARCH AND DEVELOPMENT ACTIVITIES EXEMPTION

(a) For the purposes of this Rule, "research and development activities" or "R&D activities" means the following:

- (1) activities conducted to test more efficient production processes or methods for preventing or reducing adverse impacts on the environment, provided that the activities do not include or contribute to the production of an intermediate or final product for sale or exchange for commercial profit; and
- (2) activities conducted at a research or laboratory facility, the primary purpose of which is to conduct research and development into new processes and products, and that is not engaged in or contributing to the manufacture of products for sale or exchange for commercial profit.

(b) Notwithstanding the definition of "insignificant activities because of size or production rate" in 15A NCAC 02Q .0503(8), R&D activities that meet the definition in Paragraph (a) of this Rule and are located at a major facility, as defined pursuant to 15A NCAC 02Q .0103, shall qualify as an insignificant activity

because of size or production rate if the R&D activities meet the following requirements:

- (1) emissions from the R&D activities would not violate any applicable emissions standard;
- (2) actual emissions of particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide, from the R&D activities, before accounting for air pollution control devices, are each no more than five tons per year;
- (3) actual emissions of each hazardous air pollutant from the R&D activities, before air pollution control devices, are below 1,000 pounds per year; and
- (4) potential emissions, as defined in 15A NCAC 02Q .0103, from the R&D activities are less than the major source emission thresholds specified in 40 CFR 70.2, which have been incorporated by reference in 15A NCAC 02Q .0106.

(c) Pursuant to the application requirements in 15A NCAC 02Q .0507(b), the owner or operator of a new major facility shall include in the Title V permit application R&D activities that qualify as an insignificant activity because of size or production rate pursuant to Paragraph (b) of this Rule. For an existing major facility with new R&D activities that qualify as an insignificant activity pursuant to Paragraph (b) of this Rule, the owner or operator shall provide notification of the R&D activities to the Division of Air Quality no less than seven days prior to commencing the R&D activities. The owner or operator of insignificant R&D activities, pursuant to Paragraph (b) of this Rule, shall keep records at least five years demonstrating compliance with this Rule and provide those records to the Division upon request.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108; S.L. 2023-134, s. 12.11.(d); Eff. January 1, 2025.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

16 NCAC 06A .0201 DEFINITIONS

As used in this Chapter, the following definitions apply unless otherwise specified:

- (1) "Board," "SBE," or "NCSBE" means the State Board of Education.
- (2) "Charter school" means a public school organized and operated under Chapter 115, Article 14A of the General Statutes.
- (3) "Department," "DPI," or "NCDPI" means the Department of Public Instruction.
- (4) "High school" means a public school offering education in Grades 9 through 12 or 10 through 12.
- (5) "Institution of higher education" or "IHE" means a community college, two-year college, four-year college, or university accredited by an

agency recognized by the United States Secretary of Education to be a reliable authority on accreditation.

- (6) "Junior high school" means a public school offering education in Grades 6 through 9 or 7 through 9.
- (7) "Local education agency" or "LEA" means a local school administrative unit.
- (8) "Local board of education" or "local board" is defined in G.S. 115C-5(5).
- (9) "Local school administrative unit" or "LSAU" is defined in G.S. 115C-5(6).
- (10) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes.
- (11) "Middle school" means a public school offering education in Grades 6 through 8.
- (12) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes.
- (13) "Professional educator" is defined in G.S. 115C-270.1(2).
- (14) "Public school" or "school" means a public institution offering tuition-free education at any level from Kindergarten through Grade 12 and that is under the jurisdiction of a public school unit.
- (15) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).
- (16) "PSU governing body" or "governing body of a public school unit" is defined in G.S. 115C-5(3a).
- (17) "Regional school" is defined in G.S. 115C-238.61(4).
- (18) "School district" is defined in G.S. 115C-5(4).
- (19) "School for the blind" is defined in G.S. 115C-150.10(6).
- (20) "School for the deaf" is defined in G.S. 115C-150.10(7).
- (21) "School year" or "academic year" means a calendar year beginning on July 1 of one year and ending on June 30 of the following year.
- (22) "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade 12 in any public school unit.

History Note: Authority G.S. 115C-5; 115C-12; 115C-150.10; 115C-218; 115C-238.61; 115C-270.1; Eff. January 1, 2025.

16 NCAC 06A .0202 ADMINISTRATIVE OFFICE AND CONTACT INFORMATION

(a) The administrative offices for the State Board of Education and the Department of Public Instruction are located in the New Education Building, 301 North Wilmington Street, Raleigh, North Carolina 27601.

(b) The mailing address for the State Board of Education and the Department of Public Instruction is 6301 Mail Service Center, Raleigh, North Carolina 27699. To the extent that any rule in this Chapter calls for materials to be submitted via physical mail to the SBE, DPI, or any officer or employee thereof, the sender shall utilize this mailing address.

History Note: Authority G.S. 115C-5; 115C-12; Eff. January 1, 2025.

16 NCAC 06D .0501 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Alternative assessment" is defined in G.S. 115C-83.3.
- (2) "Career and technical education" or "CTE" means education designed to teach a set of technical or career-based skills, including agriculture, business and finance, family and consumer science, health science, information technology, marketing, technology, and industrial trades.
- (3) "Child with a disability" is defined in G.S. 115C-106.3(1).
- (4) "Content area" means a subject matter, academic discipline, or knowledge domain, such as a core academic area, career and technical education, or the arts.
- (5) "Content standards" means the knowledge, concepts, and skills that a student should acquire at a specific grade level or within a specific content area. The Standard Course of Study indicates the minimum content standards for students in North Carolina.
- (6) "Core academic areas" means the academic disciplines of reading, writing, mathematics, science, history, geography, and civics.
- (7) "Course credit" means the documented recognition that a student has demonstrated, to the satisfaction of the governing body of a public school unit and consistent with the content standards, rigor, breadth, and depth of the Standard Course of Study, mastery of the content area for which the credit is being earned.
- (8) "Elective course credit" means course credit not specifically mandated by law or by this Section.
- (9) "Individualized education program" or "IEP" is defined in G.S. 115C-106.3(8).
- (10) "IEP team" is defined in G.S. 115C-106.3(7).
- (11) "Occupational preparation education" means instruction designed to prepare a student identified as a child with a disability for post-secondary education, employment, or independent living.
- (12) "Postsecondary plans" means a student's educational or occupational plans after graduating from high school, such as one of the following:

- (a) Enrollment in an institution of higher education.
 - (b) Full-time employment.
 - (c) Enlistment in the military.
- (13) "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.

History Note: Authority G.S. 115C-12(9c); 115C-12(9d); 115C-81.5; 115C-81.25; 115C-81.45; 115C-81.90; 115C-83.3; 115C-83.31; 115C-83.32; 115C-106.3; Eff. December 1, 1999; Amended Eff. January 2, 2006; April 1, 2005; Readopted Eff. January 1, 2025.

16 NCAC 06D .0503 STATE GRADUATION REQUIREMENTS

(a) To graduate from a public high school in North Carolina and be issued a high school diploma by the governing body of a public school unit, a student shall satisfy the requirements set forth in this Rule. The requirements for each student are determined by the school year in which the student first enrolls in Grade 9. The requirements for a student who has been identified as a child with a disability and whose IEP team has determined cannot satisfy the standard state graduation requirements are set forth in 16 NCAC 06D .0506.

(b) A student who first enrolled in Grade 9 in the 2020-2021 school year shall earn a total of 22 course credits, including the following:

- (1) Four course credits in the content area of English and language arts, which shall consist of:
 - (A) English I;
 - (B) English II;
 - (C) English III; and
 - (D) English IV
- (2) Four course credits in the content area of mathematics, which shall consist of:
 - (A) NC Math I;
 - (B) NC Math II;
 - (C) NC Math III; and
 - (D) A fourth course credit aligned with the student's postsecondary plans.

A student may, with the approval of the principal of the student's school, complete a CTE course approved by DPI in lieu of NC Math III.
- (3) Three course credits in the content area of science, which shall consist of:
 - (A) Biology;
 - (B) One course in physical science; and
 - (C) One course in earth and environmental science.
- (4) Four course credits in the content area of social studies, which shall consist of:

- (A) One course on founding principles of the United States, which shall be either American History: Founding Principles, Civics, and Economics; or Founding Principles of the United States of America and North Carolina: Civic Literacy;
 - (B) Economics and Personal Finance;
 - (C) One course in American history, which shall be either American History, American History I, or American History II; and
 - (D) World History.
- (5) One course credit in the content area of health and physical education, including completion of instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10).
- (6) Two elective course credits in any combination of the following content areas:
- (A) Career and technical education;
 - (B) Visual or performing arts education; or
 - (C) World languages education.
- (7) Four elective course credits in any combination of the following content areas:
- (A) Career and technical education;
 - (B) Visual or performing arts education;
 - (C) Reserve Officer Training Corps ("ROTC"); or
 - (D) Any other content area.
- (c) A student who first enrolled in Grade 9 in the 2021-2022, 2022-2023, 2023-2024, 2024-2025, or 2025-2026 school years shall earn a total of 22 course credits, including the following:
- (1) Four course credits in the content area of English and language arts, which shall consist of:
 - (A) English I;
 - (B) English II;
 - (C) English III; and
 - (D) English IV
 - (2) Four course credits in the content area of mathematics, which shall consist of:
 - (A) NC Math I;
 - (B) NC Math II;
 - (C) NC Math III; and
 - (D) A fourth course credit aligned with the student's postsecondary plans.

A student may, with the approval of the principal of the student's school, complete a CTE course approved by DPI in lieu of NC Math III.
 - (3) Three course credits in the content area of science, which shall consist of:
 - (A) Biology;
 - (B) One course in physical science; and
 - (C) One course in earth and environmental science.
 - (4) Four course credits in the content area of social studies, which shall consist of:
 - (A) Founding Principles of the United States of America and North Carolina: Civic Literacy;
 - (B) Economics and Personal Finance;
- (4) Four course credits in the content area of social studies, which shall consist of:
- (A) Founding Principles of the United States of America and North Carolina: Civic Literacy;
 - (B) Economics and Personal Finance;
 - (C) American History; and
 - (D) World History.
- (5) One course credit in the content area of health and physical education, including completion of instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10).
- (6) Two elective course credits in any combination of the following content areas:
- (A) Career and technical education;
 - (B) Visual or performing arts education; or
 - (C) World languages education.
- (7) Four elective course credits in any combination of the following content areas:
- (A) Career and technical education;
 - (B) Visual or performing arts education;
 - (C) Reserve Officer Training Corps ("ROTC"); or
 - (D) Any other content area.
- (d) A student who first enrolled in Grade 9 in the 2026-2027 school year or thereafter shall earn a total of 22 course credits, including the following:
- (1) Four course credits in the content area of English and language arts, which shall consist of:
 - (A) English I;
 - (B) English II;
 - (C) English III; and
 - (D) English IV
 - (2) Four course credits in the content area of mathematics, which shall consist of:
 - (A) NC Math I;
 - (B) NC Math II;
 - (C) NC Math III; and
 - (D) A fourth course credit aligned with the student's postsecondary plans.

A student may, with the approval of the principal of the student's school, complete a CTE course approved by DPI in lieu of NC Math III.
 - (3) Three course credits in the content area of science, which shall consist of:
 - (A) Biology;
 - (B) One course in physical science; and
 - (C) One course in earth and environmental science.
 - (4) Four course credits in the content area of social studies, which shall consist of:
 - (A) Founding Principles of the United States of America and North Carolina: Civic Literacy;
 - (B) Economics and Personal Finance;

- (C) American History; and
- (D) World History.
- (5) One course credit in the content area of health and physical education, including completion of instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10).
- (6) One course credit in the content area of computer science, as prescribed in G.S. 115C-81.90. A student shall be exempt from this requirement if the student transfers from a nonpublic school or a school in another state to a North Carolina public school after completion of Grade 11, or if the student has been identified as a child with a disability and the student's IEP team determines that the student's disability would prevent the student from completing the course credit.
- (7) Two elective course credits in any combination of the following content areas:
 - (A) Career and technical education;
 - (B) Visual or performing arts education;
 - or
 - (C) World languages education.
- (8) Three elective courses any other content area.

(e) A student who first enrolled in Grade 9 in the 2025-2026 school year shall have earned at least one course credit in visual or performing arts from Grade 6 through 12. A student shall be exempt from this requirement if the student transfers from a nonpublic school or a school in another state to a North Carolina public school in Grade 9 or thereafter and the requirement would prevent the student from graduating with the cohort of students to which the student was assigned upon transfer.

(f) In determining whether a student who is the child of a military family has satisfied the requirements established by this Rule, the governing body of a public school unit shall consider and comply with all requirements of the Interstate Compact on Educational Opportunity for Military Children, codified at G.S. 115C-407.5.

History Note: Authority G.S. 115C-12(9c); 115C-12(9d); 115C-81.5; 115C-81.25; 115C-81.45; 115C-81.90; 115C-83.31; 115C-83.32;

Eff. December 1, 1999;

Amended Eff. January 2, 2006; April 1, 2005; September 1, 2002; December 1, 2001; December 1, 2000;

Readopted Eff. January 1, 2025.

16 NCAC 06D .0506 STUDENTS WITH DISABILITIES

(a) To graduate from a public high school in North Carolina and be issued a high school diploma by the governing body of a public school unit, a student who has been identified as a child with a disability in accordance with Chapter 115C, Article 9 of the General Statutes and whose IEP team has determined cannot satisfy the standard state graduation requirements set forth in 16 NCAC 06D .0503 shall satisfy the requirements set forth in this Rule. The requirements for each student are determined by the school year in which the student first enrolls in Grade 9.

(b) A student who first enrolled in Grade 9 in the 2020-2021 school year shall earn a total of 22 course credits, including the following:

- (1) Four course credits in the content area of English and language arts, which shall consist of:
 - (A) English I;
 - (B) English II;
 - (C) English III; and
 - (D) English IV.
- (2) Three course credits in the content area of mathematics, which shall consist of:
 - (A) Introduction to Mathematics;
 - (B) NC Math I; and
 - (C) Financial Management.
- (3) Two course credits in the content area of science, which shall consist of:
 - (A) Biology; and
 - (B) Applied Science
- (4) Two course credits in the content area of social studies, which shall consist of:
 - (A) One course on founding principles of the United States, which shall be either American History: Founding Principals, Civics, and Economics; or Founding Principles of the United States of America and North Carolina: Civic Literacy; and
 - (B) Economics and Personal Finance.
- (5) One course credit in the content area of health and physical education, including completion of instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10). The governing body of a public school unit shall provide appropriate accommodations in accordance with the student's approved IEP.
- (6) Six course credits occupational preparation education, which shall consist of:
 - (A) Occupational Preparation I or Employment Preparation I: Science;
 - (B) Occupational Preparation II, or Employment Preparation II: Citizenship 1A and Employment Preparation II: Citizenship 1B;
 - (C) Occupational Preparation III or Employment Preparation III: Citizenship 2A and Employment Preparation III: Citizenship 2B; and
 - (D) Occupational Preparation IV or Employment Preparation IV: Math.
- (7) Four elective credits in career and technical education.

(c) A student who first enrolled in Grade 9 in the 2021-2022, 2022-2023, 2023-2024, 2024-2025, or 2025-2026 school years shall earn a total of 22 course credits, including the following:

- (1) Four course credits in the content area of English and language arts, which shall consist of:

- (A) English I;
 - (B) English II;
 - (C) English III; and
 - (D) English IV.
- (2) Three course credits in the content area of mathematics, which shall consist of:
- (A) Introduction to Mathematics;
 - (B) NC Math I;
 - (C) Financial Management; and
 - (D) Employment Preparation IV: Math, including 150 of the work hours required by Subparagraph (d)(1) of this Rule.
- (3) Three course credits in the content area of science, which shall consist of:
- (A) Biology;
 - (B) Applied Science; and
 - (C) Employment Preparation I: Science, including 150 of the work hours required by Subparagraph (d)(1) of this Rule.
- (4) Four course credits in the content area of social studies, which shall consist of:
- (A) Founding Principles of the United States of America and North Carolina: Civic Literacy;
 - (B) Economics and Personal Finance;
 - (C) Employment Preparation II: Citizenship 1A, including 75 of the work hours required by required by Subparagraph (d)(1) of this Rule; and
 - (D) Employment Preparation II: Citizenship 1B, including 75 of the work hours required by required by Subparagraph (d)(1) of this Rule.
- (5) One course credit in the content area of health and physical education, including completion of instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10). The governing body of a public school unit shall provide appropriate accommodations in accordance with the student's approved IEP.
- (6) Two additional course credits occupational preparation education, which shall consist of:
- (A) Employment Preparation III: Citizenship 2A, including 75 of the work hours required by required by Subparagraph (d)(1) of this Rule; and
 - (B) Employment Preparation III: Citizenship 2B, including 75 of the work hours required by required by Subparagraph (d)(1) of this Rule.
- (7) Four elective credits in career and technical education.

(d) In addition to completing the course credits listed in this Rule, the student must complete the following:

- (1) 600 work hours consisting of the following:

- (A) 150 hours of school-based vocational training with activities and experiences that align with the student's postsecondary plans;
 - (B) 225 hours of community-based vocational training; and
 - (C) 225 hours of paid employment or 225 hours of unpaid vocational training, an unpaid internship, paid employment at a community rehabilitation facility, or community service.
- (2) A career portfolio.
 - (3) Any other objectives identified in the student's IEP.

(e) In determining whether a student who is the child of a military family has satisfied the requirements established by this Rule, the governing body of a public school unit shall consider and comply with all requirements of the Interstate Compact on Educational Opportunity for Military Children, codified at G.S. 115C-407.5.

(f) The governing body of a public school unit shall award a Graduation Certificate to a child with a disability who does not earn a high school diploma by the age of 22 or who completes the requirements of this Rule except for the 225 hours of employment identified in Part (d)(1)(C) of this Rule. The student shall be allowed to participate in high school graduation exercises.

History Note: Authority G.S. 115C-12(9c); 115C-12(9d); 115C-81.5; 115C-81.25; 115C-81.45; 115C-81.90; 115C-83.3; 115C-83.31; 115C-83.32; 115C-106.3; Eff. December 1, 1999; Amended Eff. April 1, 2005; Readopted Eff. January 1, 2025.

16 NCAC 06D .0508 NORTH CAROLINA READ TO ACHIEVE PROGRAM

(a) The governing board of each public school unit shall adopt retention and promotion policies for students in Grade 3 that are consistent with Chapter 115C, Article 8, Part 1a of the General Statutes.

(b) For the purpose of implementing the requirements of Chapter 115C, Article 8, Part 1a of the General Statutes, local school administrative units shall utilize the alternative assessment approved by the State Board of Education in accordance with G.S. 115C-83.3. Any alternative assessment approved by the SBE shall include the requirements listed in G.S. 115C-83.6(b) and shall not include the use of a "three-cueing system" as defined in G.S. 115C-83.3(9a).

(c) The board of directors for a charter school may use an alternative assessment of its choice to satisfy the requirements of Chapter 115C, Article 8, Part 1a of the General Statutes, provided that the board of directors notifies the SBE of the assessment it intends to use no later than December 1 of the school year in which it intends to use the alternative assessment. The board of directors shall be responsible for any expenses associated with utilization of any alternative assessment other than the SBE-approved alternative assessment.

(d) The provisions of Paragraph (c) of this Rule shall also apply to the following:

- (1) a local board of education, with respect to any school under the local board's jurisdiction that has been authorized to operate under the Restart Model in accordance with 16 NCAC 06G .0317.
- (2) a chancellor, with respect to any school operated as a laboratory school under Chapter 116, Article 29A of the General Statutes, if the chancellor accepts funding appropriated by the General Assembly to support the Read to Achieve program.

- (2) loss of access to high school services and programming, including extracurricular activities, interscholastic athletics, nutritional services, and school counseling.

(e) For purposes of supplemental tutoring offered in accordance with G.S. 115C-83.8(e), a student is identified as "retained twice" if the student was retained once in Kindergarten, Grade 1, Grade 2, or Grade 3, and was retained again in Grade 3 either by placement in a Grade 3 class or a combined Grades 3 and 4 class in which the student received Grade 3 instruction in reading.

(e) The local superintendent shall verify that the student has met the minimum graduation requirements of 16 NCAC 06D .0503 or 16 NCAC 06D .0506.

(f) No later than 45 school days after receipt of a request, the local superintendent shall approve the request upon verification of the student's eligibility and compliance with the procedures set forth in this Rule. 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.

History Note: Authority G.S. 115C-12; 115C-83.1; 115C-83.3; 115C-83.6; 115C-83.7; 115C-83.7A; 115C-83.8; 115C-83.10; 115C-174.11; 115C-218.85; Eff. July 1, 2014; Amended Eff. January 1, 2025.

(g) Before students select their course schedules for Grade 9, PSUs shall provide students with information on how to graduate from high school within three years. Such information shall include the topics listed in Paragraph (d) of this Rule as well as a course schedule that, if followed, will satisfy the minimum graduation requirements of 16 NCAC 06D .0503 or 16 NCAC 06D .0506.

16 NCAC 06D .0510 THREE-YEAR GRADUATION

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

- (1) "Local superintendent" means the superintendent of a local school administrative unit or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
- (2) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a), except that 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.

History Note: Authority G.S. 115C-12(9d); 115C-83.31; 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; Eff. January 1, 2025.

(b) A student enrolled in a PSU who requests to graduate from high school three 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.

16 NCAC 06G .0304 SCHOOL IMPROVEMENT PLAN DISPUTE RESOLUTION PROCESS

(c) The student shall complete and sign a 3-year graduation request form provided by the student's PSU. The form shall 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.

(a) If a local board of education ("board") does not accept a school's improvement plan within 60 days after the principal initially submitted the plan to the board, the board or the school (hereinafter collectively "the parties") shall have 30 days to file a request with the SBE to resolve any disagreement over the plan. The request shall be signed by either the board chair or the principal. The principal shall represent the position of the school improvement team. The request shall include the school's proposed improvement plan, the board's proposed changes to that plan, and a summary of the disputed issues.

(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; and

(b) The Superintendent of Public Instruction or the Superintendent's delegee shall appoint a decisionmaker to conduct and control all the proceedings related to the dispute and resolve the dispute.

(c) The decisionmaker shall give the parties the opportunity to submit evidence, state their arguments, and respond to the other party's evidence and arguments.

(d) If the parties reach a voluntary resolution of the dispute before the decisionmaker serves a signed school improvement plan on the parties under Subparagraph (e) of this Rule, they shall serve a school improvement plan signed by all the parties on the decisionmaker. The served plan shall become the school improvement plan.

(e) After the decisionmaker has given the parties the opportunity to submit evidence and arguments, the decisionmaker shall create

a school improvement plan that consists of those components on which the parties agree and those components from either the school improvement team's proposed plan or the board's proposed plan that the decisionmaker determines are most likely improve student performance.

(f) Once the decisionmaker has signed the plan and served it on the parties, the decisionmaker's plan shall become the school improvement plan and shall constitute a final resolution of the dispute under G.S. 115C-105.20(b)(5).

(g) Any requests, notices, or correspondence from the decisionmaker or any party required or permitted under this Rule shall be served on the other party and the decisionmaker in the manner prescribed in G.S. 1A-1, Rule 5 of the North Carolina Rules of Civil Procedure.

History Note: Authority G.S. 115C-12(9)c4; 115C-105.20(b)(5); Eff. November 1, 1997; Readopted Eff. January 1, 2025.

16 NCAC 06G .0307 LOCAL BOARD COOPERATION WITH ASSISTANCE TEAMS

Local boards of education and local school employees shall cooperate with assistance teams in the performance of their duties under G.S. 115C-105.38 and shall comply with all assistance team requests for access to information, documents, students, personnel and meetings.

History Note: Authority G.S. 115C-12(9)c4; Eff. January 2, 1998; Readopted Eff. January 1, 2025.

16 NCAC 06G .0308 DUE PROCESS PROTECTIONS FOR EMPLOYEES OF LOW PERFORMING SCHOOLS

(a) At any hearing conducted by a panel of the State Board of Education (SBE) pursuant to the provisions of G.S. 115C-325(q) and G.S. 115C-325.11, the panel shall sit as an impartial tribunal to receive evidence and to decide based on a preponderance of that evidence whether the principal, assistant principal, teacher, supervisor, director, or superintendent (hereinafter referred to as "the employee") shall be reinstated, demoted, or dismissed. The assistance team assigned to the school or district where the employee was assigned shall present the case against the employee with the assistance of any staff or legal counsel appointed by the SBE.

(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; and
- (4) make any procedural decisions.

(d) In any hearing pursuant to the provisions of G.S. 115C-325(q) and 115C-325.11, the assistance team shall have the burden of proof but, in accordance with G.S. 115C-325(q) or 115C-325.11, the findings and recommendations of the assistance team shall be substantial evidence of the inadequate performance of the employee.

(e) The panel's decision shall contain:

- (1) findings of fact;
- (2) conclusions of law;
- (3) a description of any disciplinary actions to be imposed on the employee; and
- (4) a statement that the employee may file a notice of appeal to the full SBE within 10 days of receipt of decision by mailing the notice to the State Board of Education's Office of General Counsel, 6301 Mail Service Center, Raleigh, NC 27699-6301, and emailing a copy of the notice of appeal to Office of General for the State Board of Education.

(f) An appeal from the SBE panel's decision to the full SBE shall be on the record. In accordance with a schedule set by the SBE, the employee may submit a written brief of no more than 8,750 words. The assistance team may file a response of no more than 8,750 words within seven business days after service of the employee's brief. Word counts shall conform to Rule 28(j) of the North Carolina Rules of Appellate Procedure and parties shall certify their word counts on the last page of any brief. The SBE shall consider the appeal at its next regularly-scheduled meeting that is at least 20 days after receipt of notice of the appeal and shall render a decision within 30 days after that meeting is adjourned, unless the SBE determines that good cause, as defined by 26 NCAC 03 .0118, exists to extend those periods or the SBE and all the parties agree to extend any period. The members of the panel that decided the case may fully participate in the appeal. The full SBE shall decide the appeal based upon a preponderance of the evidence in the record. The SBE's decision shall include findings of fact, conclusions of law, and a description of any disciplinary actions to be imposed on the employee. Appeal from the SBE decision shall be in accordance with Chapter 150B of the General Statutes.

(g) Before the SBE revokes a superintendent's license or terminates the contract of a superintendent pursuant to G.S. 115C-105.39(c)(2), the SBE shall provide the superintendent with notice of how the superintendent has failed to cooperate with the assistance team or has otherwise hindered the school's ability to improve. The superintendent shall have ten days to deliver a written response to the charges. If the SBE decides to revoke the superintendent's license or terminate the superintendent's contract, the SBE shall make written findings to support those actions. The SBE's decision shall constitute a final agency action subject to review under Chapter 150B of the General Statutes.

(h) 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 06C .0600 shall apply.

(i) Any requests, notices, or correspondence from the SBE or parties required or permitted under this Rule shall be served on

the SBE and any other party in the manner prescribed in G.S. 1A-1, Rule 5 of the North Carolina Rules of Civil Procedure.

History Note: Authority G.S. 115C-12(9)c4.; 115C 325(q); 115C-325.11; 115C-105.39(b); 115C-105.39(c); Eff. January 2, 1998; Amended Eff. August 1, 1999; Readopted Eff. January 1, 2025.

16 NCAC 06G .0317 SCHOOL REFORM MODELS

(a) Definitions.

- (1) "Academic Gain" means a school has achieved at least two of these benchmarks:
 - (A) the SBE has designated that the school meets or exceeds expected growth under G.S. 115C-83.15(f);
 - (B) fifty percent of the subgroups for which the SBE reports growth scores under G.S. 115C-83.15(d2) have a status of meets or exceeds expected growth; or
 - (C) the school has realized a net increase in its achievement score during any five-year cycle under the restart model.
- (2) "Achievement Score" means the overall achievement score as defined in G.S. 115C-83.15(b).
- (3) "Application" means a written request signed by the chair and superintendent of the local school administrative unit (LSAU) to implement a SRM that includes the name of the school to be operated under the SRM, the year in which the LSAU intends to implement the SRM, and a commitment to faithfully implement the Reform Implementation Plan (RIP) proposed for the school.
- (4) "Continually Low Performing School" (CLPS) is defined in G.S. 115C-105.37A(a).
- (5) "Education Management Organization" (EMO) is defined in 16 NCAC 06G .0523.
- (6) "Indication of Growth" means the designation of growth as defined in G.S. 115C-83.15(f).
- (7) "Low Performing School" is defined in G.S. 115C-105.37(a).
- (8) "Restart Model" is defined in G.S. 115C-105.37B(a)(2).
- (9) "School Reform Model" (SRM) means a "transformation model," "restart model," or "turnaround model."
- (10) "Transformation Model" is defined in G.S. 115C-105.37B(a)(1).
- (11) "Turnaround Model" is defined in G.S. 115C-105.37B(a)(3).

(b) A LSAU that wants to implement a transformation model in a CLPS shall submit to the State Board of Education (SBE) an application and an RIP that:

- (1) describes how the LSAU will implement improvements in the four areas critical to

transforming a CLPS listed in G.S. 115C-105.37B(a)(1);

- (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school;
- (3) includes a proposed budget detailing the revenues and expenditures necessary to implement the RIP; and
- (4) includes a timeline for implementing the RIP.

(c) A LSAU that wants to implement a restart model in a CLPS shall submit to the SBE an application and an RIP that:

- (1) describes how the LSAU will support the school in providing each student with the opportunity for a sound basic education;
- (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school;
- (3) describes how the LSAU will utilize operational flexibilities to increase academic achievement in the school;
- (4) identifies the administrative barriers, such as teacher turnover, it believes contributed to the school's identification as a CLPS, and sets standards for measuring progress in reducing those barriers;
- (5) states whether the LSAU will contract with an educational management organization ("EMO") to implement the restart model and provide:
 - (A) the name, address, email, and telephone number for the EMO;
 - (B) the website for the EMO;
 - (C) an explanation of how the services of the EMO will contribute to improved growth scores and achievement scores at the school;
- (6) includes a proposed budget outlining the revenues and expenditures necessary to implement the RIP;
- (7) includes a timeline for implementing the RIP; and
- (8) includes a written commitment to implement the restart model for the duration of the five-year monitoring cycle described in paragraph (g) of this Rule.

(d) An LSAU that wants to implement a turnaround model in a CLPS shall submit to the SBE an application and an RIP that:

- (1) describes the new governance structure to be implemented in the school;
- (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school;
- (3) describes the procedures that LSAU will use when removing staff, including due process protections where required by law;
- (4) includes a proposed budget outlining the revenues and expenditures necessary to implement the RIP; and
- (5) includes a timeline for implementing the RIP.

(e) If an LSAU determines that no SRM has been or would be effective in removing the CLPS designation or otherwise concludes that closure of the CLPS is appropriate, it may close the school in accordance with G.S. 115C-72.

(f) The SBE shall authorize the LSAU to implement the requested SRM if the SBE determines that the LSAU has the ability to implement the RIP and the LSAU is likely to operate the school in an educationally and economically sound manner to improve student learning. The LSAU shall operate the school under the authorized SRM until the SBE refuses to continue or removes the authorization.

(g) An LSAU that has been authorized to implement a transformation or turnaround model shall submit an annual report to DPI by December 1 of each year describing and documenting changes in the school's growth score and achievement score within the preceding school year.

(h) An LSAU that has been authorized to implement restart model shall:

- (1) include the operational flexibilities described in the RIP and any revisions to the RIP as action steps in the School Improvement Plan, specifying the school year(s) in which the operational flexibilities are to be utilized, and submit the School Improvement Plan to the SBE for review and approval in accordance with G.S. 115C-105.37A(a);
- (2) by December 1st of the second year and every year after, submit an annual report that shall include descriptions and documentation of how the school utilized the operational flexibilities authorized in the restart model in the past year and how it intends to utilize authorized operational flexibilities in the future; and
- (3) by January 31st of year five of any five-year restart model cycle submit a report describing and documenting:
 - (A) all policies, guidelines, or directives it adopted to implement the restart model;
 - (B) all changes in growth scores and achievement scores along with the LSAU's explanation for those changes; and
 - (C) all efforts to reduce administrative barriers identified in the RIP and all measurable changes to those barriers attributable to those efforts.

(i) Upon the LSAU's request, the SBE may reduce the reporting requirements in Paragraph (h) of this Rule, if the SBE determines that the reduced reporting requirements would not compromise the SBE's ability to make decisions regarding the implementation of the restart model in the school. The SBE retains the authority to require LSAU's to report any information relevant to SBE decisions regarding the implementation of the restart model in the school.

(j) If an LSAU desires to continue to operate a school that has an indication of growth of not met and a net negative achievement score from Year 1 to Year 4 of any five-year cycle under the restart model, the LSAU shall submit an application for continued

authorization by February 28th along with a revised RIP that addresses the perceived causes of the decline in the school's growth score and achievement score. The application shall include a commitment to cooperate with oversight and support from DPI during the term of the restart model. The SBE may approve the application and continue the authorization for a period up to five-years if the SBE determines the school is more likely to achieve progress under the revised RIP than it is if the application for reauthorization is denied. If the SBE approves the application for continued authorization, the LSAU shall, by May 31st of the school year following said approval and each year thereafter, submit evidence of how the LSAU has supported the school's operation under the restart model and use of operational flexibilities have helped to improve its growth and achievement scores.

(k) If, at the end of Year 5, a school has realized academic gain, the LSAU may submit an application by February 28th to continue operating the school under the restart model with the same RIP or a revised RIP. The SBE may approve the application and continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the restart model is likely to result in a lower indication of growth or achievement scores.

(l) If, at the end of Year 5, a school is no longer a CLPS and the SBE has determined that the school has met or exceeded growth under 115C-83.15(f), the LSAU may submit an application by February 28th to continue operating the school under the approved restart model the same RIP or a revised RIP. The SBE may approve the application and continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the SRM is likely to result in lower indication of growth or achievement scores.

(m) The SBE may refuse to continue or remove authorization to operate a school under a SRM whenever it determines that:

- (1) the school has failed to realize the academic goals in the RIP and the failure to reduce administrative barriers that contributed to the school's identification as a CLPS means the school is unlikely to realize those goals within the next two years;
- (2) the LSAU has failed to comply with applicable state or federal laws, has failed to provide the SBE with required reports, or failed to submit the School Improvement Plan for SBE approval as required in Subparagraph (h)(1) of this Rule;
- (3) a school operating under the restart model has failed to meet expected growth under G.S. 115C-83.15(f) and the school has demonstrated a net negative change in its achievement score after Year 4 of any five-year cycle and is unlikely to realize academic gain within the next two years;
- (4) the LSAU requests removal of the authorization and the SBE determines that the school is more likely to realize greater growth scores or achievement scores without the authority to operate under the approved SRM; or
- (5) if the LSAU continues to operate the school under the approved SRM, the school is likely to

fail to meet expected growth under G.S. 115C-83.15(f) and realize lower achievement scores in the next two years.

History Note: Authority G.S. 115C-105.37B(b); Eff. January 1, 2025.

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) "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 regarding the procedures or practices of a PSU required by Chapter 115C, Article 7B, Part 4 of the General Statutes shall submit a written request to the SBE, with a copy to the local 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 or designee 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 or designee determines that it has jurisdiction to review the matters addressed in the request, the SBE or designee 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 local 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 seven 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. Eff. January 1, 2025.

(b) Notwithstanding Paragraph (a) of this Rule, an error occurring in December may be corrected, and the associated employer contribution be refunded in the form of a credit toward future required employer contributions, by the employer's submission of a revised payroll report for the correct amount before January 31 of the following year.

(c) If an employer makes an additional contribution to the pension accumulation fund as a result of the contribution-based benefit cap, and the Retirement System receives information which alters the calculation of the retirement benefit used to determine the contribution under the provisions of G.S. 135-8(f)(2)f., any contribution not required based on the new information will be refunded to the employer in the form of a credit toward future required employer contributions.

(d) If an employer makes a contribution to the pension accumulation fund that was not required, or the Retirement System must repay or reimburse an employer for any reason, then the funds shall be refunded or paid in the form of a credit to be used toward future required employer contributions.

History Note: Authority G.S. 135-2; 135-6(f); 135-8(f); Eff. February 1, 1976; Readopted Eff.; March 1, 2023; September 21, 1977; Amended Eff. January 1, 2025.

TITLE 20 - DEPARTMENT OF STATE TREASURER

20 NCAC 02B .0216 EVIDENCE REQUIRED FOR INACTIVE EMPLOYER EXTENSION REQUEST

"Clear and Convincing Evidence" includes all of the following:

- (1) Job description of all vacant positions requiring membership in the Teachers' and State Employees' Retirement System.
- (2) The date the positions are expected to be filled or the status of recruitment.
- (3) Confirmation that the positions are funded in the employer's most recent budget.
- (4) Statement that the employer will continue to issue financial statements recognizing its share of the Teachers' and State Employees' Retirement System costs, if any, under the governmental accounting standards of the Governmental Accounting Standards Board. The statement shall be signed by an authorized representative of the employer.

History Note: Authority G.S. 135-5.5(d); 135-6(f); Eff. January 1, 2025.

20 NCAC 02B .0401 REFUNDS

(a) The Retirement System will make no refunds of employer contributions paid into the pension accumulation fund by the employer in the amount equal to a percentage of the actual compensation of each member in cases of erroneous employee deductions except those which are corrected by the employing unit on a subsequent payroll within the calendar year in which the errors occur.

20 NCAC 02C .0213 EVIDENCE REQUIRED FOR INACTIVE EMPLOYER EXTENSION REQUEST

"Clear and Convincing Evidence" includes all of the following:

- (1) Job description of all vacant positions requiring membership in the Local Governmental Employees' Retirement System.
- (2) The date the positions are expected to be filled or status of recruitment.
- (3) Confirmation that the positions are funded in the employer's most recent budget.
- (4) Statement that the employer will continue to issue financial statements recognizing its share of the Local Governmental Employees' Retirement System costs, if any, under the governmental accounting standards of the Governmental Accounting Standards Board. The statement shall be signed by an authorized representative of the employer.

History Note: Authority G.S. 128-23.1(d); 128-28(g); Eff. January 1, 2025.

20 NCAC 02C .0403 REFUNDS

(a) The Retirement System will make no refunds of employer contributions, paid into the pension accumulation fund by the employer in the amount equal to a percentage of the actual compensation of each member, in cases of erroneous employee deductions except those which are corrected by the employing unit on a subsequent payroll within the calendar year in which the errors occur.

(b) Notwithstanding Paragraph (a) of this Rule, an error occurring in December may be corrected, and the associated employer contribution be refunded in the form of a credit toward future required employer contributions, by the employer's submission of

a revised payroll report for the correct amount before January 31 of the following year.

(c) If an employer makes an additional contribution to the pension accumulation fund as a result of the contribution-based benefit cap, and the Retirement System receives information which alters the calculation of the retirement benefit used to determine the contribution under the provisions of G.S. 128-30(g)(2)b., any contribution not required based on the new information will be refunded to the employer in the form of a credit toward future required employer contributions.

(d) If an Employer makes a contribution to the pension accumulation fund that was not required, or the Retirement Systems Division must repay or reimburse an employer for any reason, then the funds shall be refunded or paid in the form of a credit to be used toward future required employer contributions.

History Note: Authority G.S. 128-22; 128-28(g); 128-30(g);

Eff. February 1, 1976;

Readopted Eff. March 1, 2023; September 21, 1977;

Amended Eff. January 1, 2025.

**20 NCAC 02C .0505 LOCAL GOVERNMENTAL
EMPLOYEES' RETIREMENT SYSTEM DISABILITY
RETIREMENT REEXAMINATION**

A beneficiary in receipt of disability retirement benefits under G.S. 128-27(c), who has submitted to the Retirement System a letter from the Social Security Administration confirming their eligibility for primary Social Security disability benefits, shall not be subject to medical reexamination set forth in G.S. 128-27(e).

History Note: Authority G.S. 128-27(e); 128-28(g);

Eff. January 1, 2025.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission December 19, 2024 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
John Hahn
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Jake Parker (1st Vice-Chair)
Paul Powell (2nd Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

RULES REVIEW COMMISSION MEETING DATES

February 27, 2025	April 24, 2025
March 27, 2025	May 29, 2025

**RULES REVIEW COMMISSION MEETING
MINUTES**

December 19, 2024

The Rules Review Commission met on Thursday, December 19, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, Chris Loutit, Randy Overton, Brandon Leebrick, Bill Nelson, Jake Parker, and Paul Powell were present in the Commission Room. Commissioners John S. Hahn and Jeff Hyde were present via Webex.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Brian Liebman, Bill Peaslee, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

The Chair introduced the newly appointed Commissioner, Chris Loutit, to the Commission.

The Chair read into the record the Evaluation of Statement of Economic Interest for Chris Loutit, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the November 26, 2024 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

The Chairman notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Permanent Rules from the Coastal Resources Commission and Temporary Rules from the Agricultural Finance Authority.

FOLLOW UP MATTERS

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, the Commission voted to approve 12 NCAC 09B .0232, .0404, and .0405 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

LOG OF FILINGS (PERMANENT RULES)

Commission for Public Health

Upon the call of the Chair, the Commission voted to approve 10A NCAC 46 .0301 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, the Commission voted to approve 12 NCAC 09C .0104 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Department of Labor

Upon the call of the Chair, the Commission voted to approve 13 NCAC 07F .0101 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Environmental Management Commission

Upon the call of the Chair, the Commission voted to approve 15A NCAC 02Q .0529 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Coastal Resources Commission

Upon the call of the Chair, the Commission voted to object to 15A NCAC 07H .0508; 15A NCAC 07J .1401, .1402, .01403, .1404, .1405; 15A NCAC 07J .1501, .1502, and .1503 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None. Specifically, the Commission determined that the rules did not satisfy G.S. 150B-21.9(a)(4) per the written staff opinion dated December 16, 2024.

Chris Millis with the North Carolina Home Builders Association, addressed the Commission.

Mary Katherine Stukes with the law firm of Moore & Van Allen, PLLC, addressed the Commission.

Mary Lucasse, with the Department of Justice and representing the agency, addressed the Commission.

The Codifier of Rules, Ashley Snyder, addressed the Commission.

State Board of Education

Upon the call of the Chair, the Commission voted to approve 16 NCAC 06A .0201, .0202; 16 NCAC 06D .0501, .0503, .0506, .0508, .0510; 06G .0304, .0307, .0308, .0317, and .0701 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Teachers and State Employees' Retirement System Board of Trustees

Upon the call of the Chair, the Commission voted to approve 20 NCAC 02B .0216 and .0401 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Local Governmental Employees' Retirement System Board of Trustees

Upon the call of the Chair, the Commission voted to approve 20 NCAC 02C .0213, .0403, and .0505 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

LOG OF FILINGS (TEMPORARY RULES)

DHHS - Commission for Mental Health/DD/SAS

Upon the call of the Chair, the Commission voted to approve 10A NCAC 26E .0406 and 27G .3605 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

State Board of Education

Upon the call of the Chair, the Commission voted to approve 16 NCAC 06E .0201, .0208, .0211 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Agricultural Finance Authority

Prior to the review of the rules from the Agricultural Finance Authority, Commissioner Parker recused himself and did not participate in the discussion or vote concerning the rule because of the potential for a conflict of interest.

Upon the call of the Chair, the Commission voted to object to 24 NCAC 02D .0101, .0102, .0103, .0104, .0105, and .0106 finding that the rules did not satisfy G.S. 150B-21.9(a). Specifically, the Commission adopted the written Staff Opinion One and Two dated December 13, 2024, and Staff Opinion Three dated December 14, 2024, by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None

Upon the call of the Chair, the Commission voted to deny the agency's request for a waiver of the 210 day period to adopt temporary rules pursuant to GS 150B-21.1(a2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None

Chris McLennan, with the Department of Justice and representing the agency, addressed the Commission.

The Chair called the meeting into a brief recess at 10:56 a.m. The meeting resumed at 11:02 a.m.

State Human Resources Commission

Upon the call of the Chair, the Commission voted to approve 25 NCAC 011 .2103 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Existing Rules Review

Board of Agriculture

Upon the call of the Chair, the reports for 02 NCAC 46, 48A, and 48B were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Commission for Public Health

Upon the call of the Chair, the report for 10A NCAC 45 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Board of Architecture and Registered Interior Designers

Upon the call of the Chair, the report for 21 NCAC 02 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Board of Chiropractic Examiners

Upon the call of the Chair, the report for 21 NCAC 10 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Board of Cosmetic Art Examiners

Upon the call of the Chair, the report for 21 NCAC 14 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Board of Licensed Clinical Mental Health Counselors

Upon the call of the Chair, the report for 21 NCAC 53 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Board of Environmental Health Specialist Examiners

Upon the call of the Chair, the report for 21 NCAC 62 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Veterinary Medical Board

Upon the call of the Chair, the report for 21 NCAC 66 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

DHHS- Division of MH/DD/SAS

10A NCAC 27G - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than January 1, 2029, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Industrial Commission

11 NCAC 23 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than February 1, 2027, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

Board of Examiners for Nursing Home Administrators

21 NCAC 37 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than June 1, 2027, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

COMMISSION BUSINESS

The Commission voted to adopt Rule 26 NCAC 05 .0304 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None

The meeting was adjourned at 10:17 a.m.

The next regularly scheduled meeting of the Commission is Thursday, January 30, 2025, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

December 19, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Hiram Hemingway	DOJ
TIMOTHY MELTON	DEPT OF STATE TREASURER
Elizabeth Hanley	DST
Taylor Matyi	Dept. of State Treasurer
Christopher McLennan	NC DOJ
Mary Luvall	NC DOJ
Anna Hayworth	
Holis Miller	NCHBA
Cliff Isaac	NCHBA
Jon Luvier	NCDA
ANN ELMORE	NC SOS
Denise Mazza	OSHR/SHRC
Jennifer Everett	DEA
Hlandi	NCDA/HNTB
Gina Cammarano	NCIC
Cameron Dawson	NCDA

Rules Review Commission Meeting December 19, 2024

Via WebEx

Name	Agency
Amy Funderburk	DOI
Jonathan Lucas	DEQ
Patrick Kinlaw	Treasurer
Katherine Quinlan	DEQ
Christopher Ventaloro	DEQ
Julie Ventaloro	OSBM
Joelle Burleson	DEQ
Angela Willis	DEQ
Daniel Govoni	DEQ
Ellie Davis	DEQ
Jonathan Howell	DEQ
Dana McGhee	OAH
Catherine Blum	DEQ
Howell, Jonathan	DEQ
Dr. Joe Siragusa	Chiropractic Board
Hope Ascher	
Julie Youngman	SELNC
Shelby Taylor	DHHS
Laura Truesdale	mvalaw.com
Catherine Lee	Hedrick Gardner
Nancy T. Hunter	DHHS
Jonathan Howell	DEQ
Mary Katherine Stukes	mvalaw.com
Neil Oakley	AGR
Pamela Morrison	DHHS
Michelle Schilling	DOJ
Rebecca Ainis	unc.edu
Laura Rowe	Treasurer
Dennis Seavers	Barber Board
Ashley Snyder	OAH
Nadine Pfeiffer	
Makeda Harris	NCHA
Laura Lansford	DOR
Meghan Cook	NCFB
Elly Young	DOJ
Tom Ziko	DPI
Donna Coffey	DHHS
Andrew	NCLEG

RULES REVIEW COMMISSION

Susan Little	DHHS
Jill Cramer	Labor
Melonie Davis	NCBLCMHC
Lynda Elliott	Cosmetic Arts
Martha Bell	NHABOARD
Doug Brocker	Brocker Law
Tamika Jenkins	DHHS
Keith West	NCVMB
Kirsten Leloudis	unc.edu
Denise Baker	DHHS
Bryan Paine	mayerbrown.com
Devon Collins	DHHS



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

December 11, 2024

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601-1096

**Re: Evaluation of Statement of Economic Interest Filed by Mr. Christopher Loutit
Appointee to the Rules Review Commission**

Dear Speaker Moore:

Our office has received **Mr. Christopher Loutit's** 2024 Statement of Economic Interest as an appointee to the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person on potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

The Honorable Tim Moore
December 11, 2024
Page 2 of 2

Mr. Loutit is an attorney and mediator with Loutit Law Firm, PLLC. Because the law firm could represent clients who come before the Commission during the rulemaking process he has the potential for a conflict of interest. In addition, he received income from the law firm McAngus Goudelock & Courie LLC. His spouse is the Managing Director of Bank of America Corporation and has a financial interest in the company. As such, Mr. Loutit should exercise appropriate caution in the performance of his public duties should issues involving any of these entities or his clients come before the Commission for official action.


In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Christopher Loutit
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding V. 3.

I have abstained because a potential conflict of interest.

This the 19th day of December, 2024.


Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.



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

December 19, 2024

Denise Baker, Division of MH/DD/SAS
Sent via email only to: denise.baker@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 27G: Division of MH/DD/SAS

Dear Ms. Baker:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the December 19, 2024, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **January 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

**RRC DETERMINATION
PERIODIC RULE REVIEW**

July 31, 2024

APO Review: October 01, 2024

**Mental Health/DD/SAS, Commission for
Total: 207**

RRC Determination: Necessary

Rule

<u>10A NCAC 27G .0101</u>	<u>10A NCAC 27G .0904</u>	<u>10A NCAC 27G .2103</u>
<u>10A NCAC 27G .0102</u>	<u>10A NCAC 27G .0905</u>	<u>10A NCAC 27G .2104</u>
<u>10A NCAC 27G .0103</u>	<u>10A NCAC 27G .1101</u>	<u>10A NCAC 27G .2201</u>
<u>10A NCAC 27G .0104</u>	<u>10A NCAC 27G .1102</u>	<u>10A NCAC 27G .2202</u>
<u>10A NCAC 27G .0201</u>	<u>10A NCAC 27G .1103</u>	<u>10A NCAC 27G .2203</u>
<u>10A NCAC 27G .0202</u>	<u>10A NCAC 27G .1201</u>	<u>10A NCAC 27G .2204</u>
<u>10A NCAC 27G .0203</u>	<u>10A NCAC 27G .1202</u>	<u>10A NCAC 27G .2301</u>
<u>10A NCAC 27G .0204</u>	<u>10A NCAC 27G .1203</u>	<u>10A NCAC 27G .2302</u>
<u>10A NCAC 27G .0205</u>	<u>10A NCAC 27G .1301</u>	<u>10A NCAC 27G .2303</u>
<u>10A NCAC 27G .0206</u>	<u>10A NCAC 27G .1302</u>	<u>10A NCAC 27G .2304</u>
<u>10A NCAC 27G .0207</u>	<u>10A NCAC 27G .1303</u>	<u>10A NCAC 27G .2305</u>
<u>10A NCAC 27G .0208</u>	<u>10A NCAC 27G .1304</u>	<u>10A NCAC 27G .2306</u>
<u>10A NCAC 27G .0209</u>	<u>10A NCAC 27G .1401</u>	<u>10A NCAC 27G .2401</u>
<u>10A NCAC 27G .0210</u>	<u>10A NCAC 27G .1402</u>	<u>10A NCAC 27G .2402</u>
<u>10A NCAC 27G .0212</u>	<u>10A NCAC 27G .1403</u>	<u>10A NCAC 27G .2403</u>
<u>10A NCAC 27G .0301</u>	<u>10A NCAC 27G .1701</u>	<u>10A NCAC 27G .2404</u>
<u>10A NCAC 27G .0302</u>	<u>10A NCAC 27G .1702</u>	<u>10A NCAC 27G .3101</u>
<u>10A NCAC 27G .0303</u>	<u>10A NCAC 27G .1703</u>	<u>10A NCAC 27G .3102</u>
<u>10A NCAC 27G .0304</u>	<u>10A NCAC 27G .1704</u>	<u>10A NCAC 27G .3103</u>
<u>10A NCAC 27G .0401</u>	<u>10A NCAC 27G .1705</u>	<u>10A NCAC 27G .3201</u>
<u>10A NCAC 27G .0402</u>	<u>10A NCAC 27G .1706</u>	<u>10A NCAC 27G .3202</u>
<u>10A NCAC 27G .0403</u>	<u>10A NCAC 27G .1707</u>	<u>10A NCAC 27G .3203</u>
<u>10A NCAC 27G .0404</u>	<u>10A NCAC 27G .1708</u>	<u>10A NCAC 27G .3301</u>
<u>10A NCAC 27G .0405</u>	<u>10A NCAC 27G .1801</u>	<u>10A NCAC 27G .3302</u>
<u>10A NCAC 27G .0406</u>	<u>10A NCAC 27G .1802</u>	<u>10A NCAC 27G .3303</u>
<u>10A NCAC 27G .0501</u>	<u>10A NCAC 27G .1803</u>	<u>10A NCAC 27G .3401</u>
<u>10A NCAC 27G .0502</u>	<u>10A NCAC 27G .1804</u>	<u>10A NCAC 27G .3402</u>
<u>10A NCAC 27G .0503</u>	<u>10A NCAC 27G .1805</u>	<u>10A NCAC 27G .3403</u>
<u>10A NCAC 27G .0504</u>	<u>10A NCAC 27G .1806</u>	<u>10A NCAC 27G .3501</u>
<u>10A NCAC 27G .0803</u>	<u>10A NCAC 27G .1901</u>	<u>10A NCAC 27G .3502</u>
<u>10A NCAC 27G .0804</u>	<u>10A NCAC 27G .1902</u>	<u>10A NCAC 27G .3503</u>
<u>10A NCAC 27G .0813</u>	<u>10A NCAC 27G .1903</u>	<u>10A NCAC 27G .3601</u>
<u>10A NCAC 27G .0901</u>	<u>10A NCAC 27G .1904</u>	<u>10A NCAC 27G .3602</u>
<u>10A NCAC 27G .0902</u>	<u>10A NCAC 27G .2101</u>	<u>10A NCAC 27G .3603</u>
<u>10A NCAC 27G .0903</u>	<u>10A NCAC 27G .2102</u>	<u>10A NCAC 27G .3604</u>

10A NCAC 27G .3701
10A NCAC 27G .3702
10A NCAC 27G .3703
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10A NCAC 27G .3802
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10A NCAC 27G .3807
10A NCAC 27G .3808
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10A NCAC 27G .4502
10A NCAC 27G .4503

10A NCAC 27G .5001
10A NCAC 27G .5002
10A NCAC 27G .5003
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10A NCAC 27G .5103
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10A NCAC 27G .5202
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10A NCAC 27G .5401
10A NCAC 27G .5402
10A NCAC 27G .5403
10A NCAC 27G .5501
10A NCAC 27G .5502
10A NCAC 27G .5503
10A NCAC 27G .5601
10A NCAC 27G .5602
10A NCAC 27G .5603
10A NCAC 27G .5604
10A NCAC 27G .5701
10A NCAC 27G .5702
10A NCAC 27G .5703
10A NCAC 27G .5801
10A NCAC 27G .5802
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10A NCAC 27G .5902
10A NCAC 27G .5903
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10A NCAC 27G .6003
10A NCAC 27G .6101
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10A NCAC 27G .6103
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10A NCAC 27G .6502
10A NCAC 27G .6503
10A NCAC 27G .6601
10A NCAC 27G .6602
10A NCAC 27G .6603
10A NCAC 27G .6701
10A NCAC 27G .6702
10A NCAC 27G .6801
10A NCAC 27G .6802
10A NCAC 27G .6901
10A NCAC 27G .6902
10A NCAC 27G .6903

**RRC DETERMINATION
PERIODIC RULE REVIEW
July 31, 2024
APO Review: October 01, 2024
HHS - Mental Health/DD/SAS, Division of
Total: 23**

RRC Determination: Necessary

Rule

10A NCAC 27G .0505
10A NCAC 27G .0506
10A NCAC 27G .0507
10A NCAC 27G .0601
10A NCAC 27G .0602
10A NCAC 27G .0603
10A NCAC 27G .0604
10A NCAC 27G .0605
10A NCAC 27G .0606
10A NCAC 27G .0608
10A NCAC 27G .0609
10A NCAC 27G .0610
10A NCAC 27G .0805
10A NCAC 27G .0806
10A NCAC 27G .0808
10A NCAC 27G .0810
10A NCAC 27G .0811
10A NCAC 27G .0812
10A NCAC 27G .7001
10A NCAC 27G .7002
10A NCAC 27G .7003
10A NCAC 27G .7004
10A NCAC 27G .7101

**RRC DETERMINATION
PERIODIC RULE REVIEW
July 31, 2024
APO Review: October 01, 2024**

**Mental Health/DD/SAS, Commission for/Mental Health/DD/SAS, Division of
Total: 2**

RRC Determination: Necessary

Rule

10A NCAC 27G .0801

10A NCAC 27G .0802



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

December 19, 2024

Gina Cammarano, NC Industrial Commission
Sent via email only to: gina.cammarano@ic.nc.gov

Re: Readoption deadline for 11 NCAC 23: Industrial Commission

Dear Ms. Cammarano:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the December 19, 2024, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **February 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

**RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW**

July 31, 2024

APO Review: October 1, 2024

Industrial Commission

Total: 159

11 NCAC 23A .0101	11 NCAC 23A .0615	11 NCAC 23C .0107	11 NCAC 23G .0109
11 NCAC 23A .0102	11 NCAC 23A .0616	11 NCAC 23C .0108	11 NCAC 23G .0110
11 NCAC 23A .0103	11 NCAC 23A .0617	11 NCAC 23C .0109	11 NCAC 23G .0111
11 NCAC 23A .0104	11 NCAC 23A .0619	11 NCAC 23C .0110	11 NCAC 23G .0112
11 NCAC 23A .0105	11 NCAC 23A .0620	11 NCAC 23C .0201	11 NCAC 23H .0101
11 NCAC 23A .0106	11 NCAC 23A .0701	11 NCAC 23D .0101	11 NCAC 23H .0201
11 NCAC 23A .0107	11 NCAC 23A .0702	11 NCAC 23D .0102	11 NCAC 23H .0202
11 NCAC 23A .0108	11 NCAC 23A .0703	11 NCAC 23D .0104	11 NCAC 23H .0203
11 NCAC 23A .0109	11 NCAC 23A .0704	11 NCAC 23D .0105	11 NCAC 23H .0204
11 NCAC 23A .0201	11 NCAC 23A .0801	11 NCAC 23D .0106	11 NCAC 23H .0205
11 NCAC 23A .0301	11 NCAC 23A .0901	11 NCAC 23D .0107	11 NCAC 23H .0206
11 NCAC 23A .0302	11 NCAC 23A .0902	11 NCAC 23D .0108	11 NCAC 23I .0101
11 NCAC 23A .0401	11 NCAC 23A .0903	11 NCAC 23D .0109	11 NCAC 23I .0102
11 NCAC 23A .0402	11 NCAC 23A .1001	11 NCAC 23D .0110	11 NCAC 23I .0201
11 NCAC 23A .0403	11 NCAC 23B .0101	11 NCAC 23E .0101	11 NCAC 23I .0202
11 NCAC 23A .0404	11 NCAC 23B .0102	11 NCAC 23E .0102	11 NCAC 23I .0203
11 NCAC 23A .0404A	11 NCAC 23B .0103	11 NCAC 23E .0103	11 NCAC 23I .0204
11 NCAC 23A .0405	11 NCAC 23B .0104	11 NCAC 23E .0104	11 NCAC 23J .0101
11 NCAC 23A .0406	11 NCAC 23B .0105	11 NCAC 23E .0201	11 NCAC 23J .0102
11 NCAC 23A .0408	11 NCAC 23B .0106	11 NCAC 23E .0202	11 NCAC 23J .0103
11 NCAC 23A .0409	11 NCAC 23B .0202	11 NCAC 23E .0203	<i>Eff. 04/01/15</i>
11 NCAC 23A .0410	11 NCAC 23B .0203	11 NCAC 23E .0204	11 NCAC 23J .0103
11 NCAC 23A .0411	11 NCAC 23B .0204	11 NCAC 23E .0301	<i>Eff. 06/01/18</i>
11 NCAC 23A .0501	11 NCAC 23B .0205	11 NCAC 23E .0302	11 NCAC 23L .0101
11 NCAC 23A .0502	11 NCAC 23B .0206	11 NCAC 23F .0101	11 NCAC 23L .0102
11 NCAC 23A .0503	11 NCAC 23B .0208	11 NCAC 23F .0102	11 NCAC 23L .0103
11 NCAC 23A .0601	11 NCAC 23B .0301	11 NCAC 23F .0103	<i>Eff. 12/01/20</i>
11 NCAC 23A .0602	11 NCAC 23B .0302	11 NCAC 23F .0104	11 NCAC 23L .0103
11 NCAC 23A .0603	11 NCAC 23B .0307	11 NCAC 23F .0105	<i>Eff. 03/01/21</i>
11 NCAC 23A .0604	11 NCAC 23B .0308	11 NCAC 23F .0106	11 NCAC 23L .0104
11 NCAC 23A .0605	11 NCAC 23B .0310	11 NCAC 23F .0107	11 NCAC 23L .0105
11 NCAC 23A .0606	11 NCAC 23B .0401	11 NCAC 23F .0108	11 NCAC 23M .0101
11 NCAC 23A .0607	11 NCAC 23B .0402	11 NCAC 23G .0101	11 NCAC 23M .0102
11 NCAC 23A .0608	11 NCAC 23B .0403	11 NCAC 23G .0102	11 NCAC 23M .0103
11 NCAC 23A .0609	11 NCAC 23B .0404	11 NCAC 23G .0103	11 NCAC 23M .0201
11 NCAC 23A .0609A	11 NCAC 23B .0501	11 NCAC 23G .0104	11 NCAC 23M .0202
11 NCAC 23A .0610	11 NCAC 23B .0503	11 NCAC 23G .0104A	11 NCAC 23M .0203
11 NCAC 23A .0611	11 NCAC 23C .0101	11 NCAC 23G .0105	11 NCAC 23M .0301
11 NCAC 23A .0612	11 NCAC 23C .0103	11 NCAC 23G .0106	11 NCAC 23M .0401
11 NCAC 23A .0613	11 NCAC 23C .0105	11 NCAC 23G .0107	11 NCAC 23M .0501
11 NCAC 23A .0614	11 NCAC 23C .0106	11 NCAC 23G .0108	



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

December 19, 2024

Martha Bell, Board of Examiners for Nursing Home Administrators
Sent via email only to: nhaboard@ncbenha.org

Re: Readoption deadline for 21 NCAC 37: Nursing Home Administrators

Dear Ms. Bell:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the December 19, 2024, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **June 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

**RRC DETERMINATION
PERIODIC RULE REVIEW**

**July 31, 2024
APO Review: October 01, 2024**

**Nursing Home Administrators, Board of Examiners for
Total: 62**

RRC Determination: Necessary

Rule

<u>21 NCAC 37B .0101</u>	<u>21 NCAC 37D .0504</u>
<u>21 NCAC 37B .0102</u>	<u>21 NCAC 37D .0601</u>
<u>21 NCAC 37B .0103</u>	<u>21 NCAC 37D .0602</u>
<u>21 NCAC 37B .0104</u>	<u>21 NCAC 37D .0603</u>
<u>21 NCAC 37B .0201</u>	<u>21 NCAC 37D .0604</u>
<u>21 NCAC 37B .0202</u>	<u>21 NCAC 37D .0701</u>
<u>21 NCAC 37B .0203</u>	<u>21 NCAC 37D .0702</u>
<u>21 NCAC 37B .0204</u>	<u>21 NCAC 37D .0703</u>
<u>21 NCAC 37B .0205</u>	<u>21 NCAC 37D .0704</u>
<u>21 NCAC 37C .0101</u>	<u>21 NCAC 37E .0101</u>
<u>21 NCAC 37C .0102</u>	<u>21 NCAC 37E .0102</u>
<u>21 NCAC 37C .0103</u>	<u>21 NCAC 37E .0103</u>
<u>21 NCAC 37D .0101</u>	<u>21 NCAC 37F .0101</u>
<u>21 NCAC 37D .0102</u>	<u>21 NCAC 37F .0102</u>
<u>21 NCAC 37D .0201</u>	<u>21 NCAC 37G .0101</u>
<u>21 NCAC 37D .0202</u>	<u>21 NCAC 37G .0102</u>
<u>21 NCAC 37D .0203</u>	<u>21 NCAC 37G .0201</u>
<u>21 NCAC 37D .0204</u>	<u>21 NCAC 37G .0202</u>
<u>21 NCAC 37D .0301</u>	<u>21 NCAC 37G .0301</u>
<u>21 NCAC 37D .0302</u>	<u>21 NCAC 37G .0302</u>
<u>21 NCAC 37D .0303</u>	<u>21 NCAC 37G .0401</u>
<u>21 NCAC 37D .0401</u>	<u>21 NCAC 37G .0402</u>
<u>21 NCAC 37D .0402</u>	<u>21 NCAC 37H .0101</u>
<u>21 NCAC 37D .0403</u>	<u>21 NCAC 37H .0102</u>
<u>21 NCAC 37D .0404</u>	<u>21 NCAC 37H .0103</u>
<u>21 NCAC 37D .0405</u>	<u>21 NCAC 37H .0104</u>
<u>21 NCAC 37D .0406</u>	<u>21 NCAC 37I .0101</u>
<u>21 NCAC 37D .0407</u>	
<u>21 NCAC 37D .0408</u>	
<u>21 NCAC 37D .0409</u>	
<u>21 NCAC 37D .0410</u>	
<u>21 NCAC 37D .0412</u>	
<u>21 NCAC 37D .0501</u>	
<u>21 NCAC 37D .0502</u>	
<u>21 NCAC 37D .0503</u>	

RULES REVIEW COMMISSION

LIST OF APPROVED PERMANENT RULES
December 19, 2024 Meeting

PUBLIC HEALTH, COMMISSION FOR

Minimum Standard Health Department: Staffing 10A NCAC 46 .0301

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Specialized Compliance and Control Tactics Instructor Tra... 12 NCAC 09B .0232

Trainee Attendance 12 NCAC 09B .0404

Completion of Basic Law Enforcement Training Course 12 NCAC 09B .0405

Agency Head Responsibilities: Critical Incident Reporting 12 NCAC 09C .0104

LABOR, DEPARTMENT OF

General Industry 13 NCAC 07F .0101

ENVIRONMENTAL MANAGEMENT COMMISSION

Title V Insignificant Research and Development Activities... 15A NCAC 02Q .0529

EDUCATION, STATE BOARD OF

Definitions 16 NCAC 06A .0201

Administrative Office and Contact Information 16 NCAC 06A .0202

Definitions 16 NCAC 06D .0501

State Graduation Requirements 16 NCAC 06D .0503

Students with Disabilities 16 NCAC 06D .0506

North Carolina Read to Achieve Program 16 NCAC 06D .0508

Three-Year Graduation 16 NCAC 06D .0510

School Improvement Plan Dispute Resolution Process 16 NCAC 06G .0304

Local Board Cooperation with Assistance Teams 16 NCAC 06G .0307

Due Process Protections for Employees of Low Performing S... 16 NCAC 06G .0308

School Reform Models 16 NCAC 06G .0317

Parental Concern Hearing 16 NCAC 06G .0701

TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Inactive Employer Extension Request 20 NCAC 02B .0216

Refunds 20 NCAC 02B .0401

LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Inactive Employer Extension Request 20 NCAC 02C .0213

Refunds 20 NCAC 02C .0403

Local Governmental Employees' Retirement System Disability... 20 NCAC 02C .0505

LIST OF APPROVED TEMPORARY RULES
December 19, 2024 Meeting

MENTAL HEALTH/DD/SAS, COMMISSION FOR

Disposal of Unused Controlled Substances from Nursing Home 10A NCAC 26E .0406

Medication Units and Mobile Units 10A NCAC 27G .3605

EDUCATION, STATE BOARD OF

Definitions 16 NCAC 06E .0201

Amateur Rules 16 NCAC 06E .0208

RULES REVIEW COMMISSION

Name, Image, and Likeness

16 NCAC 06E .0211

STATE HUMAN RESOURCES COMMISSION

Salary Rates

25 NCAC 01I .2103